



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3900

Introduced 12/11/2011, by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

New Act
730 ILCS 5/3-6-3

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

Creates the Fair Notice of Sentence Act. Provides that in any criminal case in which a court imposes a sentence of imprisonment of one year or more on a defendant after conviction of a felony offense, the court may at its own discretion or upon the request of any party in court complete a Fair Notice of Sentence containing specified information. Provides that the clerk of the court shall attach a copy of the notice to the mittimus or documents to be transmitted to the Illinois Department of Corrections and shall place a copy of the notice in the court file. Provides that when the Department receives a mittimus or court file information to which a notice is attached, the Department shall maintain a copy of the notice in its records including the sentenced inmate's master file and notify the State's Attorney, the court, and the parties identified in the notice of certain changes in the inmate's release date. Provides that the Illinois Department of Corrections shall update, correct, or modify the contact information of individuals to be notified as shown on the notice upon a request provided to the Department and approved by the State's Attorney of the county in which the inmate was sentenced. Amends the Unified Code of Corrections to make conforming changes.

LRB097 14611 RLC 59828 b

FISCAL NOTE ACT
MAY APPLY

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 1. Short title. This Act may be cited as the Fair
5 Notice of Sentence Act.

6 Section 5. Purpose. The purpose of this Act is to ensure
7 transparency in the sentence handed down in felony criminal
8 cases in Illinois in which a defendant is sentenced to one year
9 or more in the Illinois Department of Corrections and fair
10 notice to the parties of any sentence that is substantially
11 modified after the date of sentence and after the defendant
12 enters the Illinois Department of Corrections by any decision
13 concerning parole, mandatory supervised release,
14 administrative rule, or award of good conduct credits by the
15 Illinois Department of Corrections or the Prisoner Review
16 Board.

17 Section 10. Construction. Nothing in this Act:

18 (1) changes the calculation of the length or conditions
19 of any sentence which may be imposed by a court having
20 jurisdiction in any felony or other criminal case;

21 (2) changes the administration of the award or denial
22 of statutory good time or good conduct credits or the

1 granting or revocation of parole or mandatory supervised
2 release;

3 (3) creates any rights or expectations by any defendant
4 or any party in any criminal case in the length or
5 conditions of sentence handed down by a court after a trial
6 or upon a plea being entered in any criminal case;

7 (4) changes or affects the administration of Supreme
8 Court Rule 402 or any other Court Rule governing pleas of
9 guilty and admonishments given to the defendant relative to
10 the entry of any plea including a plea of guilty in any
11 criminal proceeding; or

12 (5) affects any case in which a defendant is not
13 sentenced to one year or more in the Illinois Department of
14 Corrections or in which the defendant is not admitted to
15 the Illinois Department of Corrections following sentence.

16 Section 15. Fair Notice of Sentence. In any criminal case
17 in which a court imposes a sentence of imprisonment of one year
18 of more on a defendant after conviction of a felony offense
19 pursuant to Article 4.5 of Chapter V or Section 5-8-1 of the
20 Unified Code of Corrections, the court may at its own
21 discretion or upon the request of any party in court complete a
22 Fair Notice of Sentence. The Fair Notice of Sentence shall
23 include the following information:

24 (1) the name under which the defendant was convicted
25 and sentenced;

- 1 (2) the criminal case number;
- 2 (3) the date of sentence;
- 3 (4) the court in which the defendant was sentenced;
- 4 (5) the offense of which the defendant was convicted
5 and sentenced;
- 6 (6) a statement of the length of the prison sentence
7 imposed upon the defendant;
- 8 (7) the date, month, and year which the court, State's
9 Attorney, and defense attorney expect or anticipate being
10 the earliest date at which the defendant is entitled to
11 release from the Illinois Department of Corrections. In
12 determining this date, consideration shall be given to the
13 length of sentence, to the amount of time served in
14 pre-trial custody, if any, and to the amount of statutory
15 good time and the maximum amount of good conduct credits
16 that may be awarded to the defendant pursuant to clause
17 (a) (3) of Section 3-6-3 of the Unified Code of Corrections;
18 but no consideration need be given to the amount by which
19 good time credits could be increased by reason of the
20 defendant's participation in programs pursuant to clauses
21 (a) (4) or (a) (4.1) of Section 3-6-3 of the Unified Code of
22 Corrections;
- 23 (8) the names and contact information of the State's
24 Attorney, State or local law enforcement officer, and up to
25 4 other persons who are victims, witnesses, or otherwise
26 directly involved in this case not to include news media

1 who have communicated to the court or to the State's
2 Attorney desire and consent to be notified in the event
3 that the defendant will be released substantially in
4 advance of the expected or anticipated date reported on the
5 Fair Notice of Sentence form as the result of any decision
6 concerning parole or mandatory supervised release,
7 administrative rule, or award of good conduct credits by
8 the Illinois Department of Corrections or the Prisoner
9 Review Board;

10 (9) a statement that information contained in the Fair
11 Notice of Sentence is provided for administrative purposes
12 only and that information contained in the Fair Notice of
13 Sentence creates no right or expectation on the part of the
14 defendant as to the length of imprisonment which will
15 result from the sentence imposed by the court.

