

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-501 as follows:

6 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

7 Sec. 11-501. Driving while under the influence of alcohol,
8 other drug or drugs, intoxicating compound or compounds or any
9 combination thereof.

10 (a) A person shall not drive or be in actual physical
11 control of any vehicle within this State while:

12 (1) the alcohol concentration in the person's blood or
13 breath is 0.08 or more based on the definition of blood and
14 breath units in Section 11-501.2;

15 (2) under the influence of alcohol;

16 (3) under the influence of any intoxicating compound or
17 combination of intoxicating compounds to a degree that
18 renders the person incapable of driving safely;

19 (4) under the influence of any other drug or
20 combination of drugs to a degree that renders the person
21 incapable of safely driving;

22 (5) under the combined influence of alcohol, other drug
23 or drugs, or intoxicating compound or compounds to a degree

1 that renders the person incapable of safely driving; or

2 (6) there is any amount of a drug, substance, or
3 compound in the person's breath, blood, or urine resulting
4 from the unlawful use or consumption of cannabis listed in
5 the Cannabis Control Act, a controlled substance listed in
6 the Illinois Controlled Substances Act, an intoxicating
7 compound listed in the Use of Intoxicating Compounds Act,
8 or methamphetamine as listed in the Methamphetamine
9 Control and Community Protection Act.

10 (b) The fact that any person charged with violating this
11 Section is or has been legally entitled to use alcohol, other
12 drug or drugs, or intoxicating compound or compounds, or any
13 combination thereof, shall not constitute a defense against any
14 charge of violating this Section.

15 (c) Penalties.

16 (1) Except as otherwise provided in this Section, any
17 person convicted of violating subsection (a) of this
18 Section is guilty of a Class A misdemeanor.

19 (2) A person who violates subsection (a) or a similar
20 provision a second time shall be sentenced to a mandatory
21 minimum term of either 5 days of imprisonment or 240 hours
22 of community service in addition to any other criminal or
23 administrative sanction.

24 (3) A person who violates subsection (a) is subject to
25 6 months of imprisonment, an additional mandatory minimum
26 fine of \$1,000, and 25 days of community service in a

1 program benefiting children if the person was transporting
2 a person under the age of 16 at the time of the violation.

3 (4) A person who violates subsection (a) a first time,
4 if the alcohol concentration in his or her blood, breath,
5 or urine was 0.16 or more based on the definition of blood,
6 breath, or urine units in Section 11-501.2, shall be
7 subject, in addition to any other penalty that may be
8 imposed, to a mandatory minimum of 100 hours of community
9 service and a mandatory minimum fine of \$500.

10 (5) A person who violates subsection (a) a second time,
11 if at the time of the second violation the alcohol
12 concentration in his or her blood, breath, or urine was
13 0.16 or more based on the definition of blood, breath, or
14 urine units in Section 11-501.2, shall be subject, in
15 addition to any other penalty that may be imposed, to a
16 mandatory minimum of 2 days of imprisonment and a mandatory
17 minimum fine of \$1,250.

18 (d) Aggravated driving under the influence of alcohol,
19 other drug or drugs, or intoxicating compound or compounds, or
20 any combination thereof.

21 (1) Every person convicted of committing a violation of
22 this Section shall be guilty of aggravated driving under
23 the influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, or any combination
25 thereof if:

26 (A) the person committed a violation of subsection

1 (a) or a similar provision for the third or subsequent
2 time;

3 (B) the person committed a violation of subsection
4 (a) while driving a school bus with persons 18 years of
5 age or younger on board;

6 (C) the person in committing a violation of
7 subsection (a) was involved in a motor vehicle accident
8 that resulted in great bodily harm or permanent
9 disability or disfigurement to another, when the
10 violation was a proximate cause of the injuries;

11 (D) the person committed a violation of subsection
12 (a) and has been previously convicted of violating
13 Section 9-3 of the Criminal Code of 1961 or a similar
14 provision of a law of another state relating to
15 reckless homicide in which the person was determined to
16 have been under the influence of alcohol, other drug or
17 drugs, or intoxicating compound or compounds as an
18 element of the offense or the person has previously
19 been convicted under subparagraph (C) or subparagraph
20 (F) of this paragraph (1);

