



Rep. Richard Morthland

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LRB097 06444 HEP 52134 a

1 AMENDMENT TO HOUSE BILL 3522

2 AMENDMENT NO. _____. Amend House Bill 3522 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

1 combination of intoxicating compounds to a degree that
2 renders the person incapable of driving safely;

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

6 (5) under the combined influence of alcohol, other drug
7 or drugs, or intoxicating compound or compounds to a degree
8 that renders the person incapable of safely driving; or

9 (6) there is any amount of a drug, substance, or
10 compound in the person's breath, blood, or urine resulting
11 from the unlawful use or consumption of cannabis listed in
12 the Cannabis Control Act, a controlled substance listed in
13 the Illinois Controlled Substances Act, an intoxicating
14 compound listed in the Use of Intoxicating Compounds Act,
15 or methamphetamine as listed in the Methamphetamine
16 Control and Community Protection Act.

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

22 (c) Penalties.

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

26 (2) A person who violates subsection (a) or a similar

1 provision a second time shall be sentenced to a mandatory
2 minimum term of either 5 days of imprisonment or 240 hours
3 of community service in addition to any other criminal or
4 administrative sanction.

5 (3) A person who violates subsection (a) is subject to
6 6 months of imprisonment, an additional mandatory minimum
7 fine of \$1,000, and 25 days of community service in a
8 program benefiting children if the person was transporting
9 a person under the age of 16 at the time of the violation.

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

17 (5) A person who violates subsection (a) a second time,
18 if at the time of the second violation the alcohol
19 concentration in his or her blood, breath, or urine was
20 0.16 or more based on the definition of blood, breath, or
21 urine units in Section 11-501.2, shall be subject, in
22 addition to any other penalty that may be imposed, to a
23 mandatory minimum of 2 days of imprisonment and a mandatory
24 minimum fine of \$1,250.

25 (d) Aggravated driving under the influence of alcohol,
26 other drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof.

2 (1) Every person convicted of committing a violation of
3 this Section shall be guilty of aggravated driving under
4 the influence of alcohol, other drug or drugs, or
5 intoxicating compound or compounds, or any combination
6 thereof if:

7 (A) the person committed a violation of subsection
8 (a) or a similar provision for the third or subsequent
9 time;

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

13 (C) the person in committing a violation of
14 subsection (a) was involved in a motor vehicle accident
15 that resulted in great bodily harm or permanent
16 disability or disfigurement to another, when the
17 violation was a proximate cause of the injuries;

18 (D) the person committed a violation of subsection
19 (a) and has been previously convicted of violating
20 Section 9-3 of the Criminal Code of 1961 or a similar
21 provision of a law of another state relating to
22 reckless homicide in which the person was determined to
23 have been under the influence of alcohol, other drug or
24 drugs, or intoxicating compound or compounds as an
25 element of the offense or the person has previously
26 been convicted under subparagraph (C) or subparagraph

1 (F) of this paragraph (1);

2 (E) the person, in committing a violation of
3 subsection (a) while driving at any speed in a school
4 speed zone at a time when a speed limit of 20 miles per
5 hour was in effect under subsection (a) of Section
6 11-605 of this Code, was involved in a motor vehicle
7 accident that resulted in bodily harm, other than great
8 bodily harm or permanent disability or disfigurement,
9 to another person, when the violation of subsection (a)
10 was a proximate cause of the bodily harm;

11 (F) the person, in committing a violation of
12 subsection (a), was involved in a motor vehicle,
13 snowmobile, all-terrain vehicle, or watercraft
14 accident that resulted in the death of another person,
15 when the violation of subsection (a) was a proximate
16 cause of the death;

17 (G) the person committed a violation of subsection
18 (a) during a period in which the defendant's driving
19 privileges are revoked or suspended, where the
20 revocation or suspension was for a violation of
21 subsection (a) or a similar provision, Section
22 11-501.1, paragraph (b) of Section 11-401, or for
23 reckless homicide as defined in Section 9-3 of the
24 Criminal Code of 1961;

25 (H) the person committed the violation while he or
26 she did not possess a driver's license or permit or a

1 restricted driving permit or a judicial driving permit
2 or a monitoring device driving permit;

