

SB3960



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3960

Introduced 11/4/2010, by Sen. Kirk W. Dillard - Tim Bivins

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

from Ch. 38, par. 1003-6-3

Amends the Unified Code of Corrections. Defines "meritorious service" in regards to the Director of Corrections' authority to award additional good conduct credit for meritorious service in specific instances. Effective immediately.

LRB096 24055 RLC 43465 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-6-3 as follows:

6 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

7 Sec. 3-6-3. Rules and Regulations for Early Release.

8 (a) (1) The Department of Corrections shall prescribe
9 rules and regulations for the early release on account of
10 good conduct of persons committed to the Department which
11 shall be subject to review by the Prisoner Review Board.

12 (2) The rules and regulations on early release shall
13 provide, with respect to offenses listed in clause (i),
14 (ii), or (iii) of this paragraph (2) committed on or after
15 June 19, 1998 or with respect to the offense listed in
16 clause (iv) of this paragraph (2) committed on or after
17 June 23, 2005 (the effective date of Public Act 94-71) or
18 with respect to offense listed in clause (vi) committed on
19 or after June 1, 2008 (the effective date of Public Act
20 95-625) or with respect to the offense of being an armed
21 habitual criminal committed on or after August 2, 2005 (the
22 effective date of Public Act 94-398) or with respect to the
23 offenses listed in clause (v) of this paragraph (2)

1 committed on or after August 13, 2007 (the effective date
2 of Public Act 95-134) or with respect to the offense of
3 aggravated domestic battery committed on or after July 23,
4 2010 (the effective date of Public Act 96-1224) ~~this~~
5 ~~amendatory Act of the 96th General Assembly~~, the following:

6 (i) that a prisoner who is serving a term of
7 imprisonment for first degree murder or for the offense
8 of terrorism shall receive no good conduct credit and
9 shall serve the entire sentence imposed by the court;

10 (ii) that a prisoner serving a sentence for attempt
11 to commit first degree murder, solicitation of murder,
12 solicitation of murder for hire, intentional homicide
13 of an unborn child, predatory criminal sexual assault
14 of a child, aggravated criminal sexual assault,
15 criminal sexual assault, aggravated kidnapping,
16 aggravated battery with a firearm, heinous battery,
17 being an armed habitual criminal, aggravated battery
18 of a senior citizen, or aggravated battery of a child
19 shall receive no more than 4.5 days of good conduct
20 credit for each month of his or her sentence of
21 imprisonment;

22 (iii) that a prisoner serving a sentence for home
23 invasion, armed robbery, aggravated vehicular
24 hijacking, aggravated discharge of a firearm, or armed
25 violence with a category I weapon or category II
26 weapon, when the court has made and entered a finding,

1 pursuant to subsection (c-1) of Section 5-4-1 of this
2 Code, that the conduct leading to conviction for the
3 enumerated offense resulted in great bodily harm to a
4 victim, shall receive no more than 4.5 days of good
5 conduct credit for each month of his or her sentence of
6 imprisonment;

7 (iv) that a prisoner serving a sentence for
8 aggravated discharge of a firearm, whether or not the
9 conduct leading to conviction for the offense resulted
10 in great bodily harm to the victim, shall receive no
11 more than 4.5 days of good conduct credit for each
12 month of his or her sentence of imprisonment;

13 (v) that a person serving a sentence for
14 gunrunning, narcotics racketeering, controlled
15 substance trafficking, methamphetamine trafficking,
16 drug-induced homicide, aggravated
17 methamphetamine-related child endangerment, money
18 laundering pursuant to clause (c) (4) or (5) of Section
19 29B-1 of the Criminal Code of 1961, or a Class X felony
20 conviction for delivery of a controlled substance,
21 possession of a controlled substance with intent to
22 manufacture or deliver, calculated criminal drug
23 conspiracy, criminal drug conspiracy, street gang
24 criminal drug conspiracy, participation in
25 methamphetamine manufacturing, aggravated
26 participation in methamphetamine manufacturing,

1 delivery of methamphetamine, possession with intent to
2 deliver methamphetamine, aggravated delivery of
3 methamphetamine, aggravated possession with intent to
4 deliver methamphetamine, methamphetamine conspiracy
5 when the substance containing the controlled substance
6 or methamphetamine is 100 grams or more shall receive
7 no more than 7.5 days good conduct credit for each
8 month of his or her sentence of imprisonment;

9 (vi) that a prisoner serving a sentence for a
10 second or subsequent offense of luring a minor shall
11 receive no more than 4.5 days of good conduct credit
12 for each month of his or her sentence of imprisonment;
13 and

14 (vii) that a prisoner serving a sentence for
15 aggravated domestic battery shall receive no more than
16 4.5 days of good conduct credit for each month of his
17 or her sentence of imprisonment.