21 (E) the person, in committing a violation of
22 subsection (a) while driving at any speed in a school
23 speed zone at a time when a speed limit of 20 miles per
24 hour was in effect under subsection (a) of Section
25 11-605 of this Code, was involved in a motor vehicle
26 accident that resulted in bodily harm, other than great

1 bodily harm or permanent disability or disfigurement,
2 to another person, when the violation of subsection (a)
3 was a proximate cause of the bodily harm;

4 (F) the person, in committing a violation of
5 subsection (a), was involved in a motor vehicle,
6 snowmobile, all-terrain vehicle, or watercraft
7 accident that resulted in the death of another person,
8 when the violation of subsection (a) was a proximate
9 cause of the death;

10 (G) the person committed a violation of subsection
11 (a) during a period in which the defendant's driving
12 privileges are revoked or suspended, where the
13 revocation or suspension was for a violation of
14 subsection (a) or a similar provision, Section
15 11-501.1, paragraph (b) of Section 11-401, or for
16 reckless homicide as defined in Section 9-3 of the
17 Criminal Code of 1961;

18 (H) the person committed the violation while he or
19 she did not possess a driver's license or permit or a
20 restricted driving permit or a judicial driving permit
21 or a monitoring device driving permit;

22 (I) the person committed the violation while he or
23 she knew or should have known that the vehicle he or
24 she was driving was not covered by a liability
25 insurance policy;

26 (J) the person in committing a violation of

1 subsection (a) was involved in a motor vehicle accident
2 that resulted in bodily harm, but not great bodily
3 harm, to the child under the age of 16 being
4 transported by the person, if the violation was the
5 proximate cause of the injury; ~~or~~

6 (K) the person in committing a second violation of
7 subsection (a) or a similar provision was transporting
8 a person under the age of 16; or ~~or~~

9 (L) the person in committing a third or subsequent
10 violation of subsection (a) or similar provision, was
11 involved in a motor vehicle, snowmobile, all-terrain
12 vehicle, or watercraft accident that resulted in the
13 death of another person, when the violation of
14 subsection (a) was a proximate cause of the death.

15 (2) (A) Except as provided otherwise, a person
16 convicted of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof is guilty of a Class
19 4 felony.

20 (B) A third violation of this Section or a similar
21 provision is a Class 2 felony. If at the time of the third
22 violation the alcohol concentration in his or her blood,
23 breath, or urine was 0.16 or more based on the definition
24 of blood, breath, or urine units in Section 11-501.2, a
25 mandatory minimum of 90 days of imprisonment and a
26 mandatory minimum fine of \$2,500 shall be imposed in

1 addition to any other criminal or administrative sanction.
2 If at the time of the third violation, the defendant was
3 transporting a person under the age of 16, a mandatory fine
4 of \$25,000 and 25 days of community service in a program
5 benefiting children shall be imposed in addition to any
6 other criminal or administrative sanction.

7 (C) A fourth violation of this Section or a similar
8 provision is a Class 2 felony, for which a sentence of
9 probation or conditional discharge may not be imposed. If
10 at the time of the violation, the alcohol concentration in
11 the defendant's blood, breath, or urine was 0.16 or more
12 based on the definition of blood, breath, or urine units in
13 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
14 be imposed in addition to any other criminal or
15 administrative sanction. If at the time of the fourth
16 violation, the defendant was transporting a person under
17 the age of 16 a mandatory fine of \$25,000 and 25 days of
18 community service in a program benefiting children shall be
19 imposed in addition to any other criminal or administrative
20 sanction.

21 (D) A fifth violation of this Section or a similar
22 provision is a Class 1 felony, for which a sentence of
23 probation or conditional discharge may not be imposed. If
24 at the time of the violation, the alcohol concentration in
25 the defendant's blood, breath, or urine was 0.16 or more
26 based on the definition of blood, breath, or urine units in

1 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
2 be imposed in addition to any other criminal or
3 administrative sanction. If at the time of the fifth
4 violation, the defendant was transporting a person under
5 the age of 16, a mandatory fine of \$25,000, and 25 days of
6 community service in a program benefiting children shall be
7 imposed in addition to any other criminal or administrative
8 sanction.

9 (E) A sixth or subsequent violation of this Section or
10 similar provision is a Class X felony. If at the time of
11 the violation, the alcohol concentration in the
12 defendant's blood, breath, or urine was 0.16 or more based
13 on the definition of blood, breath, or urine units in
14 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
15 be imposed in addition to any other criminal or
16 administrative sanction. If at the time of the violation,
17 the defendant was transporting a person under the age of
18 16, a mandatory fine of \$25,000 and 25 days of community
19 service in a program benefiting children shall be imposed
20 in addition to any other criminal or administrative
21 sanction.

