



Sen. Bill Brady

**Filed: 3/12/2007**

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1 AMENDMENT TO SENATE BILL 288

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 288 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by  
5 changing Sections 11-19.2, 12-13, and 12-14.1 as follows:

6 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

7 Sec. 11-19.2. Exploitation of a child.

8 (A) A person commits exploitation of a child when he or she  
9 confines a child under the age of 16 or a severely or  
10 profoundly mentally retarded person against his or her will by  
11 the infliction or threat of imminent infliction of great bodily  
12 harm, permanent disability or disfigurement or by  
13 administering to the child or severely or profoundly mentally  
14 retarded person without his or her consent or by threat or  
15 deception and for other than medical purposes, any alcoholic  
16 intoxicant or a drug as defined in the Illinois Controlled

1 Substances Act or the Cannabis Control Act or methamphetamine  
2 as defined in the Methamphetamine Control and Community  
3 Protection Act and:

4 (1) compels the child or severely or profoundly  
5 mentally retarded person to become a prostitute; or

6 (2) arranges a situation in which the child or severely  
7 or profoundly mentally retarded person may practice  
8 prostitution; or

9 (3) receives any money, property, token, object, or  
10 article or anything of value from the child or severely or  
11 profoundly mentally retarded person knowing it was  
12 obtained in whole or in part from the practice of  
13 prostitution.

14 (B) For purposes of this Section, administering drugs, as  
15 defined in subsection (A), or an alcoholic intoxicant to a  
16 child under the age of 13 or a severely or profoundly mentally  
17 retarded person shall be deemed to be without consent if such  
18 administering is done without the consent of the parents or  
19 legal guardian.

20 (C) Exploitation of a child is a Class X felony for which  
21 the person shall be sentenced to a term of imprisonment of not  
22 less than 30 years and not more than 60 years.

23 (D) Any person convicted under this Section is subject to  
24 the forfeiture provisions of Section 11-20.1A of this Act.

25 (Source: P.A. 94-556, eff. 9-11-05.)

1 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)

2 Sec. 12-13. Criminal Sexual Assault.

3 (a) The accused commits criminal sexual assault if he or  
4 she:

5 (1) commits an act of sexual penetration by the use of  
6 force or threat of force; or

7 (2) commits an act of sexual penetration and the  
8 accused knew that the victim was unable to understand the  
9 nature of the act or was unable to give knowing consent; or

10 (3) commits an act of sexual penetration with a victim  
11 who was under 18 years of age when the act was committed  
12 and the accused was a family member; or

13 (4) commits an act of sexual penetration with a victim  
14 who was at least 13 years of age but under 18 years of age  
15 when the act was committed and the accused was 17 years of  
16 age or over and held a position of trust, authority or  
17 supervision in relation to the victim.

18 (b) Sentence.

19 (1) Criminal sexual assault is a Class 1 felony.

20 (2) Except as otherwise provided in paragraph (3) of  
21 this subsection (b), a ~~A~~ person who is convicted of the  
22 offense of criminal sexual assault as defined in paragraph  
23 (a) (1) or (a) (2) after having previously been convicted of  
24 a sex offense as defined in Section 2 of the Sex Offender  
25 Registration Act ~~the offense of criminal sexual assault, or~~  
26 ~~who is convicted of the offense of criminal sexual assault~~

1 ~~as defined in paragraph (a)(1) or (a)(2) after having~~  
2 ~~previously been convicted under the laws of this State or~~  
3 ~~any other state of an offense that is substantially~~  
4 ~~equivalent to the offense of criminal sexual assault,~~  
5 commits a Class X felony for which the person shall be  
6 sentenced to a term of imprisonment of not less than 30  
7 years and not more than 60 years. The commission of the  
8 second or subsequent offense is required to have been after  
9 the initial conviction for this paragraph (2) to apply.

10 (3) A person who is convicted of the offense of  
11 criminal sexual assault as defined in paragraph (a)(1) or  
12 (a)(2) after having previously been convicted of the  
13 offense of aggravated criminal sexual assault or the  
14 offense of predatory criminal sexual assault of a child, or  
15 who is convicted of the offense of criminal sexual assault  
16 as defined in paragraph (a)(1) or (a)(2) after having  
17 previously been convicted under the laws of this State or  
18 any other state of an offense that is substantially  
19 equivalent to the offense of aggravated criminal sexual  
20 assault or the offense of criminal predatory sexual assault  
21 shall be sentenced to a term of natural life imprisonment.  
22 The commission of the second or subsequent offense is  
23 required to have been after the initial conviction for this  
24 paragraph (3) to apply.