3 (I) the person committed the violation while he or
4 she knew or should have known that the vehicle he or
5 she was driving was not covered by a liability
6 insurance policy;

7 (J) the person in committing a violation of
8 subsection (a) was involved in a motor vehicle accident
9 that resulted in bodily harm, but not great bodily
10 harm, to the child under the age of 16 being
11 transported by the person, if the violation was the
12 proximate cause of the injury; ~~or~~

13 (K) the person in committing a second violation of
14 subsection (a) or a similar provision was transporting
15 a person under the age of 16; or ~~or~~

16 (L) the person in committing a third or subsequent
17 violation of subsection (a) or similar provision, was
18 involved in a motor vehicle, snowmobile, all-terrain
19 vehicle, or watercraft accident that resulted in the
20 death of another person, when the violation of
21 subsection (a) was a proximate cause of the death.

22 (2) (A) Except as provided otherwise, a person
23 convicted of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds, or any combination thereof is guilty of a Class
26 4 felony.

1 (B) A third violation of this Section or a similar
2 provision is a Class 2 felony. If at the time of the third
3 violation the alcohol concentration in his or her blood,
4 breath, or urine was 0.16 or more based on the definition
5 of blood, breath, or urine units in Section 11-501.2, a
6 mandatory minimum of 90 days of imprisonment and a
7 mandatory minimum fine of \$2,500 shall be imposed in
8 addition to any other criminal or administrative sanction.
9 If at the time of the third violation, the defendant was
10 transporting a person under the age of 16, a mandatory fine
11 of \$25,000 and 25 days of community service in a program
12 benefiting children shall be imposed in addition to any
13 other criminal or administrative sanction.

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

1 sanction.

2 (D) A fifth violation of this Section or a similar
3 provision is a Class 1 felony, for which a sentence of
4 probation or conditional discharge may not be imposed. If
5 at the time of the violation, the alcohol concentration in
6 the defendant's blood, breath, or urine was 0.16 or more
7 based on the definition of blood, breath, or urine units in
8 Section 11-501.2, a mandatory minimum fine of \$5,000 shall
9 be imposed in addition to any other criminal or
10 administrative sanction. If at the time of the fifth
11 violation, the defendant was transporting a person under
12 the age of 16, a mandatory fine of \$25,000, and 25 days of
13 community service in a program benefiting children shall be
14 imposed in addition to any other criminal or administrative
15 sanction.

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

1 in addition to any other criminal or administrative
2 sanction.

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

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

16 (H) For a violation of subparagraph (J) of paragraph
17 (1) of this subsection (d), a mandatory fine of \$2,500, and
18 25 days of community service in a program benefiting
19 children shall be imposed in addition to any other criminal
20 or administrative sanction.

21 (I) A violation of subparagraph (K) of paragraph (1) of
22 this subsection (d), is a Class 2 felony and a mandatory
23 fine of \$2,500, and 25 days of community service in a
24 program benefiting children shall be imposed in addition to
25 any other criminal or administrative sanction. If the child
26 being transported suffered bodily harm, but not great

1 bodily harm, in a motor vehicle accident, and the violation
2 was the proximate cause of that injury, a mandatory fine of
3 \$5,000 and 25 days of community service in a program
4 benefiting children shall be imposed in addition to any
5 other criminal or administrative sanction.

6 (J) A violation of subparagraph (D) of paragraph (1) of
7 this subsection (d) is a Class 3 felony, for which a
8 sentence of probation or conditional discharge may not be
9 imposed.

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

15 (3) Any person sentenced under this subsection (d) who
16 receives a term of probation or conditional discharge must
17 serve a minimum term of either 480 hours of community
18 service or 10 days of imprisonment as a condition of the
19 probation or conditional discharge in addition to any other
20 criminal or administrative sanction.

21 (e) Any reference to a prior violation of subsection (a) or
22 a similar provision includes any violation of a provision of a
23 local ordinance or a provision of a law of another state or an
24 offense committed on a military installation that is similar to
25 a violation of subsection (a) of this Section.

26 (f) The imposition of a mandatory term of imprisonment or

1 assignment of community service for a violation of this Section
2 shall not be suspended or reduced by the court.

3 (g) Any penalty imposed for driving with a license that has
4 been revoked for a previous violation of subsection (a) of this
5 Section shall be in addition to the penalty imposed for any
6 subsequent violation of subsection (a).