22 (F) For a violation of subparagraph (C) of paragraph
23 (1) of this subsection (d), the defendant, if sentenced to
24 a term of imprisonment, shall be sentenced to not less than
25 one year nor more than 12 years.

26 (G) A violation of subparagraph (F) of paragraph (1) of

1 this subsection (d) is a Class 2 felony, for which the
2 defendant, unless the court determines that extraordinary
3 circumstances exist and require probation, shall be
4 sentenced to: (i) a term of imprisonment of not less than 3
5 years and not more than 14 years if the violation resulted
6 in the death of one person; or (ii) a term of imprisonment
7 of not less than 6 years and not more than 28 years if the
8 violation resulted in the deaths of 2 or more persons.

9 (H) For a violation of subparagraph (J) of paragraph
10 (1) of this subsection (d), a mandatory fine of \$2,500, and
11 25 days of community service in a program benefiting
12 children shall be imposed in addition to any other criminal
13 or administrative sanction.

14 (I) A violation of subparagraph (K) of paragraph (1) of
15 this subsection (d), is a Class 2 felony and a mandatory
16 fine of \$2,500, and 25 days of community service in a
17 program benefiting children shall be imposed in addition to
18 any other criminal or administrative sanction. If the child
19 being transported suffered bodily harm, but not great
20 bodily harm, in a motor vehicle accident, and the violation
21 was the proximate cause of that injury, a mandatory fine of
22 \$5,000 and 25 days of community service in a program
23 benefiting children shall be imposed in addition to any
24 other criminal or administrative sanction.

25 (J) A violation of subparagraph (D) of paragraph (1) of
26 this subsection (d) is a Class 3 felony, for which a

1 sentence of probation or conditional discharge may not be
2 imposed.

3 (K) A violation of subparagraph (L) of paragraph (1) of
4 this subsection (d) is a Class X felony. If the violation
5 resulted in the deaths of 2 or more persons, the defendant
6 shall be sentenced to a term of imprisonment of not less
7 than 10 years and not more than 45 years.

8 (3) Any person sentenced under this subsection (d) who
9 receives a term of probation or conditional discharge must
10 serve a minimum term of either 480 hours of community
11 service or 10 days of imprisonment as a condition of the
12 probation or conditional discharge in addition to any other
13 criminal or administrative sanction.

14 (e) Any reference to a prior violation of subsection (a) or
15 a similar provision includes any violation of a provision of a
16 local ordinance or a provision of a law of another state or an
17 offense committed on a military installation that is similar to
18 a violation of subsection (a) of this Section.

19 (f) The imposition of a mandatory term of imprisonment or
20 assignment of community service for a violation of this Section
21 shall not be suspended or reduced by the court.

22 (g) Any penalty imposed for driving with a license that has
23 been revoked for a previous violation of subsection (a) of this
24 Section shall be in addition to the penalty imposed for any
25 subsequent violation of subsection (a).

26 (h) For any prosecution under this Section, a certified

1 copy of the driving abstract of the defendant shall be admitted
2 as proof of any prior conviction.

3 (Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;
4 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08;
5 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

6 Section 10. The Unified Code of Corrections is amended by
7 changing Section 3-6-3 as follows:

8 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

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

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

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

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

23 (iii) that a prisoner serving a sentence for home
24 invasion, armed robbery, aggravated vehicular
25 hijacking, aggravated discharge of a firearm, or armed
26 violence with a category I weapon or category II

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

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

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

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

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

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

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

1 subdivision (a) (2) (vii) committed on or after July 23, 2010
2 (the effective date of Public Act 96-1224) ~~this amendatory~~
3 ~~Act of the 96th General Assembly,~~ and other than the
4 offense of aggravated driving under the influence of
5 alcohol, other drug or drugs, or intoxicating compound or
6 compounds, or any combination thereof as defined in
7 subparagraph (F) of paragraph (1) of subsection (d) of
8 Section 11-501 of the Illinois Vehicle Code, and other than
9 the offense of aggravated driving under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof as defined in
12 subparagraph (C) of paragraph (1) of subsection (d) of
13 Section 11-501 of the Illinois Vehicle Code committed on or
14 after January 1, 2011 (the effective date of Public Act
15 96-1230) ~~this amendatory Act of the 96th General Assembly,~~
16 the rules and regulations shall provide that a prisoner who
17 is serving a term of imprisonment shall receive one day of
18 good conduct credit for each day of his or her sentence of
19 imprisonment or recommitment under Section 3-3-9. Each day
20 of good conduct credit shall reduce by one day the
21 prisoner's period of imprisonment or recommitment under
22 Section 3-3-9.