25 (4) A second or subsequent conviction for a violation  
26 of paragraph (a)(3) or (a)(4) or under any similar statute

1 of this State or any other state for any offense involving  
2 criminal sexual assault that is substantially equivalent  
3 to or more serious than the sexual assault prohibited under  
4 paragraph (a) (3) or (a) (4) is a Class X felony.

5 (5) When a person has any such prior conviction, the  
6 information or indictment charging that person shall state  
7 such prior conviction so as to give notice of the State's  
8 intention to treat the charge as a Class X felony. The fact  
9 of such prior conviction is not an element of the offense  
10 and may not be disclosed to the jury during trial unless  
11 otherwise permitted by issues properly raised during such  
12 trial.

13 (Source: P.A. 90-396, eff. 1-1-98.)

14 (720 ILCS 5/12-14.1)

15 Sec. 12-14.1. Predatory criminal sexual assault of a child.

16 (a) The accused commits predatory criminal sexual assault  
17 of a child if:

18 (1) the accused was 17 years of age or over and commits  
19 an act of sexual penetration with a victim who was under 13  
20 years of age when the act was committed; or

21 (1.1) the accused was 17 years of age or over and,  
22 while armed with a firearm, commits an act of sexual  
23 penetration with a victim who was under 13 years of age  
24 when the act was committed; or

25 (1.2) the accused was 17 years of age or over and

1 commits an act of sexual penetration with a victim who was  
2 under 13 years of age when the act was committed and,  
3 during the commission of the offense, the accused  
4 personally discharged a firearm; or

5 (2) the accused was 17 years of age or over and commits  
6 an act of sexual penetration with a victim who was under 13  
7 years of age when the act was committed and the accused  
8 caused great bodily harm to the victim that:

9 (A) resulted in permanent disability; or

10 (B) was life threatening; or

11 (3) the accused was 17 years of age or over and commits  
12 an act of sexual penetration with a victim who was under 13  
13 years of age when the act was committed and the accused  
14 delivered (by injection, inhalation, ingestion, transfer  
15 of possession, or any other means) to the victim without  
16 his or her consent, or by threat or deception, and for  
17 other than medical purposes, any controlled substance.

18 (b) Sentence.

19 (1) A person convicted of a violation of subsection  
20 (a)(1) commits a Class X felony for which the person shall  
21 be sentenced to a term of imprisonment of not less than 30  
22 years and not more than 60 years. A person convicted of a  
23 violation of subsection (a)(1.1) commits a Class X felony  
24 for which 15 years shall be added to the term of  
25 imprisonment imposed by the court. A person convicted of a  
26 violation of subsection (a)(1.2) commits a Class X felony

1 for which 20 years shall be added to the term of  
2 imprisonment imposed by the court. A person convicted of a  
3 violation of subsection (a)(2) commits a Class X felony for  
4 which the person shall be sentenced to a term of  
5 imprisonment of not less than 50 years or up to a term of  
6 natural life imprisonment.

7 (1.1) A person convicted of a violation of subsection  
8 (a)(3) commits a Class X felony for which the person shall  
9 be sentenced to a term of imprisonment of not less than 50  
10 years and not more than 60 years.

11 (1.2) A person convicted of predatory criminal sexual  
12 assault of a child committed against 2 or more persons  
13 regardless of whether the offenses occurred as the result  
14 of the same act or of several related or unrelated acts  
15 shall be sentenced to a term of natural life imprisonment.

16 (2) A person who is convicted of a second or subsequent  
17 offense of predatory criminal sexual assault of a child, or  
18 who is convicted of the offense of predatory criminal  
19 sexual assault of a child after having previously been  
20 convicted of the offense of criminal sexual assault or the  
21 offense of aggravated criminal sexual assault, or who is  
22 convicted of the offense of predatory criminal sexual  
23 assault of a child after having previously been convicted  
24 under the laws of this State or any other state of an  
25 offense that is substantially equivalent to the offense of  
26 predatory criminal sexual assault of a child, the offense

1 of aggravated criminal sexual assault or the offense of  
2 criminal sexual assault, shall be sentenced to a term of  
3 natural life imprisonment. The commission of the second or  
4 subsequent offense is required to have been after the  
5 initial conviction for this paragraph (2) to apply.

