

1 AN ACT in relation to criminal law.

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

4 Section 5. The Unified Code of Corrections is amended
5 by changing Sections 3-6-3 and 5-4-1 as follows:

6 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
7 Sec. 3-6-3. Rules and Regulations for Early Release.

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

13 (2) The rules and regulations on early release
14 shall provide, with respect to offenses committed on or
15 after June 19, 1998, the following:

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

20 (ii) that a prisoner serving a sentence for
21 attempt to commit first degree murder, solicitation
22 of murder, solicitation of murder for hire,
23 intentional homicide of an unborn child, predatory
24 criminal sexual assault of a child, aggravated
25 criminal sexual assault, criminal sexual assault,
26 aggravated kidnapping, aggravated battery with a
27 firearm, heinous battery, aggravated battery of a
28 senior citizen, or aggravated battery of a child
29 shall receive no more than 4.5 days of good conduct
30 credit for each month of his or her sentence of
31 imprisonment; and

1 (iii) that a prisoner serving a sentence for
2 home invasion, armed robbery, aggravated vehicular
3 hijacking, aggravated discharge of a firearm, or
4 armed violence with a category I weapon or category
5 II weapon, when the court has made and entered a
6 finding, pursuant to subsection (c-1) of Section
7 5-4-1 of this Code, that the conduct leading to
8 conviction for the enumerated offense resulted in
9 great bodily harm to a victim, shall receive no more
10 than 4.5 days of good conduct credit for each month
11 of his or her sentence of imprisonment.

12 (2.1) For all offenses, other than those enumerated
13 in subdivision (a)(2) committed on or after June 19,
14 1998, and other than the offense of reckless homicide as
15 defined in subsection (e) of Section 9-3 of the Criminal
16 Code of 1961 committed on or after January 1, 1999, the
17 rules and regulations shall provide that a prisoner who
18 is serving a term of imprisonment shall receive one day
19 of good conduct credit for each day of his or her
20 sentence of imprisonment or recommitment under Section
21 3-3-9. Each day of good conduct credit shall reduce by
22 one day the prisoner's period of imprisonment or
23 recommitment under Section 3-3-9.

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

27 (2.3) The rules and regulations on early release
28 shall provide that a prisoner who is serving a sentence
29 for reckless homicide as defined in subsection (e) of
30 Section 9-3 of the Criminal Code of 1961 committed on or
31 after January 1, 1999 shall receive no more than 4.5 days
32 of good conduct credit for each month of his or her
33 sentence of imprisonment.

34 (2.4) The rules and regulations on early release

1 shall provide with respect to the offenses of aggravated
2 battery with a machine gun or a firearm equipped with any
3 device or attachment designed or used for silencing the
4 report of a firearm or aggravated discharge of a machine
5 gun or a firearm equipped with any device or attachment
6 designed or used for silencing the report of a firearm,
7 committed on or after the effective date of this
8 amendatory Act of 1999, that a prisoner serving a
9 sentence for any of these offenses shall receive no more
10 than 4.5 days of good conduct credit for each month of
11 his or her sentence of imprisonment.

12 (2.5) The rules and regulations on early release
13 shall provide that a prisoner who is serving a sentence
14 for aggravated arson committed on or after the effective
15 date of this amendatory Act of the 92nd General Assembly
16 shall receive no more than 4.5 days of good conduct
17 credit for each month of his or her sentence of
18 imprisonment.