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

26 (2.3) 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 (F) or
5 (L) of paragraph (1) of subsection (d) of Section 11-501 of
6 the Illinois Vehicle Code, shall receive no more than 4.5
7 days of good conduct credit for each month of his or her
8 sentence of imprisonment.

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

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

1 (2.6) The rules and regulations on early release shall
2 provide that a prisoner who is serving a sentence for
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof as defined in subparagraph (C) of
6 paragraph (1) of subsection (d) of Section 11-501 of the
7 Illinois Vehicle Code committed on or after January 1, 2011
8 (the effective date of Public Act 96-1230) ~~this amendatory~~
9 ~~Act of the 96th General Assembly,~~ shall receive no more
10 than 4.5 days of good conduct credit for each month of his
11 or her sentence of imprisonment.

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

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

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

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

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

26 (B) has served a minimum of 60 days, or as close to

1 60 days as the sentence will allow; and

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

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

6 (4) The rules and regulations shall also provide that
7 the good conduct credit accumulated and retained under
8 paragraph (2.1) of subsection (a) of this Section by any
9 inmate during specific periods of time in which such inmate
10 is engaged full-time in substance abuse programs,
11 correctional industry assignments, or educational programs
12 provided by the Department under this paragraph (4) and
13 satisfactorily completes the assigned program as
14 determined by the standards of the Department, shall be
15 multiplied by a factor of 1.25 for program participation
16 before August 11, 1993 and 1.50 for program participation
17 on or after that date. However, no inmate shall be eligible
18 for the additional good conduct credit under this paragraph
19 (4) or (4.1) of this subsection (a) while assigned to a
20 boot camp or electronic detention, or if convicted of an
21 offense enumerated in subdivision (a)(2)(i), (ii), or
22 (iii) of this Section that is committed on or after June
23 19, 1998 or subdivision (a)(2)(iv) of this Section that is
24 committed on or after June 23, 2005 (the effective date of
25 Public Act 94-71) or subdivision (a)(2)(v) of this Section
26 that is committed on or after August 13, 2007 (the

1 effective date of Public Act 95-134) or subdivision
2 (a)(2)(vi) when the offense is committed on or after June
3 1, 2008 (the effective date of Public Act 95-625) or
4 subdivision (a)(2)(vii) when the offense is committed on or
5 after July 23, 2010 (the effective date of Public Act
6 96-1224) ~~this amendatory Act of the 96th General Assembly,~~
7 or if convicted of aggravated driving under the influence
8 of alcohol, other drug or drugs, or intoxicating compound
9 or compounds~~,~~ or any combination thereof as defined in
10 subparagraph (F) of paragraph (1) of subsection (d) of
11 Section 11-501 of the Illinois Vehicle Code, or if
12 convicted of aggravated driving under the influence of
13 alcohol, other drug or drugs, or intoxicating compound or
14 compounds~~,~~ or any combination thereof as defined in
15 subparagraph (C) of paragraph (1) of subsection (d) of
16 Section 11-501 of the Illinois Vehicle Code committed on or
17 after January 1, 2011 (the effective date of Public Act
18 96-1230) ~~this amendatory Act of the 96th General Assembly,~~
19 or if convicted of an offense enumerated in paragraph
20 (a)(2.4) of this Section that is committed on or after July
21 15, 1999 (the effective date of Public Act 91-121), or
22 first degree murder, a Class X felony, criminal sexual
23 assault, felony criminal sexual abuse, aggravated criminal
24 sexual abuse, aggravated battery with a firearm, or any
25 predecessor or successor offenses with the same or
26 substantially the same elements, or any inchoate offenses

1 relating to the foregoing offenses. No inmate shall be
2 eligible for the additional good conduct credit under this
3 paragraph (4) who (i) has previously received increased
4 good conduct credit under this paragraph (4) and has
5 subsequently been convicted of a felony, or (ii) has
6 previously served more than one prior sentence of
7 imprisonment for a felony in an adult correctional
8 facility.