6 (Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16,  
7 eff. 6-28-01.)

8 Section 10. The Unified Code of Corrections is amended by  
9 changing Sections 3-3-7, 3-6-3, and 5-8A-6 and by adding  
10 Section 3-19-15 as follows:

11 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

12 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
13 Release.

14 (a) The conditions of parole or mandatory supervised  
15 release shall be such as the Prisoner Review Board deems  
16 necessary to assist the subject in leading a law-abiding life.  
17 The conditions of every parole and mandatory supervised release  
18 are that the subject:

19 (1) not violate any criminal statute of any  
20 jurisdiction during the parole or release term;

21 (2) refrain from possessing a firearm or other  
22 dangerous weapon;

23 (3) report to an agent of the Department of  
24 Corrections;



1           (4) permit the agent to visit him or her at his or her  
2 home, employment, or elsewhere to the extent necessary for  
3 the agent to discharge his or her duties;

4           (5) attend or reside in a facility established for the  
5 instruction or residence of persons on parole or mandatory  
6 supervised release;

7           (6) secure permission before visiting or writing a  
8 committed person in an Illinois Department of Corrections  
9 facility;

10          (7) report all arrests to an agent of the Department of  
11 Corrections as soon as permitted by the arresting authority  
12 but in no event later than 24 hours after release from  
13 custody;

14          (7.5) if convicted of a sex offense as defined in the  
15 Sex Offender Management Board Act, the individual shall  
16 undergo and successfully complete sex offender treatment  
17 conducted in conformance with the standards developed by  
18 the Sex Offender Management Board Act by a treatment  
19 provider approved by the Board;

20          (7.6) if convicted of a sex offense as defined in the  
21 Sex Offender Management Board Act, refrain from residing at  
22 the same address or in the same condominium unit or  
23 apartment unit or in the same condominium complex or  
24 apartment complex with another person he or she knows or  
25 reasonably should know is a convicted sex offender or has  
26 been placed on supervision for a sex offense; the

1 provisions of this paragraph do not apply to a person  
2 convicted of a sex offense who is placed in a Department of  
3 Corrections licensed transitional housing facility for sex  
4 offenders, or is in any facility operated or licensed by  
5 the Department of Children and Family Services or by the  
6 Department of Human Services, or is in any licensed medical  
7 facility;

8 (7.7) if convicted for an offense that would qualify  
9 the accused as a sexual predator under the Sex Offender  
10 Registration Act on or after the effective date of this  
11 amendatory Act of the 94th General Assembly, wear an  
12 approved electronic monitoring device as defined in  
13 Section 5-8A-2 for the duration of the person's parole,  
14 mandatory supervised release term, or extended mandatory  
15 supervised release term, ~~provided funding is appropriated~~  
16 ~~by the General Assembly;~~

17 (8) obtain permission of an agent of the Department of  
18 Corrections before leaving the State of Illinois;

19 (9) obtain permission of an agent of the Department of  
20 Corrections before changing his or her residence or  
21 employment;

22 (10) consent to a search of his or her person,  
23 property, or residence under his or her control;

24 (11) refrain from the use or possession of narcotics or  
25 other controlled substances in any form, or both, or any  
26 paraphernalia related to those substances and submit to a

1           urinalysis test as instructed by a parole agent of the  
2           Department of Corrections;

3           (12) not frequent places where controlled substances  
4           are illegally sold, used, distributed, or administered;

5           (13) not knowingly associate with other persons on  
6           parole or mandatory supervised release without prior  
7           written permission of his or her parole agent and not  
8           associate with persons who are members of an organized gang  
9           as that term is defined in the Illinois Streetgang  
10          Terrorism Omnibus Prevention Act;

11          (14) provide true and accurate information, as it  
12          relates to his or her adjustment in the community while on  
13          parole or mandatory supervised release or to his or her  
14          conduct while incarcerated, in response to inquiries by his  
15          or her parole agent or of the Department of Corrections;