7 (h) For any prosecution under this Section, a certified
8 copy of the driving abstract of the defendant shall be admitted
9 as proof of any prior conviction.

10 (Source: P.A. 95-149, eff. 8-14-07; 95-355, eff. 1-1-08;
11 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-778, eff. 8-4-08;
12 95-876, eff. 8-21-08; 96-289, eff. 8-11-09.)

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

15 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

21 (2) The rules and regulations on early release shall
22 provide, with respect to offenses listed in clause (i),
23 (ii), or (iii) of this paragraph (2) committed on or after
24 June 19, 1998 or with respect to the offense listed in

1 clause (iv) of this paragraph (2) committed on or after
2 June 23, 2005 (the effective date of Public Act 94-71) or
3 with respect to offense listed in clause (vi) committed on
4 or after June 1, 2008 (the effective date of Public Act
5 95-625) or with respect to the offense of being an armed
6 habitual criminal committed on or after August 2, 2005 (the
7 effective date of Public Act 94-398) or with respect to the
8 offenses listed in clause (v) of this paragraph (2)
9 committed on or after August 13, 2007 (the effective date
10 of Public Act 95-134) or with respect to the offense of
11 aggravated domestic battery committed on or after July 23,
12 2010 (the effective date of Public Act 96-1224) ~~this~~
13 ~~amendatory Act of the 96th General Assembly~~, the following:

14 (i) that a prisoner who is serving a term of
15 imprisonment for first degree murder, ~~or~~ for the
16 offense of terrorism, or for a violation of
17 subparagraph (d)(1)(L) of Section 11-501 of the
18 Illinois Vehicle Code committed after the effective
19 date of this amendatory Act of the 97th General
20 Assembly shall receive no good conduct credit and shall
21 serve the entire sentence imposed by the court;

22 (ii) that a prisoner serving a sentence for attempt
23 to commit first degree murder, solicitation of murder,
24 solicitation of murder for hire, intentional homicide
25 of an unborn child, predatory criminal sexual assault
26 of a child, aggravated criminal sexual assault,

1 criminal sexual assault, aggravated kidnapping,
2 aggravated battery with a firearm, heinous battery,
3 being an armed habitual criminal, aggravated battery
4 of a senior citizen, or aggravated battery of a child
5 shall receive no more than 4.5 days of good conduct
6 credit for each month of his or her sentence of
7 imprisonment;

8 (iii) that a prisoner serving a sentence for home
9 invasion, armed robbery, aggravated vehicular
10 hijacking, aggravated discharge of a firearm, or armed
11 violence with a category I weapon or category II
12 weapon, when the court has made and entered a finding,
13 pursuant to subsection (c-1) of Section 5-4-1 of this
14 Code, that the conduct leading to conviction for the
15 enumerated offense resulted in great bodily harm to a
16 victim, shall receive no more than 4.5 days of good
17 conduct credit for each month of his or her sentence of
18 imprisonment;

19 (iv) that a prisoner serving a sentence for
20 aggravated discharge of a firearm, whether or not the
21 conduct leading to conviction for the offense resulted
22 in great bodily harm to the victim, shall receive no
23 more than 4.5 days of good conduct credit for each
24 month of his or her sentence of imprisonment;

25 (v) that a person serving a sentence for
26 gunrunning, narcotics racketeering, controlled

1 substance trafficking, methamphetamine trafficking,
2 drug-induced homicide, aggravated
3 methamphetamine-related child endangerment, money
4 laundering pursuant to clause (c) (4) or (5) of Section
5 29B-1 of the Criminal Code of 1961, or a Class X felony
6 conviction for delivery of a controlled substance,
7 possession of a controlled substance with intent to
8 manufacture or deliver, calculated criminal drug
9 conspiracy, criminal drug conspiracy, street gang
10 criminal drug conspiracy, participation in
11 methamphetamine manufacturing, aggravated
12 participation in methamphetamine manufacturing,
13 delivery of methamphetamine, possession with intent to
14 deliver methamphetamine, aggravated delivery of
15 methamphetamine, aggravated possession with intent to
16 deliver methamphetamine, methamphetamine conspiracy
17 when the substance containing the controlled substance
18 or methamphetamine is 100 grams or more shall receive
19 no more than 7.5 days good conduct credit for each
20 month of his or her sentence of imprisonment;

21 (vi) that a prisoner serving a sentence for a
22 second or subsequent offense of luring a minor shall
23 receive no more than 4.5 days of good conduct credit
24 for each month of his or her sentence of imprisonment;
25 and

26 (vii) that a prisoner serving a sentence for

1 aggravated domestic battery shall receive no more than
2 4.5 days of good conduct credit for each month of his
3 or her sentence of imprisonment.

