



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0196

Introduced 01/18/11, by Rep. Michael P. McAuliffe

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that a prisoner in a Department of Corrections facility who is serving a sentence for the offense of domestic battery or aggravated domestic battery committed on or after the effective date of the amendatory Act shall receive no good conduct credit and shall serve the entire sentence imposed by the court.

LRB097 05129 RLC 45174 b

CORRECTIONAL
BUDGET AND
IMPACT 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 5. The Unified Code of Corrections is amended by
5 changing Section 3-6-3 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 prescribe
9 rules and regulations for the early release on account of
10 good conduct of persons committed to the Department which
11 shall be subject to review by the Prisoner Review Board.

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

1 paragraph (2) committed on or after August 13, 2007 (the
2 effective date of Public Act 95-134) or with respect to the
3 offenses listed in clauses (i)(C) and (i)(D) of this
4 paragraph (2) committed on or after the effective date of
5 this amendatory Act of the 97th General Assembly or with
6 respect to the offense of aggravated domestic battery
7 committed on or after July 23, 2010 (the effective date of
8 Public Act 96-1224) ~~this amendatory Act of the 96th General~~
9 ~~Assembly~~, the following:

10 (i) that a prisoner who is serving a term of
11 imprisonment for: (A) first degree murder, (B) or for
12 the offense of terrorism, (C) the offense of domestic
13 battery, or (D) the offense of aggravated domestic
14 battery shall receive no good conduct credit and shall
15 serve the entire sentence imposed by the court;

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

1 imprisonment;

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

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

19 (v) that a person serving a sentence for
20 gunrunning, narcotics racketeering, controlled
21 substance trafficking, methamphetamine trafficking,
22 drug-induced homicide, aggravated
23 methamphetamine-related child endangerment, money
24 laundering pursuant to clause (c) (4) or (5) of Section
25 29B-1 of the Criminal Code of 1961, or a Class X felony
26 conviction for delivery of a controlled substance,

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

15 (vi) that a prisoner serving a sentence for a
16 second or subsequent offense of luring a minor shall
17 receive no more than 4.5 days of good conduct credit
18 for each month of his or her sentence of imprisonment;
19 and

20 (vii) that a prisoner serving a sentence for
21 aggravated domestic battery committed on or after July
22 23, 2010 and before the effective date of this
23 amendatory Act of the 97th General Assembly shall
24 receive no more than 4.5 days of good conduct credit
25 for each month of his or her sentence of imprisonment.

26 (2.1) For all offenses, other than those enumerated in

1 subdivision (a) (2) (i) (A) or (a) (2) (i) (B), (ii), or (iii)
2 committed on or after June 19, 1998 or subdivision
3 (a) (2) (iv) committed on or after June 23, 2005 (the
4 effective date of Public Act 94-71) or subdivision
5 (a) (2) (v) committed on or after August 13, 2007 (the
6 effective date of Public Act 95-134) or subdivision
7 (a) (2) (vi) committed on or after June 1, 2008 (the
8 effective date of Public Act 95-625) or subdivision
9 (a) (2) (vii) committed on or after July 23, 2010 (the
10 effective date of Public Act 96-1224), or subdivision
11 (a) (2) (i) (C) or (a) (2) (i) (D) committed on or after the
12 effective date of this amendatory Act of the 97th General
13 Assembly ~~this amendatory Act of the 96th General Assembly,~~
14 and other than the offense of aggravated driving under the
15 influence of alcohol, other drug or drugs, or intoxicating
16 compound or compounds, or any combination thereof as
17 defined in subparagraph (F) of paragraph (1) of subsection
18 (d) of Section 11-501 of the Illinois Vehicle Code, and
19 other than the offense of aggravated driving under the
20 influence of alcohol, other drug or drugs, or intoxicating
21 compound or compounds, or any combination thereof as
22 defined in subparagraph (C) of paragraph (1) of subsection
23 (d) of Section 11-501 of the Illinois Vehicle Code
24 committed on or after January 1, 2011 (the effective date
25 of Public Act 96-1230) ~~this amendatory Act of the 96th~~
26 ~~General Assembly,~~ the rules and regulations shall provide

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

7 (2.2) A prisoner serving a term of natural life
8 imprisonment or a prisoner who has been sentenced to death
9 shall receive no good conduct credit.