16          (15) follow any specific instructions provided by the  
17          parole agent that are consistent with furthering  
18          conditions set and approved by the Prisoner Review Board or  
19          by law, exclusive of placement on electronic detention, to  
20          achieve the goals and objectives of his or her parole or  
21          mandatory supervised release or to protect the public.  
22          These instructions by the parole agent may be modified at  
23          any time, as the agent deems appropriate; and

24          (16) if convicted of a sex offense as defined in  
25          subsection (a-5) of Section 3-1-2 of this Code, unless the  
26          offender is a parent or guardian of the person under 18

1 years of age present in the home and no non-familial minors  
2 are present, not participate in a holiday event involving  
3 children under 18 years of age, such as distributing candy  
4 or other items to children on Halloween, wearing a Santa  
5 Claus costume on or preceding Christmas, being employed as  
6 a department store Santa Claus, or wearing an Easter Bunny  
7 costume on or preceding Easter.

8 (b) The Board may in addition to other conditions require  
9 that the subject:

10 (1) work or pursue a course of study or vocational  
11 training;

12 (2) undergo medical or psychiatric treatment, or  
13 treatment for drug addiction or alcoholism;

14 (3) attend or reside in a facility established for the  
15 instruction or residence of persons on probation or parole;

16 (4) support his dependents;

17 (5) (blank);

18 (6) (blank);

19 (7) comply with the terms and conditions of an order of  
20 protection issued pursuant to the Illinois Domestic  
21 Violence Act of 1986, enacted by the 84th General Assembly,  
22 or an order of protection issued by the court of another  
23 state, tribe, or United States territory; and

24 (8) in addition, if a minor:

25 (i) reside with his parents or in a foster home;

26 (ii) attend school;

1           (iii) attend a non-residential program for youth;  
2           or  
3           (iv) contribute to his own support at home or in a  
4           foster home.

5           (b-1) In addition to the conditions set forth in  
6           subsections (a) and (b), persons required to register as sex  
7           offenders pursuant to the Sex Offender Registration Act, upon  
8           release from the custody of the Illinois Department of  
9           Corrections, may be required by the Board to comply with the  
10          following specific conditions of release:

11           (1) reside only at a Department approved location;

12           (2) comply with all requirements of the Sex Offender  
13          Registration Act;

14           (3) notify third parties of the risks that may be  
15          occasioned by his or her criminal record;

16           (4) obtain the approval of an agent of the Department  
17          of Corrections prior to accepting employment or pursuing a  
18          course of study or vocational training and notify the  
19          Department prior to any change in employment, study, or  
20          training;

21           (5) not be employed or participate in any volunteer  
22          activity that involves contact with children, except under  
23          circumstances approved in advance and in writing by an  
24          agent of the Department of Corrections;

25           (6) be electronically monitored for a minimum of 12  
26          months from the date of release as determined by the Board;

1           (7) refrain from entering into a designated geographic  
2 area except upon terms approved in advance by an agent of  
3 the Department of Corrections. The terms may include  
4 consideration of the purpose of the entry, the time of day,  
5 and others accompanying the person;

6           (8) refrain from having any contact, including written  
7 or oral communications, directly or indirectly, personally  
8 or by telephone, letter, or through a third party with  
9 certain specified persons including, but not limited to,  
10 the victim or the victim's family without the prior written  
11 approval of an agent of the Department of Corrections;

12           (9) refrain from all contact, directly or indirectly,  
13 personally, by telephone, letter, or through a third party,  
14 with minor children without prior identification and  
15 approval of an agent of the Department of Corrections;

16           (10) neither possess or have under his or her control  
17 any material that is sexually oriented, sexually  
18 stimulating, or that shows male or female sex organs or any  
19 pictures depicting children under 18 years of age nude or  
20 any written or audio material describing sexual  
21 intercourse or that depicts or alludes to sexual activity,  
22 including but not limited to visual, auditory, telephonic,  
23 or electronic media, or any matter obtained through access  
24 to any computer or material linked to computer access use;

25           (11) not patronize any business providing sexually  
26 stimulating or sexually oriented entertainment nor utilize

1 "900" or adult telephone numbers;

2 (12) not reside near, visit, or be in or about parks,  
3 schools, day care centers, swimming pools, beaches,  
4 theaters, or any other places where minor children  
5 congregate without advance approval of an agent of the  
6 Department of Corrections and immediately report any  
7 incidental contact with minor children to the Department;

8 (13) not possess or have under his or her control  
9 certain specified items of contraband related to the  
10 incidence of sexually offending as determined by an agent  
11 of the Department of Corrections;

12 (14) may be required to provide a written daily log of  
13 activities if directed by an agent of the Department of  
14 Corrections;

15 (15) comply with all other special conditions that the  
16 Department may impose that restrict the person from  
17 high-risk situations and limit access to potential  
18 victims.