18 (2.1) For all offenses, other than those enumerated in
19 subdivision (a)(2)(i), (ii), or (iii) committed on or after
20 June 19, 1998 or subdivision (a)(2)(iv) committed on or
21 after June 23, 2005 (the effective date of Public Act
22 94-71) or subdivision (a)(2)(v) committed on or after
23 August 13, 2007 (the effective date of Public Act 95-134)
24 or subdivision (a)(2)(vi) committed on or after June 1,
25 2008 (the effective date of Public Act 95-625) or
26 subdivision (a)(2)(vii) committed on or after July 23, 2010

1 (the effective date of Public Act 96-1224) ~~this amendatory~~
2 ~~Act of the 96th General Assembly,~~ and other than the
3 offense of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof as defined in
6 subparagraph (F) of paragraph (1) of subsection (d) of
7 Section 11-501 of the Illinois Vehicle Code, and other than
8 the offense of aggravated driving under the influence of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof as defined in
11 subparagraph (C) of paragraph (1) of subsection (d) of
12 Section 11-501 of the Illinois Vehicle Code committed on or
13 after January 1, 2011 (the effective date of Public Act
14 96-1230) ~~this amendatory Act of the 96th General Assembly,~~
15 the rules and regulations shall provide that a prisoner who
16 is serving a term of imprisonment shall receive one day of
17 good conduct credit for each day of his or her sentence of
18 imprisonment or recommitment under Section 3-3-9. Each day
19 of good conduct credit shall reduce by one day the
20 prisoner's period of imprisonment or recommitment under
21 Section 3-3-9.

22 (2.2) A prisoner serving a term of natural life
23 imprisonment or a prisoner who has been sentenced to death
24 shall receive no good conduct credit.

25 (2.3) The rules and regulations on early release shall
26 provide that a prisoner who is serving a sentence for

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof as defined in subparagraph (F) of
4 paragraph (1) of subsection (d) of Section 11-501 of the
5 Illinois Vehicle Code, shall receive no more than 4.5 days
6 of good conduct credit for each month of his or her
7 sentence of imprisonment.

8 (2.4) The rules and regulations on early release shall
9 provide with respect to the offenses of aggravated battery
10 with a machine gun or a firearm equipped with any device or
11 attachment designed or used for silencing the report of a
12 firearm or aggravated discharge of a machine gun or a
13 firearm equipped with any device or attachment designed or
14 used for silencing the report of a firearm, committed on or
15 after July 15, 1999 (the effective date of Public Act
16 91-121), that a prisoner serving a sentence for any of
17 these offenses shall receive no more than 4.5 days of good
18 conduct credit for each month of his or her sentence of
19 imprisonment.

20 (2.5) The rules and regulations on early release shall
21 provide that a prisoner who is serving a sentence for
22 aggravated arson committed on or after July 27, 2001 (the
23 effective date of Public Act 92-176) shall receive no more
24 than 4.5 days of good conduct credit for each month of his
25 or her sentence of imprisonment.

26 (2.6) The rules and regulations on early release shall

1 provide that a prisoner who is serving a sentence for
2 aggravated driving under the influence of alcohol, other
3 drug or drugs, or intoxicating compound or compounds, or
4 any combination thereof as defined in subparagraph (C) of
5 paragraph (1) of subsection (d) of Section 11-501 of the
6 Illinois Vehicle Code committed on or after January 1, 2011
7 (the effective date of Public Act 96-1230) ~~this amendatory~~
8 ~~Act of the 96th General Assembly,~~ shall receive no more
9 than 4.5 days of good conduct credit for each month of his
10 or her sentence of imprisonment.