16 The Illinois Department of Corrections shall prepare a
17 standard Fair Notice of Sentence form containing the
18 information set forth in clauses (1) through (9) and shall make
19 the standard Fair Notice of Sentence available to the clerk of
20 the court and the State's Attorney in each county.

21 Section 20. Transmittal to the Illinois Department of
22 Corrections. The clerk of the court shall attach a copy of the
23 Fair Notice of Sentence to the mittimus or documents to be
24 transmitted to the Illinois Department of Corrections and shall
25 place a copy of the Fair Notice of Sentence in the court file.

1 The copy of the Fair Notice of Sentence placed in the court
2 file shall not contain the names or contact information of
3 persons who are victims, witnesses, or otherwise directly
4 involved in the case.

5 Section 25. Duties of the Illinois Department of
6 Corrections. For each inmate for whom the Illinois Department
7 of Corrections receives a mittimus or court file information to
8 which a Fair Notice of Sentence is attached, the Department
9 shall:

10 (1) maintain a copy of the Fair Notice of Sentence in
11 the Department's records including the sentenced inmate's
12 master file;

13 (2) notify the State's Attorney, Court and parties
14 identified on the Fair Notice of Sentence if the release
15 date as determined by the Illinois Department of
16 Corrections for the inmate falls substantially before the
17 expected or anticipated earliest release date shown on the
18 Fair Notice of Sentence. For the purposes of this Act,
19 "substantially before" shall be 24 days or more for any
20 inmate sentenced to less than 2 years and one day or more
21 for each calendar month of any sentence to the Department
22 of Corrections of 2 years or more; and

23 (3) notify the State's Attorney, clerk of the court in
24 which the inmate was sentenced, and parties identified on
25 the Fair Notice of Sentence of the new release date and the

1 reason for the change if at any time and for any reason the
2 Illinois Department of Corrections or the Prisoner Review
3 Board modifies the release date with the result that the
4 inmate's date of release falls substantially before the
5 expected or anticipated earliest date shown on the Fair
6 Notice of Sentence.

7 Section 30. Contact information for individuals to be
8 notified. The Illinois Department of Corrections shall update,
9 correct, or modify the contact information of individuals to be
10 notified as shown on the Fair Notice of Sentence upon a request
11 provided to the Department and approved by the State's Attorney
12 in the county in which the inmate was sentenced.

13 Section 90. 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

1 June 19, 1998 or with respect to the offense listed in
2 clause (iv) of this paragraph (2) committed on or after
3 June 23, 2005 (the effective date of Public Act 94-71) or
4 with respect to offense listed in clause (vi) committed on
5 or after June 1, 2008 (the effective date of Public Act
6 95-625) or with respect to the offense of being an armed
7 habitual criminal committed on or after August 2, 2005 (the
8 effective date of Public Act 94-398) or with respect to the
9 offenses listed in clause (v) of this paragraph (2)
10 committed on or after August 13, 2007 (the effective date
11 of Public Act 95-134) or with respect to the offense of
12 aggravated domestic battery committed on or after July 23,
13 2010 (the effective date of Public Act 96-1224), the
14 following:

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

19 (ii) that a prisoner serving a sentence for attempt
20 to commit first degree murder, solicitation of murder,
21 solicitation of murder for hire, intentional homicide
22 of an unborn child, predatory criminal sexual assault
23 of a child, aggravated criminal sexual assault,
24 criminal sexual assault, aggravated kidnapping,
25 aggravated battery with a firearm as described in
26 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),

1 or (e)(4) of Section 12-3.05, heinous battery as
2 described in Section 12-4.1 or subdivision (a)(2) of
3 Section 12-3.05, being an armed habitual criminal,
4 aggravated battery of a senior citizen as described in
5 Section 12-4.6 or subdivision (a)(4) of Section
6 12-3.05, or aggravated battery of a child as described
7 in Section 12-4.3 or subdivision (b)(1) of Section
8 12-3.05 shall receive no more than 4.5 days of good
9 conduct credit for each month of his or her sentence of
10 imprisonment;

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

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

1 month of his or her sentence of imprisonment;

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

24 (vi) that a prisoner serving a sentence for a
25 second or subsequent offense of luring a minor shall
26 receive no more than 4.5 days of good conduct credit

1 for each month of his or her sentence of imprisonment;

2 and

3 (vii) that a prisoner serving a sentence for
4 aggravated domestic battery shall receive no more than
5 4.5 days of good conduct credit for each month of his
6 or her sentence of imprisonment.