10 (2.3) The rules and regulations on early release shall
11 provide that a prisoner who is serving a sentence for
12 aggravated driving under the influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or
14 any combination thereof as defined in subparagraph (F) of
15 paragraph (1) of subsection (d) of Section 11-501 of the
16 Illinois Vehicle Code, shall receive no more than 4.5 days
17 of good conduct credit for each month of his or her
18 sentence of imprisonment.

19 (2.4) The rules and regulations on early release shall
20 provide with respect to the offenses of aggravated battery
21 with a machine gun or a firearm equipped with any device or
22 attachment designed or used for silencing the report of a
23 firearm or aggravated discharge of a machine gun or a
24 firearm equipped with any device or attachment designed or
25 used for silencing the report of a firearm, committed on or
26 after July 15, 1999 (the effective date of Public Act

1 91-121), that a prisoner serving a sentence for any of
2 these offenses shall receive no more than 4.5 days of good
3 conduct credit for each month of his or her sentence of
4 imprisonment.

5 (2.5) The rules and regulations on early release shall
6 provide that a prisoner who is serving a sentence for
7 aggravated arson committed on or after July 27, 2001 (the
8 effective date of Public Act 92-176) shall receive no more
9 than 4.5 days of good conduct credit for each month of his
10 or her sentence of imprisonment.

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

22 (3) The rules and regulations shall also provide that
23 the Director may award up to 180 days additional good
24 conduct credit for meritorious service in specific
25 instances as the Director deems proper; except that no more
26 than 90 days of good conduct credit for meritorious service

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

1 13, 2007 (the effective date of Public Act 95-134) or
2 subdivision (a)(2)(vi) when the offense is committed on or
3 after June 1, 2008 (the effective date of Public Act
4 95-625) or subdivision (a)(2)(vii) when the offense is
5 committed on or after July 23, 2010 (the effective date of
6 Public Act 96-1224) or one of the offenses enumerated in
7 subdivision (a)(2)(i)(C) or (a)(2)(i)(D) when the offense
8 is committed on or after the effective date of this
9 amendatory Act of the 97th General Assembly ~~this amendatory~~
10 ~~Act of the 96th General Assembly~~, (ii) aggravated driving
11 under the influence of alcohol, other drug or drugs, or
12 intoxicating compound or compounds, or any combination
13 thereof as defined in subparagraph (F) of paragraph (1) of
14 subsection (d) of Section 11-501 of the Illinois Vehicle
15 Code, (iii) one of the offenses enumerated in subdivision
16 (a)(2.4) when the offense is committed on or after July 15,
17 1999 (the effective date of Public Act 91-121), (iv)
18 aggravated arson when the offense is committed on or after
19 July 27, 2001 (the effective date of Public Act 92-176), ~~or~~
20 (v) offenses that may subject the offender to commitment
21 under the Sexually Violent Persons Commitment Act, or (vi)
22 ~~(v)~~ aggravated driving under the influence of alcohol,
23 other drug or drugs, or intoxicating compound or compounds,
24 or any combination thereof as defined in subparagraph (C)
25 of paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code committed on or after January 1, 2011

1 (the effective date of Public Act 96-1230) ~~this amendatory~~
2 ~~Act of the 96th General Assembly.~~

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

11 (A) is eligible for good conduct credit for
12 meritorious service;

13 (B) has served a minimum of 60 days, or as close to
14 60 days as the sentence will allow; and

15 (C) has met the eligibility criteria established
16 by rule.