11 (3) The rules and regulations shall also provide that
12 the Director may award up to 180 days additional good
13 conduct credit for meritorious service in specific
14 instances as the Director deems proper; except that no more
15 than 90 days of good conduct credit for meritorious service
16 shall be awarded to any prisoner who is serving a sentence
17 for conviction of first degree murder, reckless homicide
18 while under the influence of alcohol or any other drug, or
19 aggravated driving under the influence of alcohol, other
20 drug or drugs, or intoxicating compound or compounds, or
21 any combination thereof as defined in subparagraph (F) of
22 paragraph (1) of subsection (d) of Section 11-501 of the
23 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
24 predatory criminal sexual assault of a child, aggravated
25 criminal sexual assault, criminal sexual assault, deviate
26 sexual assault, aggravated criminal sexual abuse,

1 aggravated indecent liberties with a child, indecent
2 liberties with a child, child pornography, heinous
3 battery, aggravated battery of a spouse, aggravated
4 battery of a spouse with a firearm, stalking, aggravated
5 stalking, aggravated battery of a child, endangering the
6 life or health of a child, or cruelty to a child.
7 Notwithstanding the foregoing, good conduct credit for
8 meritorious service shall not be awarded on a sentence of
9 imprisonment imposed for conviction of: (i) one of the
10 offenses enumerated in subdivision (a)(2)(i), (ii), or
11 (iii) when the offense is committed on or after June 19,
12 1998 or subdivision (a)(2)(iv) when the offense is
13 committed on or after June 23, 2005 (the effective date of
14 Public Act 94-71) or subdivision (a)(2)(v) when the offense
15 is committed on or after August 13, 2007 (the effective
16 date of Public Act 95-134) or subdivision (a)(2)(vi) when
17 the offense is committed on or after June 1, 2008 (the
18 effective date of Public Act 95-625) or subdivision
19 (a)(2)(vii) when the offense is committed on or after July
20 23, 2010 (the effective date of Public Act 96-1224) ~~this~~
21 ~~amendatory Act of the 96th General Assembly~~, (ii)
22 aggravated driving under the influence of alcohol, other
23 drug or drugs, or intoxicating compound or compounds, or
24 any combination thereof as defined in subparagraph (F) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code, (iii) one of the offenses enumerated

1 in subdivision (a) (2.4) when the offense is committed on or
2 after July 15, 1999 (the effective date of Public Act
3 91-121), (iv) aggravated arson when the offense is
4 committed on or after July 27, 2001 (the effective date of
5 Public Act 92-176), ~~or~~ (v) offenses that may subject the
6 offender to commitment under the Sexually Violent Persons
7 Commitment Act, or (vi) ~~(v)~~ aggravated driving under the
8 influence of alcohol, other drug or drugs, or intoxicating
9 compound or compounds, or any combination thereof as
10 defined in subparagraph (C) of paragraph (1) of subsection
11 (d) of Section 11-501 of the Illinois Vehicle Code
12 committed on or after January 1, 2011 (the effective date
13 of Public Act 96-1230) ~~this amendatory Act of the 96th~~
14 ~~General Assembly.~~

15 The Director shall not award good conduct credit for
16 meritorious service under this paragraph (3) to an inmate
17 unless the inmate has served a minimum of 60 days of the
18 sentence; except nothing in this paragraph shall be
19 construed to permit the Director to extend an inmate's
20 sentence beyond that which was imposed by the court. Prior
21 to awarding credit under this paragraph (3), the Director
22 shall make a written determination that the inmate:

23 (A) is eligible for good conduct credit for
24 meritorious service;

25 (B) has served a minimum of 60 days, or as close to
26 60 days as the sentence will allow; and

1 (C) has met the eligibility criteria established
2 by rule.

3 The Director shall determine the form and content of
4 the written determination required in this subsection.

5 For the purposes of this paragraph (3), "meritorious
6 service" means service or conduct by the committed person
7 while in the custody of the Department of Corrections,
8 including but not limited to:

9 (A) The committed person took beneficial action
10 in:

11 (1) saving the life of or preventing bodily
12 harm to an employee or other committed person;

13 (2) performing heroic service during a flood,
14 tornado, fire, or other disaster;

15 (3) volunteering for an exceptionally
16 hazardous or dangerous assignment; or

17 (4) assisting in maintaining order or control
18 during a general disturbance.

19 (B) The committed person demonstrated a strong
20 desire for rehabilitation by:

21 (1) satisfactory participation in an
22 educational or rehabilitative program;

23 (2) attaining documented achievements; or

24 (3) satisfactory job performance.

25 (C) The committed person provided valuable
26 assistance to another committed person or committed

1 persons in furtherance of a Department-recognized
2 educational, vocational, or rehabilitative
3 achievement.