4 (2.1) For all offenses, other than those enumerated in
5 subdivision (a)(2)(i), (ii), or (iii) committed on or after
6 June 19, 1998 or subdivision (a)(2)(iv) committed on or
7 after June 23, 2005 (the effective date of Public Act
8 94-71) or subdivision (a)(2)(v) committed on or after
9 August 13, 2007 (the effective date of Public Act 95-134)
10 or subdivision (a)(2)(vi) committed on or after June 1,
11 2008 (the effective date of Public Act 95-625) or
12 subdivision (a)(2)(vii) committed on or after July 23, 2010
13 (the effective date of Public Act 96-1224) ~~this amendatory~~
14 ~~Act of the 96th General Assembly,~~ and other than the
15 offense of aggravated driving under the influence of
16 alcohol, other drug or drugs, or intoxicating compound or
17 compounds, or any combination thereof as defined in
18 subparagraph (F) of paragraph (1) of subsection (d) of
19 Section 11-501 of the Illinois Vehicle Code, and other than
20 the offense of aggravated driving under the influence of
21 alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof as defined in
23 subparagraph (C) of paragraph (1) of subsection (d) of
24 Section 11-501 of the Illinois Vehicle Code committed on or
25 after January 1, 2011 (the effective date of Public Act
26 96-1230) ~~this amendatory Act of the 96th General Assembly,~~

1 the rules and regulations shall provide that a prisoner who
2 is serving a term of imprisonment shall receive one day of
3 good conduct credit for each day of his or her sentence of
4 imprisonment or recommitment under Section 3-3-9. Each day
5 of good conduct credit shall reduce by one day the
6 prisoner's period of imprisonment or recommitment under
7 Section 3-3-9.

8 (2.2) A prisoner serving a term of natural life
9 imprisonment or a prisoner who has been sentenced to death
10 shall receive no good conduct credit.

11 (2.3) The rules and regulations on early release shall
12 provide that a prisoner who is serving a sentence for
13 aggravated driving under the influence of alcohol, other
14 drug or drugs, or intoxicating compound or compounds, or
15 any combination thereof as defined in subparagraph (F) of
16 paragraph (1) of subsection (d) of Section 11-501 of the
17 Illinois Vehicle Code, shall receive no more than 4.5 days
18 of good conduct credit for each month of his or her
19 sentence of imprisonment.

20 (2.4) The rules and regulations on early release shall
21 provide with respect to the offenses of aggravated battery
22 with a machine gun or a firearm equipped with any device or
23 attachment designed or used for silencing the report of a
24 firearm or aggravated discharge of a machine gun or a
25 firearm equipped with any device or attachment designed or
26 used for silencing the report of a firearm, committed on or

1 after July 15, 1999 (the effective date of Public Act
2 91-121), that a prisoner serving a sentence for any of
3 these offenses shall receive no more than 4.5 days of good
4 conduct credit for each month of his or her sentence of
5 imprisonment.

6 (2.5) The rules and regulations on early release shall
7 provide that a prisoner who is serving a sentence for
8 aggravated arson committed on or after July 27, 2001 (the
9 effective date of Public Act 92-176) 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 (2.6) The rules and regulations on early release shall
13 provide that a prisoner who is serving a sentence for
14 aggravated driving under the influence of alcohol, other
15 drug or drugs, or intoxicating compound or compounds, or
16 any combination thereof as defined in subparagraph (C) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code committed on or after January 1, 2011
19 (the effective date of Public Act 96-1230) ~~this amendatory~~
20 ~~Act of the 96th General Assembly,~~ shall receive no more
21 than 4.5 days of good conduct credit for each month of his
22 or her sentence of imprisonment.