9 Educational, vocational, substance abuse and
10 correctional industry programs under which good conduct
11 credit may be increased under this paragraph (4) and
12 paragraph (4.1) of this subsection (a) shall be evaluated
13 by the Department on the basis of documented standards. The
14 Department shall report the results of these evaluations to
15 the Governor and the General Assembly by September 30th of
16 each year. The reports shall include data relating to the
17 recidivism rate among program participants.

18 Availability of these programs shall be subject to the
19 limits of fiscal resources appropriated by the General
20 Assembly for these purposes. Eligible inmates who are
21 denied immediate admission shall be placed on a waiting
22 list under criteria established by the Department. The
23 inability of any inmate to become engaged in any such
24 programs by reason of insufficient program resources or for
25 any other reason established under the rules and
26 regulations of the Department shall not be deemed a cause

1 of action under which the Department or any employee or
2 agent of the Department shall be liable for damages to the
3 inmate.

4 (4.1) The rules and regulations shall also provide that
5 an additional 60 days of good conduct credit shall be
6 awarded to any prisoner who passes the high school level
7 Test of General Educational Development (GED) while the
8 prisoner is incarcerated. The good conduct credit awarded
9 under this paragraph (4.1) shall be in addition to, and
10 shall not affect, the award of good conduct under any other
11 paragraph of this Section, but shall also be pursuant to
12 the guidelines and restrictions set forth in paragraph (4)
13 of subsection (a) of this Section. The good conduct credit
14 provided for in this paragraph shall be available only to
15 those prisoners who have not previously earned a high
16 school diploma or a GED. If, after an award of the GED good
17 conduct credit has been made and the Department determines
18 that the prisoner was not eligible, then the award shall be
19 revoked.

20 (4.5) The rules and regulations on early release shall
21 also provide that when the court's sentencing order
22 recommends a prisoner for substance abuse treatment and the
23 crime was committed on or after September 1, 2003 (the
24 effective date of Public Act 93-354), the prisoner shall
25 receive no good conduct credit awarded under clause (3) of
26 this subsection (a) unless he or she participates in and

1 completes a substance abuse treatment program. The
2 Director may waive the requirement to participate in or
3 complete a substance abuse treatment program and award the
4 good conduct credit in specific instances if the prisoner
5 is not a good candidate for a substance abuse treatment
6 program for medical, programming, or operational reasons.
7 Availability of substance abuse treatment shall be subject
8 to the limits of fiscal resources appropriated by the
9 General Assembly for these purposes. If treatment is not
10 available and the requirement to participate and complete
11 the treatment has not been waived by the Director, the
12 prisoner shall be placed on a waiting list under criteria
13 established by the Department. The Director may allow a
14 prisoner placed on a waiting list to participate in and
15 complete a substance abuse education class or attend
16 substance abuse self-help meetings in lieu of a substance
17 abuse treatment program. A prisoner on a waiting list who
18 is not placed in a substance abuse program prior to release
19 may be eligible for a waiver and receive good conduct
20 credit under clause (3) of this subsection (a) at the
21 discretion of the Director.

22 (4.6) The rules and regulations on early release shall
23 also provide that a prisoner who has been convicted of a
24 sex offense as defined in Section 2 of the Sex Offender
25 Registration Act shall receive no good conduct credit
26 unless he or she either has successfully completed or is

1 participating in sex offender treatment as defined by the
2 Sex Offender Management Board. However, prisoners who are
3 waiting to receive such treatment, but who are unable to do
4 so due solely to the lack of resources on the part of the
5 Department, may, at the Director's sole discretion, be
6 awarded good conduct credit at such rate as the Director
7 shall determine.

8 (5) Whenever the Department is to release any inmate
9 earlier than it otherwise would because of a grant of good
10 conduct credit for meritorious service given at any time
11 during the term, the Department shall give reasonable
12 notice of the impending release not less than 14 days prior
13 to the date of the release to the State's Attorney of the
14 county where the prosecution of the inmate took place, and
15 if applicable, the State's Attorney of the county into
16 which the inmate will be released. The Department must also
17 make identification information and a recent photo of the
18 inmate being released accessible on the Internet by means
19 of a hyperlink labeled "Community Notification of Inmate
20 Early Release" on the Department's World Wide Web homepage.
21 The identification information shall include the inmate's:
22 name, any known alias, date of birth, physical
23 characteristics, residence address, commitment offense and
24 county where conviction was imposed. The identification
25 information shall be placed on the website within 3 days of
26 the inmate's release and the information may not be removed

1 until either: completion of the first year of mandatory
2 supervised release or return of the inmate to custody of
3 the Department.