4 (D) The committed person performed or carried out
5 some other exceptional and notable service above and
6 beyond the normal good behavior expected of a committed
7 person.

8 Any good conduct credit for meritorious service
9 awarded for service or conduct under subparagraph (D) or
10 which is not covered by subparagraphs (A), (B), or (C) must
11 only be awarded for service or conduct the Director deems
12 proper and which has been approved by the Governor. The
13 Governor's approval may be on a case-by-case basis or
14 rendered through a general directive to the Director. For
15 all awards of good conduct credit for meritorious service,
16 the Director shall set forth in writing the service or
17 conduct on which the award is based, but may use general
18 terminology if safety or security concerns are present.

19 (4) The rules and regulations shall also provide that
20 the good conduct credit accumulated and retained under
21 paragraph (2.1) of subsection (a) of this Section by any
22 inmate during specific periods of time in which such inmate
23 is engaged full-time in substance abuse programs,
24 correctional industry assignments, or educational programs
25 provided by the Department under this paragraph (4) and
26 satisfactorily completes the assigned program as

1 determined by the standards of the Department, shall be
2 multiplied by a factor of 1.25 for program participation
3 before August 11, 1993 and 1.50 for program participation
4 on or after that date. However, no inmate shall be eligible
5 for the additional good conduct credit under this paragraph
6 (4) or (4.1) of this subsection (a) while assigned to a
7 boot camp or electronic detention, or if convicted of an
8 offense enumerated in subdivision (a)(2)(i), (ii), or
9 (iii) of this Section that is committed on or after June
10 19, 1998 or subdivision (a)(2)(iv) of this Section that is
11 committed on or after June 23, 2005 (the effective date of
12 Public Act 94-71) or subdivision (a)(2)(v) of this Section
13 that is committed on or after August 13, 2007 (the
14 effective date of Public Act 95-134) or subdivision
15 (a)(2)(vi) when the offense is committed on or after June
16 1, 2008 (the effective date of Public Act 95-625) or
17 subdivision (a)(2)(vii) when the offense is committed on or
18 after July 23, 2010 (the effective date of Public Act
19 96-1224) ~~this amendatory Act of the 96th General Assembly,~~
20 or if convicted of aggravated driving under the influence
21 of alcohol, other drug or drugs, or intoxicating compound
22 or compounds, or any combination thereof as defined in
23 subparagraph (F) of paragraph (1) of subsection (d) of
24 Section 11-501 of the Illinois Vehicle Code, or if
25 convicted of aggravated driving under the influence of
26 alcohol, other drug or drugs, or intoxicating compound or

1 compounds, or any combination thereof as defined in
2 subparagraph (C) of paragraph (1) of subsection (d) of
3 Section 11-501 of the Illinois Vehicle Code committed on or
4 after January 1, 2011 (the effective date of Public Act
5 96-1230) ~~this amendatory Act of the 96th General Assembly,~~
6 or if convicted of an offense enumerated in paragraph
7 (a)(2.4) of this Section that is committed on or after July
8 15, 1999 (the effective date of Public Act 91-121), or
9 first degree murder, a Class X felony, criminal sexual
10 assault, felony criminal sexual abuse, aggravated criminal
11 sexual abuse, aggravated battery with a firearm, or any
12 predecessor or successor offenses with the same or
13 substantially the same elements, or any inchoate offenses
14 relating to the foregoing offenses. No inmate shall be
15 eligible for the additional good conduct credit under this
16 paragraph (4) who (i) has previously received increased
17 good conduct credit under this paragraph (4) and has
18 subsequently been convicted of a felony, or (ii) has
19 previously served more than one prior sentence of
20 imprisonment for a felony in an adult correctional
21 facility.

22 Educational, vocational, substance abuse and
23 correctional industry programs under which good conduct
24 credit may be increased under this paragraph (4) and
25 paragraph (4.1) of this subsection (a) shall be evaluated
26 by the Department on the basis of documented standards. The

1 Department shall report the results of these evaluations to
2 the Governor and the General Assembly by September 30th of
3 each year. The reports shall include data relating to the
4 recidivism rate among program participants.

5 Availability of these programs shall be subject to the
6 limits of fiscal resources appropriated by the General
7 Assembly for these purposes. Eligible inmates who are
8 denied immediate admission shall be placed on a waiting
9 list under criteria established by the Department. The
10 inability of any inmate to become engaged in any such
11 programs by reason of insufficient program resources or for
12 any other reason established under the rules and
13 regulations of the Department shall not be deemed a cause
14 of action under which the Department or any employee or
15 agent of the Department shall be liable for damages to the
16 inmate.