23 (3) The rules and regulations shall also provide that
24 the Director may award up to 180 days additional good
25 conduct credit for meritorious service in specific
26 instances as the Director deems proper; except that no more

1 than 90 days of good conduct credit for meritorious service
2 shall be awarded to any prisoner who is serving a sentence
3 for conviction of first degree murder, reckless homicide
4 while under the influence of alcohol or any other drug, or
5 aggravated driving under the influence of alcohol, other
6 drug or drugs, or intoxicating compound or compounds, or
7 any combination thereof as defined in subparagraph (F) of
8 paragraph (1) of subsection (d) of Section 11-501 of the
9 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
10 predatory criminal sexual assault of a child, aggravated
11 criminal sexual assault, criminal sexual assault, deviate
12 sexual assault, aggravated criminal sexual abuse,
13 aggravated indecent liberties with a child, indecent
14 liberties with a child, child pornography, heinous
15 battery, aggravated battery of a spouse, aggravated
16 battery of a spouse with a firearm, stalking, aggravated
17 stalking, aggravated battery of a child, endangering the
18 life or health of a child, or cruelty to a child.
19 Notwithstanding the foregoing, good conduct credit for
20 meritorious service shall not be awarded on a sentence of
21 imprisonment imposed for conviction of: (i) one of the
22 offenses enumerated in subdivision (a)(2)(i), (ii), or
23 (iii) when the offense is committed on or after June 19,
24 1998 or subdivision (a)(2)(iv) when the offense is
25 committed on or after June 23, 2005 (the effective date of
26 Public Act 94-71) or subdivision (a)(2)(v) when the offense

1 is committed on or after August 13, 2007 (the effective
2 date of Public Act 95-134) or subdivision (a)(2)(vi) when
3 the offense is committed on or after June 1, 2008 (the
4 effective date of Public Act 95-625) or subdivision
5 (a)(2)(vii) when the offense is committed on or after July
6 23, 2010 (the effective date of Public Act 96-1224) ~~this~~
7 ~~amendatory Act of the 96th General Assembly~~, (ii)
8 aggravated driving under the influence of alcohol, other
9 drug or drugs, or intoxicating compound or compounds, or
10 any combination thereof as defined in subparagraph (F) of
11 paragraph (1) of subsection (d) of Section 11-501 of the
12 Illinois Vehicle Code, (iii) one of the offenses enumerated
13 in subdivision (a)(2.4) when the offense is committed on or
14 after July 15, 1999 (the effective date of Public Act
15 91-121), (iv) aggravated arson when the offense is
16 committed on or after July 27, 2001 (the effective date of
17 Public Act 92-176), ~~or~~ (v) offenses that may subject the
18 offender to commitment under the Sexually Violent Persons
19 Commitment Act, or (vi) ~~(v)~~ aggravated driving under the
20 influence of alcohol, other drug or drugs, or intoxicating
21 compound or compounds, or any combination thereof as
22 defined in subparagraph (C) of paragraph (1) of subsection
23 (d) of Section 11-501 of the Illinois Vehicle Code
24 committed on or after January 1, 2011 (the effective date
25 of Public Act 96-1230) ~~this amendatory Act of the 96th~~
26 ~~General Assembly~~.

1 The Director shall not award good conduct credit for
2 meritorious service under this paragraph (3) to an inmate
3 unless the inmate has served a minimum of 60 days of the
4 sentence; except nothing in this paragraph shall be
5 construed to permit the Director to extend an inmate's
6 sentence beyond that which was imposed by the court. Prior
7 to awarding credit under this paragraph (3), the Director
8 shall make a written determination that the inmate:

9 (A) is eligible for good conduct credit for
10 meritorious service;

11 (B) has served a minimum of 60 days, or as close to
12 60 days as the sentence will allow; and

13 (C) has met the eligibility criteria established
14 by rule.

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

17 (4) The rules and regulations shall also provide that
18 the good conduct credit accumulated and retained under
19 paragraph (2.1) of subsection (a) of this Section by any
20 inmate during specific periods of time in which such inmate
21 is engaged full-time in substance abuse programs,
22 correctional industry assignments, or educational programs
23 provided by the Department under this paragraph (4) and
24 satisfactorily completes the assigned program as
25 determined by the standards of the Department, shall be
26 multiplied by a factor of 1.25 for program participation

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

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

20 Educational, vocational, substance abuse and
21 correctional industry programs under which good conduct
22 credit may be increased under this paragraph (4) and
23 paragraph (4.1) of this subsection (a) shall be evaluated
24 by the Department on the basis of documented standards. The
25 Department shall report the results of these evaluations to
26 the Governor and the General Assembly by September 30th of

1 each year. The reports shall include data relating to the
2 recidivism rate among program participants.