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

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

1 determined by the standards of the Department, shall be
2 multiplied by a factor of 1.25 for program participation
3 before August 11, 1993 and 1.50 for program participation
4 on or after that date. However, no inmate shall be eligible
5 for the additional good conduct credit under this paragraph
6 (4) or (4.1) of this subsection (a) while assigned to a
7 boot camp or electronic detention, or if convicted of an
8 offense enumerated in subdivision (a)(2)(i) (A) or
9 (a)(2)(i)(B), (ii), or (iii) of this Section that is
10 committed on or after June 19, 1998 or subdivision
11 (a)(2)(iv) of this Section that is committed on or after
12 June 23, 2005 (the effective date of Public Act 94-71) or
13 subdivision (a)(2)(v) of this Section that is committed on
14 or after August 13, 2007 (the effective date of Public Act
15 95-134) or subdivision (a)(2)(vi) when the offense is
16 committed on or after June 1, 2008 (the effective date of
17 Public Act 95-625) or subdivision (a)(2)(vii) when the
18 offense is committed on or after July 23, 2010 (the
19 effective date of Public Act 96-1224) or subdivision
20 (a)(2)(i)(C) or (a)(2)(i)(D) that is committed on or after
21 the effective date of this amendatory Act of the 97th
22 General Assembly ~~this amendatory Act of the 96th General~~
23 ~~Assembly~~, or if convicted of aggravated driving under the
24 influence of alcohol, other drug or drugs, or intoxicating
25 compound or compounds, or any combination thereof as
26 defined in subparagraph (F) of paragraph (1) of subsection

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

25 Educational, vocational, substance abuse and
26 correctional industry programs under which good conduct

1 credit may be increased under this paragraph (4) and
2 paragraph (4.1) of this subsection (a) shall be evaluated
3 by the Department on the basis of documented standards. The
4 Department shall report the results of these evaluations to
5 the Governor and the General Assembly by September 30th of
6 each year. The reports shall include data relating to the
7 recidivism rate among program participants.

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

20 (4.1) The rules and regulations shall also provide that
21 an additional 60 days of good conduct credit shall be
22 awarded to any prisoner who passes the high school level
23 Test of General Educational Development (GED) while the
24 prisoner is incarcerated. The good conduct credit awarded
25 under this paragraph (4.1) shall be in addition to, and
26 shall not affect, the award of good conduct under any other

1 paragraph of this Section, but shall also be pursuant to
2 the guidelines and restrictions set forth in paragraph (4)
3 of subsection (a) of this Section. The good conduct credit
4 provided for in this paragraph shall be available only to
5 those prisoners who have not previously earned a high
6 school diploma or a GED. If, after an award of the GED good
7 conduct credit has been made and the Department determines
8 that the prisoner was not eligible, then the award shall be
9 revoked.

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

1 the treatment has not been waived by the Director, the
2 prisoner shall be placed on a waiting list under criteria
3 established by the Department. The Director may allow a
4 prisoner placed on a waiting list to participate in and
5 complete a substance abuse education class or attend
6 substance abuse self-help meetings in lieu of a substance
7 abuse treatment program. A prisoner on a waiting list who
8 is not placed in a substance abuse program prior to release
9 may be eligible for a waiver and receive good conduct
10 credit under clause (3) of this subsection (a) at the
11 discretion of the Director.

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

24 (5) Whenever the Department is to release any inmate
25 earlier than it otherwise would because of a grant of good
26 conduct credit for meritorious service given at any time

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

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

24 (c) The Department shall prescribe rules and regulations
25 for revoking good conduct credit, or suspending or reducing the
26 rate of accumulation of good conduct credit for specific rule

1 violations, during imprisonment. These rules and regulations
2 shall provide that no inmate may be penalized more than one
3 year of good conduct credit for any one infraction.

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

23 The Director of the Department of Corrections, in
24 appropriate cases, may restore up to 30 days good conduct
25 credits which have been revoked, suspended or reduced. Any
26 restoration of good conduct credits in excess of 30 days shall

1 be subject to review by the Prisoner Review Board. However, the
2 Board may not restore good conduct credit in excess of the
3 amount requested by the Director.

4 Nothing contained in this Section shall prohibit the
5 Prisoner Review Board from ordering, pursuant to Section
6 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
7 sentence imposed by the court that was not served due to the
8 accumulation of good conduct credit.

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

23 For purposes of this subsection (d):

24 (1) "Frivolous" means that a pleading, motion, or other
25 filing which purports to be a legal document filed by a
26 prisoner in his or her lawsuit meets any or all of the

1 following criteria:

2 (A) it lacks an arguable basis either in law or in
3 fact;

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

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

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

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

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

1 subsequent petition for post-conviction relief under
2 Article 122 of the Code of Criminal Procedure of 1963
3 whether filed with or without leave of court or a second or
4 subsequent petition for relief from judgment under Section
5 2-1401 of the Code of Civil Procedure.

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

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

16 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
17 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
18 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
19 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
20 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)