17 (4.1) The rules and regulations shall also provide that
18 an additional 60 days of good conduct credit shall be
19 awarded to any prisoner who passes the high school level
20 Test of General Educational Development (GED) while the
21 prisoner is incarcerated. The good conduct credit awarded
22 under this paragraph (4.1) shall be in addition to, and
23 shall not affect, the award of good conduct under any other
24 paragraph of this Section, but shall also be pursuant to
25 the guidelines and restrictions set forth in paragraph (4)
26 of subsection (a) of this Section. The good conduct credit

1 provided for in this paragraph shall be available only to
2 those prisoners who have not previously earned a high
3 school diploma or a GED. If, after an award of the GED good
4 conduct credit has been made and the Department determines
5 that the prisoner was not eligible, then the award shall be
6 revoked.

7 (4.5) The rules and regulations on early release shall
8 also provide that when the court's sentencing order
9 recommends a prisoner for substance abuse treatment and the
10 crime was committed on or after September 1, 2003 (the
11 effective date of Public Act 93-354), the prisoner shall
12 receive no good conduct credit awarded under clause (3) of
13 this subsection (a) unless he or she participates in and
14 completes a substance abuse treatment program. The
15 Director may waive the requirement to participate in or
16 complete a substance abuse treatment program and award the
17 good conduct credit in specific instances if the prisoner
18 is not a good candidate for a substance abuse treatment
19 program for medical, programming, or operational reasons.
20 Availability of substance abuse treatment shall be subject
21 to the limits of fiscal resources appropriated by the
22 General Assembly for these purposes. If treatment is not
23 available and the requirement to participate and complete
24 the treatment has not been waived by the Director, the
25 prisoner shall be placed on a waiting list under criteria
26 established by the Department. The Director may allow a

1 prisoner placed on a waiting list to participate in and
2 complete a substance abuse education class or attend
3 substance abuse self-help meetings in lieu of a substance
4 abuse treatment program. A prisoner on a waiting list who
5 is not placed in a substance abuse program prior to release
6 may be eligible for a waiver and receive good conduct
7 credit under clause (3) of this subsection (a) at the
8 discretion of the Director.

9 (4.6) The rules and regulations on early release shall
10 also provide that a prisoner who has been convicted of a
11 sex offense as defined in Section 2 of the Sex Offender
12 Registration Act shall receive no good conduct credit
13 unless he or she either has successfully completed or is
14 participating in sex offender treatment as defined by the
15 Sex Offender Management Board. However, prisoners who are
16 waiting to receive such treatment, but who are unable to do
17 so due solely to the lack of resources on the part of the
18 Department, may, at the Director's sole discretion, be
19 awarded good conduct credit at such rate as the Director
20 shall determine.

21 (5) Whenever the Department is to release any inmate
22 earlier than it otherwise would because of a grant of good
23 conduct credit for meritorious service given at any time
24 during the term, the Department shall give reasonable
25 notice of the impending release not less than 14 days prior
26 to the date of the release to the State's Attorney of the

1 county where the prosecution of the inmate took place, and
2 if applicable, the State's Attorney of the county into
3 which the inmate will be released. The Department must also
4 make identification information and a recent photo of the
5 inmate being released accessible on the Internet by means
6 of a hyperlink labeled "Community Notification of Inmate
7 Early Release" on the Department's World Wide Web homepage.
8 The identification information shall include the inmate's:
9 name, any known alias, date of birth, physical
10 characteristics, residence address, commitment offense and
11 county where conviction was imposed. The identification
12 information shall be placed on the website within 3 days of
13 the inmate's release and the information may not be removed
14 until either: completion of the first year of mandatory
15 supervised release or return of the inmate to custody of
16 the Department.

17 (b) Whenever a person is or has been committed under
18 several convictions, with separate sentences, the sentences
19 shall be construed under Section 5-8-4 in granting and
20 forfeiting of good time.

21 (c) The Department shall prescribe rules and regulations
22 for revoking good conduct credit, or suspending or reducing the
23 rate of accumulation of good conduct credit for specific rule
24 violations, during imprisonment. These rules and regulations
25 shall provide that no inmate may be penalized more than one
26 year of good conduct credit for any one infraction.