19 (3) The rules and regulations shall also provide
20 that the Director may award up to 180 days additional
21 good conduct credit for meritorious service in specific
22 instances as the Director deems proper; except that no
23 more than 90 days of good conduct credit for meritorious
24 service shall be awarded to any prisoner who is serving a
25 sentence for conviction of first degree murder, reckless
26 homicide while under the influence of alcohol or any
27 other drug, aggravated kidnapping, kidnapping, predatory
28 criminal sexual assault of a child, aggravated criminal
29 sexual assault, criminal sexual assault, deviate sexual
30 assault, aggravated criminal sexual abuse, aggravated
31 indecent liberties with a child, indecent liberties with
32 a child, child pornography, heinous battery, aggravated
33 battery of a spouse, aggravated battery of a spouse with
34 a firearm, stalking, aggravated stalking, aggravated

1 battery of a child, endangering the life or health of a
2 child, cruelty to a child, or narcotic racketeering.
3 Notwithstanding the foregoing, good conduct credit for
4 meritorious service shall not be awarded on a sentence of
5 imprisonment imposed for conviction of: (i) one of the
6 offenses enumerated in subdivision (a)(2) when the
7 offense is committed on or after June 19, 1998, (ii)
8 reckless homicide as defined in subsection (e) of Section
9 9-3 of the Criminal Code of 1961 when the offense is
10 committed on or after January 1, 1999, (iii) one of the
11 offenses enumerated in subdivision (a)(2.4) when the
12 offense is committed on or after the effective date of
13 this amendatory Act of 1999, or (iv) aggravated arson
14 when the offense is committed on or after the effective
15 date of this amendatory Act of the 92nd General Assembly.

16 (4) The rules and regulations shall also provide
17 that the good conduct credit accumulated and retained
18 under paragraph (2.1) of subsection (a) of this Section
19 by any inmate during specific periods of time in which
20 such inmate is engaged full-time in substance abuse
21 programs, correctional industry assignments, or
22 educational programs provided by the Department under
23 this paragraph (4) and satisfactorily completes the
24 assigned program as determined by the standards of the
25 Department, shall be multiplied by a factor of 1.25 for
26 program participation before August 11, 1993 and 1.50 for
27 program participation on or after that date. However, no
28 inmate shall be eligible for the additional good conduct
29 credit under this paragraph (4) while assigned to a boot
30 camp, mental health unit, or electronic detention, or if
31 convicted of an offense enumerated in paragraph (a)(2) of
32 this Section that is committed on or after June 19, 1998,
33 or if convicted of reckless homicide as defined in
34 subsection (e) of Section 9-3 of the Criminal Code of

1 1961 if the offense is committed on or after January 1,
2 1999, or if convicted of an offense enumerated in
3 paragraph (a)(2.4) of this Section that is committed on
4 or after the effective date of this amendatory Act of
5 1999, 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,
8 or any predecessor or successor offenses with the same or
9 substantially the same elements, or any inchoate offenses
10 relating to the foregoing offenses. No inmate shall be
11 eligible for the additional good conduct credit under
12 this paragraph (4) who (i) has previously received
13 increased good conduct credit under this paragraph (4)
14 and has subsequently been convicted of a felony, or (ii)
15 has previously served more than one prior sentence of
16 imprisonment for a felony in an adult correctional
17 facility.

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

27 Availability of these programs shall be subject to
28 the limits of fiscal resources appropriated by the
29 General Assembly for these purposes. Eligible inmates
30 who are denied immediate admission shall be placed on a
31 waiting list under criteria established by the
32 Department. The inability of any inmate to become engaged
33 in any such programs by reason of insufficient program
34 resources or for any other reason established under the

1 rules and regulations of the Department shall not be
2 deemed a cause of action under which the Department or
3 any employee or agent of the Department shall be liable
4 for damages to the inmate.