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

8 (c) The Department shall prescribe rules and regulations
9 for revoking good conduct credit, or suspending or reducing the
10 rate of accumulation of good conduct credit for specific rule
11 violations, during imprisonment. These rules and regulations
12 shall provide that no inmate may be penalized more than one
13 year of good conduct credit for any one infraction.

14 When the Department seeks to revoke, suspend or reduce the
15 rate of accumulation of any good conduct credits for an alleged
16 infraction of its rules, it shall bring charges therefor
17 against the prisoner sought to be so deprived of good conduct
18 credits before the Prisoner Review Board as provided in
19 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
20 amount of credit at issue exceeds 30 days or when during any 12
21 month period, the cumulative amount of credit revoked exceeds
22 30 days except where the infraction is committed or discovered
23 within 60 days of scheduled release. In those cases, the
24 Department of Corrections may revoke up to 30 days of good
25 conduct credit. The Board may subsequently approve the
26 revocation of additional good conduct credit, if the Department

1 seeks to revoke good conduct credit in excess of 30 days.
2 However, the Board shall not be empowered to review the
3 Department's decision with respect to the loss of 30 days of
4 good conduct credit within any calendar year for any prisoner
5 or to increase any penalty beyond the length requested by the
6 Department.

7 The Director of the Department of Corrections, in
8 appropriate cases, may restore up to 30 days good conduct
9 credits which have been revoked, suspended or reduced. Any
10 restoration of good conduct credits in excess of 30 days shall
11 be subject to review by the Prisoner Review Board. However, the
12 Board may not restore good conduct credit in excess of the
13 amount requested by the Director.

14 Nothing contained in this Section shall prohibit the
15 Prisoner Review Board from ordering, pursuant to Section
16 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
17 sentence imposed by the court that was not served due to the
18 accumulation of good conduct credit.

19 (d) If a lawsuit is filed by a prisoner in an Illinois or
20 federal court against the State, the Department of Corrections,
21 or the Prisoner Review Board, or against any of their officers
22 or employees, and the court makes a specific finding that a
23 pleading, motion, or other paper filed by the prisoner is
24 frivolous, the Department of Corrections shall conduct a
25 hearing to revoke up to 180 days of good conduct credit by
26 bringing charges against the prisoner sought to be deprived of

1 the good conduct credits before the Prisoner Review Board as
2 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
3 If the prisoner has not accumulated 180 days of good conduct
4 credit at the time of the finding, then the Prisoner Review
5 Board may revoke all good conduct credit accumulated by the
6 prisoner.

7 For purposes of this subsection (d):

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

12 (A) it lacks an arguable basis either in law or in
13 fact;

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

17 (C) the claims, defenses, and other legal
18 contentions therein are not warranted by existing law
19 or by a nonfrivolous argument for the extension,
20 modification, or reversal of existing law or the
21 establishment of new law;

22 (D) the allegations and other factual contentions
23 do not have evidentiary support or, if specifically so
24 identified, are not likely to have evidentiary support
25 after a reasonable opportunity for further
26 investigation or discovery; or

1 (E) the denials of factual contentions are not
2 warranted on the evidence, or if specifically so
3 identified, are not reasonably based on a lack of
4 information or belief.

5 (2) "Lawsuit" means a motion pursuant to Section 116-3
6 of the Code of Criminal Procedure of 1963, a habeas corpus
7 action under Article X of the Code of Civil Procedure or
8 under federal law (28 U.S.C. 2254), a petition for claim
9 under the Court of Claims Act, an action under the federal
10 Civil Rights Act (42 U.S.C. 1983), or a second or
11 subsequent petition for post-conviction relief under
12 Article 122 of the Code of Criminal Procedure of 1963
13 whether filed with or without leave of court or a second or
14 subsequent petition for relief from judgment under Section
15 2-1401 of the Code of Civil Procedure.

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

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

26 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;

1 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
2 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
3 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
4 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)