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

15 (4.1) The rules and regulations shall also provide that
16 an additional 60 days of good conduct credit shall be
17 awarded to any prisoner who passes the high school level
18 Test of General Educational Development (GED) while the
19 prisoner is incarcerated. The good conduct credit awarded
20 under this paragraph (4.1) shall be in addition to, and
21 shall not affect, the award of good conduct under any other
22 paragraph of this Section, but shall also be pursuant to
23 the guidelines and restrictions set forth in paragraph (4)
24 of subsection (a) of this Section. The good conduct credit
25 provided for in this paragraph shall be available only to
26 those prisoners who have not previously earned a high

1 school diploma or a GED. If, after an award of the GED good
2 conduct credit has been made and the Department determines
3 that the prisoner was not eligible, then the award shall be
4 revoked.

5 (4.5) The rules and regulations on early release shall
6 also provide that when the court's sentencing order
7 recommends a prisoner for substance abuse treatment and the
8 crime was committed on or after September 1, 2003 (the
9 effective date of Public Act 93-354), the prisoner shall
10 receive no good conduct credit awarded under clause (3) of
11 this subsection (a) unless he or she participates in and
12 completes a substance abuse treatment program. The
13 Director may waive the requirement to participate in or
14 complete a substance abuse treatment program and award the
15 good conduct credit in specific instances if the prisoner
16 is not a good candidate for a substance abuse treatment
17 program for medical, programming, or operational reasons.
18 Availability of substance abuse treatment shall be subject
19 to the limits of fiscal resources appropriated by the
20 General Assembly for these purposes. If treatment is not
21 available and the requirement to participate and complete
22 the treatment has not been waived by the Director, the
23 prisoner shall be placed on a waiting list under criteria
24 established by the Department. The Director may allow a
25 prisoner placed on a waiting list to participate in and
26 complete a substance abuse education class or attend

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

7 (4.6) The rules and regulations on early release shall
8 also provide that a prisoner who has been convicted of a
9 sex offense as defined in Section 2 of the Sex Offender
10 Registration Act shall receive no good conduct credit
11 unless he or she either has successfully completed or is
12 participating in sex offender treatment as defined by the
13 Sex Offender Management Board. However, prisoners who are
14 waiting to receive such treatment, but who are unable to do
15 so due solely to the lack of resources on the part of the
16 Department, may, at the Director's sole discretion, be
17 awarded good conduct credit at such rate as the Director
18 shall determine.

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

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

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

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

25 When the Department seeks to revoke, suspend or reduce the
26 rate of accumulation of any good conduct credits for an alleged

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

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

25 Nothing contained in this Section shall prohibit the
26 Prisoner Review Board from ordering, pursuant to Section

1 3-3-9(a) (3) (i) (B), that a prisoner serve up to one year of the
2 sentence imposed by the court that was not served due to the
3 accumulation of good conduct credit.

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

18 For purposes of this subsection (d):

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

23 (A) it lacks an arguable basis either in law or in
24 fact;

25 (B) it is being presented for any improper purpose,
26 such as to harass or to cause unnecessary delay or

1 needless increase in the cost of litigation;

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

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

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

16 (2) "Lawsuit" means a motion pursuant to Section 116-3
17 of the Code of Criminal Procedure of 1963, a habeas corpus
18 action under Article X of the Code of Civil Procedure or
19 under federal law (28 U.S.C. 2254), a petition for claim
20 under the Court of Claims Act, an action under the federal
21 Civil Rights Act (42 U.S.C. 1983), or a second or
22 subsequent petition for post-conviction relief under
23 Article 122 of the Code of Criminal Procedure of 1963
24 whether filed with or without leave of court or a second or
25 subsequent petition for relief from judgment under Section
26 2-1401 of the Code of Civil Procedure.

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

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

11 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
12 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
13 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
14 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
15 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)".