5 (4.5) The rules and regulations on early release
6 shall also provide that a prisoner who is serving a
7 sentence for a crime committed as a result of the use of,
8 abuse of, or addiction to alcohol or a controlled
9 substance and the crime was committed on or after the
10 effective date of this Amendatory Act of the 92nd General
11 Assembly shall receive no good conduct credit until he or
12 she participates in and completes a substance abuse
13 treatment program. Good conduct credit awarded under
14 clauses (2), (3), and (4) of this subsection (a) for
15 crimes committed on or after the effective date of this
16 amendatory Act of the 92nd General Assembly is subject to
17 the provisions of this clause (4.5). If the prisoner
18 completes a substance abuse treatment program, the
19 Department may award good conduct credit for the time
20 spent in treatment. Availability of substance abuse
21 treatment shall be subject to the limits of fiscal
22 resources appropriated by the General Assembly for these
23 purposes. If treatment is not available, the prisoner
24 shall be placed on a waiting list under criteria
25 established by the Department. The Department may require
26 a prisoner placed on a waiting list to attend a substance
27 abuse education class or attend substance abuse self-help
28 meetings. A prisoner may not lose good conduct credit as
29 a result of being placed on a waiting list. A prisoner
30 placed on a waiting list remains eligible for increased
31 good conduct credit for participation in an educational,
32 vocational, or correctional industry program under clause
33 (4) of subsection (a) of this Section.

34 (5) Whenever the Department is to release any

1 inmate earlier than it otherwise would because of a grant
2 of good conduct credit for meritorious service given at
3 any time during the term, the Department shall give
4 reasonable advance notice of the impending release to the
5 State's Attorney of the county where the prosecution of
6 the inmate took place.

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

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

18 When the Department seeks to revoke, suspend or reduce
19 the rate of accumulation of any good conduct credits for an
20 alleged infraction of its rules, it shall bring charges
21 therefor against the prisoner sought to be so deprived of
22 good conduct credits before the Prisoner Review Board as
23 provided in subparagraph (a)(4) of Section 3-3-2 of this
24 Code, if the amount of credit at issue exceeds 30 days or
25 when during any 12 month period, the cumulative amount of
26 credit revoked exceeds 30 days except where the infraction is
27 committed or discovered within 60 days of scheduled release.
28 In those cases, the Department of Corrections may revoke up
29 to 30 days of good conduct credit. The Board may subsequently
30 approve the revocation of additional good conduct credit, if
31 the Department seeks to revoke good conduct credit in excess
32 of 30 days. However, the Board shall not be empowered to
33 review the Department's decision with respect to the loss of
34 30 days of good conduct credit within any calendar year for

1 any prisoner or to increase any penalty beyond the length
2 requested by the Department.

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

10 Nothing contained in this Section shall prohibit the
11 Prisoner Review Board from ordering, pursuant to Section
12 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of
13 the sentence imposed by the court that was not served due to
14 the accumulation of good conduct credit.

15 (d) If a lawsuit is filed by a prisoner in an Illinois
16 or federal court against the State, the Department of
17 Corrections, or the Prisoner Review Board, or against any of
18 their officers or employees, and the court makes a specific
19 finding that a pleading, motion, or other paper filed by the
20 prisoner is frivolous, the Department of Corrections shall
21 conduct a hearing to revoke up to 180 days of good conduct
22 credit by bringing charges against the prisoner sought to be
23 deprived of the good conduct credits before the Prisoner
24 Review Board as provided in subparagraph (a)(8) of Section
25 3-3-2 of this Code. If the prisoner has not accumulated 180
26 days of good conduct credit at the time of the finding, then
27 the Prisoner Review Board may revoke all good conduct credit
28 accumulated by the prisoner.

29 For purposes of this subsection (d):

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

34 (A) it lacks an arguable basis either in law

1 or in fact;

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

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

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

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

20 (2) "Lawsuit" means a petition for post-conviction
21 relief under Article 122 of the Code of Criminal
22 Procedure of 1963, a motion pursuant to Section 116-3 of
23 the Code of Criminal Procedure of 1963, a habeas corpus
24 action under Article X of the Code of Civil Procedure or
25 under federal law (28 U.S.C. 2254), a petition for claim
26 under the Court of Claims Act or an action under the
27 federal Civil Rights Act (42 U.S.C. 1983).

28 (e) Nothing in this amendatory Act of 1998 affects the
29 validity of Public Act 89-404.

30 (Source: P.A. 91-121, eff. 7-15-99; 91-357, eff. 7-29-99;
31 92-176, eff. 7-27-01.)