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

1 after January 1, 2011 (the effective date of Public Act
2 96-1230), the rules and regulations shall provide that a
3 prisoner who is serving a term of imprisonment shall
4 receive one day of good conduct credit for each day of his
5 or her sentence of imprisonment or recommitment under
6 Section 3-3-9. Each day of good conduct credit shall reduce
7 by one day the prisoner's period of imprisonment or
8 recommitment under Section 3-3-9.

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

12 (2.3) 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 (F) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code, shall receive no more than 4.5 days
19 of good conduct credit for each month of his or her
20 sentence of imprisonment.

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

1 used for silencing the report of a firearm, committed on or
2 after July 15, 1999 (the effective date of Public Act
3 91-121), that a prisoner serving a sentence for any of
4 these offenses 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 (2.5) The rules and regulations on early release shall
8 provide that a prisoner who is serving a sentence for
9 aggravated arson committed on or after July 27, 2001 (the
10 effective date of Public Act 92-176) shall receive no more
11 than 4.5 days of good conduct credit for each month of his
12 or her sentence of imprisonment.

13 (2.6) The rules and regulations on early release shall
14 provide that a prisoner who is serving a sentence for
15 aggravated driving under the influence of alcohol, other
16 drug or drugs, or intoxicating compound or compounds or any
17 combination thereof as defined in subparagraph (C) of
18 paragraph (1) of subsection (d) of Section 11-501 of the
19 Illinois Vehicle Code committed on or after January 1, 2011
20 (the effective date of Public Act 96-1230) shall receive no
21 more than 4.5 days of good conduct credit for each month of
22 his 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 battery
15 as described in Section 12-4.1 or subdivision (a)(2) of
16 Section 12-3.05, aggravated battery of a spouse,
17 aggravated battery of a spouse with a firearm, stalking,
18 aggravated stalking, aggravated battery of a child as
19 described in Section 12-4.3 or subdivision (b)(1) of
20 Section 12-3.05, endangering the life or health of a child,
21 or cruelty to a child. Notwithstanding the foregoing, good
22 conduct credit for meritorious service shall not be awarded
23 on a sentence of imprisonment imposed for conviction of:
24 (i) one of the offenses enumerated in subdivision
25 (a)(2)(i), (ii), or (iii) when the offense is committed on
26 or after June 19, 1998 or subdivision (a)(2)(iv) when the

1 offense is committed on or after June 23, 2005 (the
2 effective date of Public Act 94-71) or subdivision
3 (a)(2)(v) when the offense is committed on or after August
4 13, 2007 (the effective date of Public Act 95-134) or
5 subdivision (a)(2)(vi) when the offense is committed on or
6 after June 1, 2008 (the effective date of Public Act
7 95-625) or subdivision (a)(2)(vii) when the offense is
8 committed on or after July 23, 2010 (the effective date of
9 Public Act 96-1224), (ii) aggravated driving under the
10 influence of alcohol, other drug or drugs, or intoxicating
11 compound or compounds, or any combination thereof as
12 defined in subparagraph (F) of paragraph (1) of subsection
13 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
14 one of the offenses enumerated in subdivision (a)(2.4) when
15 the offense is committed on or after July 15, 1999 (the
16 effective date of Public Act 91-121), (iv) aggravated arson
17 when the offense is committed on or after July 27, 2001
18 (the effective date of Public Act 92-176), (v) offenses
19 that may subject the offender to commitment under the
20 Sexually Violent Persons Commitment Act, or (vi)
21 aggravated driving under the influence of alcohol, other
22 drug or drugs, or intoxicating compound or compounds or any
23 combination thereof as defined in subparagraph (C) of
24 paragraph (1) of subsection (d) of Section 11-501 of the
25 Illinois Vehicle Code committed on or after January 1, 2011
26 (the effective date of Public Act 96-1230).