19 (c) The conditions under which the parole or mandatory  
20 supervised release is to be served shall be communicated to the  
21 person in writing prior to his release, and he shall sign the  
22 same before release. A signed copy of these conditions,  
23 including a copy of an order of protection where one had been  
24 issued by the criminal court, shall be retained by the person  
25 and another copy forwarded to the officer in charge of his  
26 supervision.

1 (d) After a hearing under Section 3-3-9, the Prisoner  
2 Review Board may modify or enlarge the conditions of parole or  
3 mandatory supervised release.

4 (e) The Department shall inform all offenders committed to  
5 the Department of the optional services available to them upon  
6 release and shall assist inmates in availing themselves of such  
7 optional services upon their release on a voluntary basis.

8 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,  
9 eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

10 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

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

25 (i) that a prisoner who is serving a term of



1           imprisonment for first degree murder or for the offense  
2           of terrorism shall receive no good conduct credit and  
3           shall serve the entire sentence imposed by the court;

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

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

1           (iv) that a prisoner serving a sentence for  
2           aggravated discharge of a firearm, whether or not the  
3           conduct leading to conviction for the offense resulted  
4           in great bodily harm to the victim, shall receive no  
5           more than 4.5 days of good conduct credit for each  
6           month of his 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), and other than the offense of reckless homicide as  
12          defined in subsection (e) of Section 9-3 of the Criminal  
13          Code of 1961 committed on or after January 1, 1999, or  
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, the rules and regulations shall  
19          provide that a prisoner who is serving a term of  
20          imprisonment shall receive one day of good conduct credit  
21          for each day of his or her sentence of imprisonment or  
22          recommitment under Section 3-3-9. Each day of good conduct  
23          credit shall reduce by one day the prisoner's period of  
24          imprisonment or recommitment under Section 3-3-9.

25          (2.2) A prisoner serving a term of natural life  
26          imprisonment or a prisoner who has been sentenced to death

1 shall receive no good conduct credit.

2 (2.3) The rules and regulations on early release shall  
3 provide that a prisoner who is serving a sentence for  
4 reckless homicide as defined in subsection (e) of Section  
5 9-3 of the Criminal Code of 1961 committed on or after  
6 January 1, 1999, or aggravated driving under the influence  
7 of alcohol, other drug or drugs, or intoxicating compound  
8 or compounds, or any combination thereof as defined in  
9 subparagraph (F) of paragraph (1) of subsection (d) of  
10 Section 11-501 of the Illinois Vehicle Code, shall receive  
11 no more than 4.5 days of good conduct credit for each month  
12 of his or her sentence of imprisonment.

13 (2.4) The rules and regulations on early release shall  
14 provide with respect to the offenses of aggravated battery  
15 with a machine gun or a firearm equipped with any device or  
16 attachment designed or used for silencing the report of a  
17 firearm or aggravated discharge of a machine gun or a  
18 firearm equipped with any device or attachment designed or  
19 used for silencing the report of a firearm, committed on or  
20 after July 15, 1999 (the effective date of Public Act  
21 91-121), that a prisoner serving a sentence for any of  
22 these offenses shall receive no more than 4.5 days of good  
23 conduct credit for each month of his or her sentence of  
24 imprisonment.

25 (2.5) The rules and regulations on early release shall  
26 provide that a prisoner who is serving a sentence for

1 aggravated arson committed on or after July 27, 2001 (the  
2 effective date of Public Act 92-176) shall receive no more  
3 than 4.5 days of good conduct credit for each month of his  
4 or her sentence of imprisonment.