32 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

33 Sec. 5-4-1. Sentencing Hearing.

1 (a) Except when the death penalty is sought under
2 hearing procedures otherwise specified, after a determination
3 of guilt, a hearing shall be held to impose the sentence.
4 However, prior to the imposition of sentence on an individual
5 being sentenced for an offense based upon a charge for a
6 violation of Section 11-501 of the Illinois Vehicle Code or a
7 similar provision of a local ordinance, the individual must
8 undergo a professional evaluation to determine if an alcohol
9 or other drug abuse problem exists and the extent of such a
10 problem. Programs conducting these evaluations shall be
11 licensed by the Department of Human Services. However, if
12 the individual is not a resident of Illinois, the court may,
13 in its discretion, accept an evaluation from a program in the
14 state of such individual's residence. The court may in its
15 sentencing order approve an eligible defendant for placement
16 in a Department of Corrections impact incarceration program
17 as provided in Section 5-8-1.1. At the hearing the court
18 shall:

19 (1) consider the evidence, if any, received upon
20 the trial;

21 (2) consider any presentence reports;

22 (3) consider the financial impact of incarceration
23 based on the financial impact statement filed with the
24 clerk of the court by the Department of Corrections;

25 (4) consider evidence and information offered by
26 the parties in aggravation and mitigation;

27 (5) hear arguments as to sentencing alternatives;

28 (6) afford the defendant the opportunity to make a
29 statement in his own behalf;

30 (7) afford the victim of a violent crime or a
31 violation of Section 11-501 of the Illinois Vehicle Code,
32 or a similar provision of a local ordinance, or a
33 qualified individual affected by a violation of Section
34 405, 405.1, 405.2, or 407 of the Illinois Controlled

1 Substances Act, committed by the defendant the
2 opportunity to make a statement concerning the impact on
3 the victim and to offer evidence in aggravation or
4 mitigation; provided that the statement and evidence
5 offered in aggravation or mitigation must first be
6 prepared in writing in conjunction with the State's
7 Attorney before it may be presented orally at the
8 hearing. Any sworn testimony offered by the victim is
9 subject to the defendant's right to cross-examine. All
10 statements and evidence offered under this paragraph (7)
11 shall become part of the record of the court. For the
12 purpose of this paragraph (7), "qualified individual"
13 means any person who (i) lived or worked within the
14 territorial jurisdiction where the offense took place
15 when the offense took place; and (ii) is familiar with
16 various public places within the territorial jurisdiction
17 where the offense took place when the offense took place.
18 For the purposes of this paragraph (7), "qualified
19 individual" includes any peace officer, or any member of
20 any duly organized State, county, or municipal peace unit
21 assigned to the territorial jurisdiction where the
22 offense took place when the offense took place; and
23 (8) in cases of reckless homicide afford the
24 victim's spouse, guardians, parents or other immediate
25 family members an opportunity to make oral statements.
26 (b) All sentences shall be imposed by the judge based
27 upon his independent assessment of the elements specified
28 above and any agreement as to sentence reached by the
29 parties. The judge who presided at the trial or the judge
30 who accepted the plea of guilty shall impose the sentence
31 unless he is no longer sitting as a judge in that court.
32 Where the judge does not impose sentence at the same time on
33 all defendants who are convicted as a result of being
34 involved in the same offense, the defendant or the State's

1 Attorney may advise the sentencing court of the disposition
2 of any other defendants who have been sentenced.

3 (c) In imposing a sentence for a violent crime or for an
4 offense of operating or being in physical control of a
5 vehicle while under the influence of alcohol, any other drug
6 or any combination thereof, or a similar provision of a local
7 ordinance, when such offense resulted in the personal injury
8 to someone other than the defendant, the trial judge shall
9 specify on the record the particular evidence, information,
10 factors in mitigation and aggravation or other reasons that
11 led to his sentencing determination. The full verbatim record
12 of the sentencing hearing shall be filed with the clerk of
13 the court and shall be a public record.