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), or if convicted of aggravated driving under the
18 influence of alcohol, other drug or drugs, or intoxicating
19 compound or compounds or any combination thereof as defined
20 in subparagraph (F) of paragraph (1) of subsection (d) of
21 Section 11-501 of the Illinois Vehicle Code, or if
22 convicted of aggravated driving under the influence of
23 alcohol, other drug or drugs, or intoxicating compound or
24 compounds or any combination thereof as defined in
25 subparagraph (C) of paragraph (1) of subsection (d) of
26 Section 11-501 of the Illinois Vehicle Code committed on or

1 after January 1, 2011 (the effective date of Public Act
2 96-1230), or if convicted of an offense enumerated in
3 paragraph (a) (2.4) of this Section that is committed on or
4 after July 15, 1999 (the effective date of Public Act
5 91-121), or first degree murder, a Class X felony, criminal
6 sexual assault, felony criminal sexual abuse, aggravated
7 criminal sexual abuse, aggravated battery with a firearm as
8 described in Section 12-4.2 or subdivision (e) (1), (e) (2),
9 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or
10 successor offenses with the same or substantially the same
11 elements, or any inchoate offenses relating to the
12 foregoing offenses. No inmate shall be eligible for the
13 additional good conduct credit under this paragraph (4) who
14 (i) has previously received increased good conduct credit
15 under this paragraph (4) and has subsequently been
16 convicted of a felony, or (ii) has previously served more
17 than one prior sentence of imprisonment for a felony in an
18 adult correctional facility.

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

1 recidivism rate among program participants.

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

14 (4.1) The rules and regulations shall also provide that
15 an additional 60 days of good conduct credit shall be
16 awarded to any prisoner who passes the high school level
17 Test of General Educational Development (GED) while the
18 prisoner is incarcerated. The good conduct credit awarded
19 under this paragraph (4.1) shall be in addition to, and
20 shall not affect, the award of good conduct under any other
21 paragraph of this Section, but shall also be pursuant to
22 the guidelines and restrictions set forth in paragraph (4)
23 of subsection (a) of this Section. The good conduct credit
24 provided for in this paragraph shall be available only to
25 those prisoners who have not previously earned a high
26 school diploma or a GED. If, after an award of the GED good

1 conduct credit has been made and the Department determines
2 that the prisoner was not eligible, then the award shall be
3 revoked.

4 (4.5) The rules and regulations on early release shall
5 also provide that when the court's sentencing order
6 recommends a prisoner for substance abuse treatment and the
7 crime was committed on or after September 1, 2003 (the
8 effective date of Public Act 93-354), the prisoner shall
9 receive no good conduct credit awarded under clause (3) of
10 this subsection (a) unless he or she participates in and
11 completes a substance abuse treatment program. The
12 Director may waive the requirement to participate in or
13 complete a substance abuse treatment program and award the
14 good conduct credit in specific instances if the prisoner
15 is not a good candidate for a substance abuse treatment
16 program for medical, programming, or operational reasons.
17 Availability of substance abuse treatment shall be subject
18 to the limits of fiscal resources appropriated by the
19 General Assembly for these purposes. If treatment is not
20 available and the requirement to participate and complete
21 the treatment has not been waived by the Director, the
22 prisoner shall be placed on a waiting list under criteria
23 established by the Department. The Director may allow a
24 prisoner placed on a waiting list to participate in and
25 complete a substance abuse education class or attend
26 substance abuse self-help meetings in lieu of a substance

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

6 (4.6) The rules and regulations on early release shall
7 also provide that a prisoner who has been convicted of a
8 sex offense as defined in Section 2 of the Sex Offender
9 Registration Act shall receive no good conduct credit
10 unless he or she either has successfully completed or is
11 participating in sex offender treatment as defined by the
12 Sex Offender Management Board. However, prisoners who are
13 waiting to receive such treatment, but who are unable to do
14 so due solely to the lack of resources on the part of the
15 Department, may, at the Director's sole discretion, be
16 awarded good conduct credit at such rate as the Director
17 shall determine.

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

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

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

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

24 When the Department seeks to revoke, suspend or reduce the
25 rate of accumulation of any good conduct credits for an alleged
26 infraction of its rules, it shall bring charges therefor

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

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

24 Nothing contained in this Section shall prohibit the
25 Prisoner Review Board from ordering, pursuant to Section
26 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the

1 sentence imposed by the court that was not served due to the
2 accumulation of good conduct credit.

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

17 For purposes of this subsection (d):

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

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

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

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

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

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

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

26 (e) Nothing in Public Act 90-592 or 90-593 affects the

1 validity of Public Act 89-404.

2 (f) Whenever the Department is to release any inmate who
3 has been convicted of a violation of an order of protection
4 under Section 12-3.4 or 12-30 of the Criminal Code of 1961,
5 earlier than it otherwise would because of a grant of good
6 conduct credit, the Department, as a condition of such early
7 release, shall require that the person, upon release, be placed
8 under electronic surveillance as provided in Section 5-8A-7 of
9 this Code.

10 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
11 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
12 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
13 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
14 eff. 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11;
15 97-333, eff. 8-12-11.)