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

1 racketeering. Notwithstanding the foregoing, good conduct  
2 credit for meritorious service shall not be awarded on a  
3 sentence of imprisonment imposed for conviction of: (i) one  
4 of the offenses enumerated in subdivision (a)(2)(i), (ii),  
5 or (iii) when the offense is committed on or after June 19,  
6 1998 or subdivision (a)(2)(iv) when the offense is  
7 committed on or after June 23, 2005 (the effective date of  
8 Public Act 94-71), (ii) reckless homicide as defined in  
9 subsection (e) of Section 9-3 of the Criminal Code of 1961  
10 when the offense is committed on or after January 1, 1999,  
11 or aggravated driving under the influence of alcohol, other  
12 drug or drugs, or intoxicating compound or compounds, or  
13 any combination thereof as defined in subparagraph (F) of  
14 paragraph (1) of subsection (d) of Section 11-501 of the  
15 Illinois Vehicle Code, (iii) one of the offenses enumerated  
16 in subdivision (a)(2.4) when the offense is committed on or  
17 after July 15, 1999 (the effective date of Public Act  
18 91-121), or (iv) aggravated arson when the offense is  
19 committed on or after July 27, 2001 (the effective date of  
20 Public Act 92-176).

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

1 provided by the Department under this paragraph (4) and  
2 satisfactorily completes the assigned program as  
3 determined by the standards of the Department, shall be  
4 multiplied by a factor of 1.25 for program participation  
5 before August 11, 1993 and 1.50 for program participation  
6 on or after that date. However, no inmate shall be eligible  
7 for the additional good conduct credit under this paragraph  
8 (4) or (4.1) of this subsection (a) while assigned to a  
9 boot camp or electronic detention, or if convicted of an  
10 offense enumerated in subdivision (a)(2)(i), (ii), or  
11 (iii) of this Section that is committed on or after June  
12 19, 1998 or subdivision (a)(2)(iv) of this Section that is  
13 committed on or after June 23, 2005 (the effective date of  
14 Public Act 94-71), or if convicted of reckless homicide as  
15 defined in subsection (e) of Section 9-3 of the Criminal  
16 Code of 1961 if the offense is committed on or after  
17 January 1, 1999, or aggravated driving under the influence  
18 of alcohol, other drug or drugs, or intoxicating compound  
19 or 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, or if  
22 convicted of an offense enumerated in paragraph (a)(2.4) of  
23 this Section that is committed on or after July 15, 1999  
24 (the effective date of Public Act 91-121), or first degree  
25 murder, a Class X felony, criminal sexual assault, felony  
26 criminal sexual abuse, aggravated criminal sexual abuse,

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

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

20          Availability of these programs shall be subject to the  
21          limits of fiscal resources appropriated by the General  
22          Assembly for these purposes. Eligible inmates who are  
23          denied immediate admission shall be placed on a waiting  
24          list under criteria established by the Department. The  
25          inability of any inmate to become engaged in any such  
26          programs by reason of insufficient program resources or for

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

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

22 (4.5) The rules and regulations on early release shall  
23 also provide that when the court's sentencing order  
24 recommends a prisoner for substance abuse treatment and the  
25 crime was committed on or after September 1, 2003 (the  
26 effective date of Public Act 93-354), the prisoner shall



1 receive no good conduct credit awarded under clause (3) of  
2 this subsection (a) unless he or she participates in and  
3 completes a substance abuse treatment program. The  
4 Director may waive the requirement to participate in or  
5 complete a substance abuse treatment program and award the  
6 good conduct credit in specific instances if the prisoner  
7 is not a good candidate for a substance abuse treatment  
8 program for medical, programming, or operational reasons.  
9 Availability of substance abuse treatment shall be subject  
10 to the limits of fiscal resources appropriated by the  
11 General Assembly for these purposes. If treatment is not  
12 available and the requirement to participate and complete  
13 the treatment has not been waived by the Director, the  
14 prisoner shall be placed on a waiting list under criteria  
15 established by the Department. The Director may allow a  
16 prisoner placed on a waiting list to participate in and  
17 complete a substance abuse education class or attend  
18 substance abuse self-help meetings in lieu of a substance  
19 abuse treatment program. A prisoner on a waiting list who  
20 is not placed in a substance abuse program prior to release  
21 may be eligible for a waiver and receive good conduct  
22 credit under clause (3) of this subsection (a) at the  
23 discretion of the Director.