14 (c-1) In imposing a sentence for the offense of
15 aggravated kidnapping for ransom, home invasion, armed
16 robbery, aggravated vehicular hijacking, aggravated discharge
17 of a firearm, or armed violence with a category I weapon or
18 category II weapon, the trial judge shall make a finding as
19 to whether the conduct leading to conviction for the offense
20 resulted in great bodily harm to a victim, and shall enter
21 that finding and the basis for that finding in the record.

22 (c-2) If the defendant is sentenced to prison, other
23 than when a sentence of natural life imprisonment or a
24 sentence of death is imposed, at the time the sentence is
25 imposed the judge shall state on the record in open court the
26 approximate period of time the defendant will serve in
27 custody according to the then current statutory rules and
28 regulations for early release found in Section 3-6-3 and
29 other related provisions of this Code. This statement is
30 intended solely to inform the public, has no legal effect on
31 the defendant's actual release, and may not be relied on by
32 the defendant on appeal.

33 The judge's statement, to be given after pronouncing the
34 sentence, other than when the sentence is imposed for one of

1 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
2 shall include the following:

3 "The purpose of this statement is to inform the public of
4 the actual period of time this defendant is likely to spend
5 in prison as a result of this sentence. The actual period of
6 prison time served is determined by the statutes of Illinois
7 as applied to this sentence by the Illinois Department of
8 Corrections and the Illinois Prisoner Review Board. In this
9 case, assuming the defendant receives all of his or her good
10 conduct credit, the period of estimated actual custody is ...
11 years and ... months, less up to 180 days additional good
12 conduct credit for meritorious service. If the defendant,
13 because of his or her own misconduct or failure to comply
14 with the institutional regulations, does not receive those
15 credits, the actual time served in prison will be longer.
16 The defendant may also receive an additional one-half day
17 good conduct credit for each day of participation in
18 vocational, industry, substance abuse, and educational
19 programs as provided for by Illinois statute."

20 When the sentence is imposed for one of the offenses
21 enumerated in paragraph (a)(3) of Section 3-6-3, other than
22 when the sentence is imposed for one of the offenses
23 enumerated in paragraph (a)(2) of Section 3-6-3 committed on
24 or after June 19, 1998, and other than when the sentence is
25 imposed for reckless homicide as defined in subsection (e) of
26 Section 9-3 of the Criminal Code of 1961 if the offense was
27 committed on or after January 1, 1999, and other than when
28 the sentence is imposed for aggravated arson if the offense
29 was committed on or after the effective date of this
30 amendatory Act of the 92nd General Assembly, the judge's
31 statement, to be given after pronouncing the sentence, shall
32 include the following:

33 "The purpose of this statement is to inform the public of
34 the actual period of time this defendant is likely to spend

1 in prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois
3 as applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, assuming the defendant receives all of his or her good
6 conduct credit, the period of estimated actual custody is ...
7 years and ... months, less up to 90 days additional good
8 conduct credit for meritorious service. If the defendant,
9 because of his or her own misconduct or failure to comply
10 with the institutional regulations, does not receive those
11 credits, the actual time served in prison will be longer.
12 The defendant may also receive an additional one-half day
13 good conduct credit for each day of participation in
14 vocational, industry, substance abuse, and educational
15 programs as provided for by Illinois statute."

16 When the sentence is imposed for one of the offenses
17 enumerated in paragraph (a)(2) of Section 3-6-3, other than
18 first degree murder, and the offense was committed on or
19 after June 19, 1998, and when the sentence is imposed for
20 reckless homicide as defined in subsection (e) of Section 9-3
21 of the Criminal Code of 1961 if the offense was committed on
22 or after January 1, 1999, and when the sentence is imposed
23 for aggravated arson if the offense was committed on or after
24 the effective date of this amendatory Act of the 92nd General
25 Assembly, the judge's statement, to be given after
26 pronouncing the sentence, shall include the following:

27 "The purpose of this statement is to inform the public of
28 the actual period of time this defendant is likely to spend
29 in prison as a result of this sentence. The actual period of
30 prison time served is determined by the statutes of Illinois
31 as applied to this sentence by the Illinois Department of
32 Corrections and the Illinois Prisoner Review Board. In this
33 case, the defendant is entitled to no more than 4 1/2 days of
34 good conduct credit for each month of his or her sentence of

1 imprisonment. Therefore, this defendant will serve at least
2 85% of his or her sentence. Assuming the defendant receives
3 4 1/2 days credit for each month of his or her sentence, the
4 period of estimated actual custody is ... years and ...
5 months. If the defendant, because of his or her own
6 misconduct or failure to comply with the institutional
7 regulations receives lesser credit, the actual time served in
8 prison will be longer."

9 When a sentence of imprisonment is imposed for first
10 degree murder and the offense was committed on or after June
11 19, 1998, the judge's statement, to be given after
12 pronouncing the sentence, shall include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend
15 in prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois
17 as applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, the defendant is not entitled to good conduct credit.
20 Therefore, this defendant will serve 100% of his or her
21 sentence."

22 When the sentence is imposed for any offense that results
23 in incarceration in a Department of Corrections facility
24 committed as a result of the use of, abuse of, or addiction
25 to alcohol or a controlled substance and the crime was
26 committed on or after the effective date of this amendatory
27 Act of the 92nd General Assembly, the judge's statement, in
28 addition to any other judge's statement required under this
29 Section, to be given after pronouncing the sentence, shall
30 include the following:

31 "The purpose of this statement is to inform the public of
32 the actual period of time this defendant is likely to spend
33 in prison as a result of this sentence. The actual period of
34 prison time served is determined by the statutes of Illinois

1 as applied to this sentence by the Illinois Department of
2 Corrections and the Illinois Prisoner Review Board. In this
3 case, the defendant shall receive no good conduct credit
4 until he or she participates in and completes a substance
5 abuse treatment program."

6 (d) When the defendant is committed to the Department of
7 Corrections, the State's Attorney shall and counsel for the
8 defendant may file a statement with the clerk of the court to
9 be transmitted to the department, agency or institution to
10 which the defendant is committed to furnish such department,
11 agency or institution with the facts and circumstances of the
12 offense for which the person was committed together with all
13 other factual information accessible to them in regard to the
14 person prior to his commitment relative to his habits,
15 associates, disposition and reputation and any other facts
16 and circumstances which may aid such department, agency or
17 institution during its custody of such person. The clerk
18 shall within 10 days after receiving any such statements
19 transmit a copy to such department, agency or institution and
20 a copy to the other party, provided, however, that this shall
21 not be cause for delay in conveying the person to the
22 department, agency or institution to which he has been
23 committed.

24 (e) The clerk of the court shall transmit to the
25 department, agency or institution, if any, to which the
26 defendant is committed, the following:

- 27 (1) the sentence imposed;
- 28 (2) any statement by the court of the basis for
29 imposing the sentence;
- 30 (3) any presentence reports;
- 31 (4) the number of days, if any, which the defendant
32 has been in custody and for which he is entitled to
33 credit against the sentence, which information shall be
34 provided to the clerk by the sheriff;

1 (4.1) any finding of great bodily harm made by the
2 court with respect to an offense enumerated in subsection
3 (c-1);

4 (5) all statements filed under subsection (d) of
5 this Section;

6 (6) any medical or mental health records or
7 summaries of the defendant;

8 (7) the municipality where the arrest of the
9 offender or the commission of the offense has occurred,
10 where such municipality has a population of more than
11 25,000 persons;

12 (8) all statements made and evidence offered under
13 paragraph (7) of subsection (a) of this Section; and

14 (9) all additional matters which the court directs
15 the clerk to transmit.

16 (Source: P.A. 91-357, eff. 7-29-99; 91-899, eff. 1-1-01;
17 92-176, eff. 7-27-01.)

18 Section 99. Effective date. This Act takes effect
19 September 1, 2002.