1 When the Department seeks to revoke, suspend or reduce the
2 rate of accumulation of any good conduct credits for an alleged
3 infraction of its rules, it shall bring charges therefor
4 against the prisoner sought to be so deprived of good conduct
5 credits before the Prisoner Review Board as provided in
6 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
7 amount of credit at issue exceeds 30 days or when during any 12
8 month period, the cumulative amount of credit revoked exceeds
9 30 days except where the infraction is committed or discovered
10 within 60 days of scheduled release. In those cases, the
11 Department of Corrections may revoke up to 30 days of good
12 conduct credit. The Board may subsequently approve the
13 revocation of additional good conduct credit, if the Department
14 seeks to revoke good conduct credit in excess of 30 days.
15 However, the Board shall not be empowered to review the
16 Department's decision with respect to the loss of 30 days of
17 good conduct credit within any calendar year for any prisoner
18 or to increase any penalty beyond the length requested by the
19 Department.

20 The Director of the Department of Corrections, in
21 appropriate cases, may restore up to 30 days good conduct
22 credits which have been revoked, suspended or reduced. Any
23 restoration of good conduct credits in excess of 30 days shall
24 be subject to review by the Prisoner Review Board. However, the
25 Board may not restore good conduct credit in excess of the
26 amount requested by the Director.

1 Nothing contained in this Section shall prohibit the
2 Prisoner Review Board from ordering, pursuant to Section
3 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
4 sentence imposed by the court that was not served due to the
5 accumulation of good conduct credit.

6 (d) If a lawsuit is filed by a prisoner in an Illinois or
7 federal court against the State, the Department of Corrections,
8 or the Prisoner Review Board, or against any of their officers
9 or employees, and the court makes a specific finding that a
10 pleading, motion, or other paper filed by the prisoner is
11 frivolous, the Department of Corrections shall conduct a
12 hearing to revoke up to 180 days of good conduct credit by
13 bringing charges against the prisoner sought to be deprived of
14 the good conduct credits before the Prisoner Review Board as
15 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
16 If the prisoner has not accumulated 180 days of good conduct
17 credit at the time of the finding, then the Prisoner Review
18 Board may revoke all good conduct credit accumulated by the
19 prisoner.

20 For purposes of this subsection (d):

21 (1) "Frivolous" means that a pleading, motion, or other
22 filing which purports to be a legal document filed by a
23 prisoner in his or her lawsuit meets any or all of the
24 following criteria:

25 (A) it lacks an arguable basis either in law or in
26 fact;

1 (B) it is being presented for any improper purpose,
2 such as to harass or to cause unnecessary delay or
3 needless increase in the cost of litigation;

4 (C) the claims, defenses, and other legal
5 contentions therein are not warranted by existing law
6 or by a nonfrivolous argument for the extension,
7 modification, or reversal of existing law or the
8 establishment of new law;

9 (D) the allegations and other factual contentions
10 do not have evidentiary support or, if specifically so
11 identified, are not likely to have evidentiary support
12 after a reasonable opportunity for further
13 investigation or discovery; or

14 (E) the denials of factual contentions are not
15 warranted on the evidence, or if specifically so
16 identified, are not reasonably based on a lack of
17 information or belief.

18 (2) "Lawsuit" means a motion pursuant to Section 116-3
19 of the Code of Criminal Procedure of 1963, a habeas corpus
20 action under Article X of the Code of Civil Procedure or
21 under federal law (28 U.S.C. 2254), a petition for claim
22 under the Court of Claims Act, an action under the federal
23 Civil Rights Act (42 U.S.C. 1983), or a second or
24 subsequent petition for post-conviction relief under
25 Article 122 of the Code of Criminal Procedure of 1963
26 whether filed with or without leave of court or a second or

1 subsequent petition for relief from judgment under Section
2 2-1401 of the Code of Civil Procedure.

3 (e) Nothing in Public Act 90-592 or 90-593 affects the
4 validity of Public Act 89-404.

5 (f) Whenever the Department is to release any inmate who
6 has been convicted of a violation of an order of protection
7 under Section 12-30 of the Criminal Code of 1961, earlier than
8 it otherwise would because of a grant of good conduct credit,
9 the Department, as a condition of such early release, shall
10 require that the person, upon release, be placed under
11 electronic surveillance as provided in Section 5-8A-7 of this
12 Code.

13 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
14 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
15 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
16 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
17 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.