24 (4.6) The rules and regulations on early release shall  
25 also provide that a prisoner who has been convicted of a  
26 sex offense as defined in Section 2 of the Sex Offender

1       Registration Act shall receive no good conduct credit until  
2       he or she has successfully completed sex offender  
3       counseling.

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

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

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

21          When the Department seeks to revoke, suspend or reduce the  
22      rate of accumulation of any good conduct credits for an alleged  
23      infraction of its rules, it shall bring charges therefor  
24      against the prisoner sought to be so deprived of good conduct  
25      credits before the Prisoner Review Board as provided in  
26      subparagraph (a) (4) of Section 3-3-2 of this Code, if the

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

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

21 Nothing contained in this Section shall prohibit the  
22 Prisoner Review Board from ordering, pursuant to Section  
23 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
24 sentence imposed by the court that was not served due to the  
25 accumulation of good conduct credit.

26 (d) If a lawsuit is filed by a prisoner in an Illinois or

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

14 For purposes of this subsection (d):

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

19 (A) it lacks an arguable basis either in law or in  
20 fact;

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

24 (C) the claims, defenses, and other legal  
25 contentions therein are not warranted by existing law  
26 or by a nonfrivolous argument for the extension,

1           modification, or reversal of existing law or the  
2           establishment of new law;

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

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

12          (2) "Lawsuit" means a petition for post-conviction  
13          relief under Article 122 of the Code of Criminal Procedure  
14          of 1963, a motion pursuant to Section 116-3 of the Code of  
15          Criminal Procedure of 1963, a habeas corpus action under  
16          Article X of the Code of Civil Procedure or under federal  
17          law (28 U.S.C. 2254), a petition for claim under the Court  
18          of Claims Act or an action under the federal Civil Rights  
19          Act (42 U.S.C. 1983).

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

22          (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,  
23          eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,  
24          eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

1       Sec. 3-19-15. Task Force on Transitional Housing for Sex  
2 Offenders.

3       (a) There is created the Task Force on Transitional Housing  
4 Facilities for Sex Offenders. The Task Force shall be composed  
5 of the following members:

6           (1) Two members from the Department of Corrections  
7 appointed by the Director of Corrections;

8           (2) Two members from the Prisoner Review Board  
9 appointed by that Board;

10          (3) Two members of the Senate appointed by the  
11 President of the Senate;

12          (4) Two members of the Senate appointed by the Minority  
13 Leader of the Senate;

14          (5) Two members of the House of Representatives  
15 appointed by the Speaker of the House of Representatives;

16          (6) Two members of the House of Representatives  
17 appointed by the Minority Leader of the House of  
18 Representatives; and

19          (7) Two members of the Governor's Office appointed by  
20 the Governor.

21       (b) The Task Force shall study the implementation, cost,  
22 placement, and effectiveness of transitional housing  
23 facilities for sex offenders released from facilities of the  
24 Department of Corrections.

25       (c) The members of the Task Force shall receive no  
26 compensation for their services as members of the Task Force

1 but may be reimbursed for their actual expenses incurred in  
2 servicing on the Task Force from appropriations made to them for  
3 such purpose.

4 (730 ILCS 5/5-8A-6)

5 Sec. 5-8A-6. Electronic monitoring of certain sex  
6 offenders. For a sexual predator subject to electronic home  
7 monitoring under paragraph (7.7) of subsection (a) of Section  
8 3-3-7, the Department of Corrections must use a system that  
9 actively monitors and identifies the offender's current  
10 location and timely reports or records the offender's presence  
11 and that alerts the Department of the offender's presence  
12 within a prohibited area described in Sections 11-9.3 and  
13 11-9.4 of the Criminal Code of 1961, in a court order, or as a  
14 condition of the offender's parole, mandatory supervised  
15 release, or extended mandatory supervised release and the  
16 offender's departure from specified geographic limitations.  
17 The offender must pay for the cost of the electronic home  
18 monitoring ~~, provided funding is appropriated by the General~~  
19 ~~Assembly for this purpose.~~

20 (Source: P.A. 94-988, eff. 1-1-07.)

21 Section 99. Effective date. This Act takes effect June 1,  
22 2008."