



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3899

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

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that the Director of Corrections may not award good conduct credit for meritorious service to an inmate unless either: (1) the inmate has served a minimum of 60 days of the sentence in a secure county corrections facility or Illinois Department of Corrections facility or in both such facilities; or (2) the Director in his or her discretion determines that an award of good conduct credit for meritorious service which would permit release in advance of an inmate having served 60 days of the sentence in a secure county corrections facility or Illinois Department of Corrections facility or in both such facilities will further correctional goals without appreciably or predictably increasing risk to public safety, and would be consistent with best practices and the purposes of the Code. Establishes criteria for which an inmate may be awarded good conduct credit for meritorious service or for participation full-time in substance abuse programs, correctional industry assignments, or educational programs or for passing the GED test while incarcerated.

LRB097 14612 RLC 59480 b

1 AN ACT concerning criminal law, which may be referred to as
2 the Inmate Management Recidivism Reduction Law.

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

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

7 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

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

1 offenses listed in clause (v) of this paragraph (2)
2 committed on or after August 13, 2007 (the effective date
3 of Public Act 95-134) or with respect to the offense of
4 aggravated domestic battery committed on or after July 23,
5 2010 (the effective date of Public Act 96-1224), the
6 following:

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

11 (ii) that a prisoner serving a sentence for attempt
12 to commit first degree murder, solicitation of murder,
13 solicitation of murder for hire, intentional homicide
14 of an unborn child, predatory criminal sexual assault
15 of a child, aggravated criminal sexual assault,
16 criminal sexual assault, aggravated kidnapping,
17 aggravated battery with a firearm as described in
18 Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3),
19 or (e)(4) of Section 12-3.05, heinous battery as
20 described in Section 12-4.1 or subdivision (a)(2) of
21 Section 12-3.05, being an armed habitual criminal,
22 aggravated battery of a senior citizen as described in
23 Section 12-4.6 or subdivision (a)(4) of Section
24 12-3.05, or aggravated battery of a child as described
25 in Section 12-4.3 or subdivision (b)(1) of Section
26 12-3.05 shall receive no more than 4.5 days of good

1 conduct credit for each month of his or her sentence of
2 imprisonment;

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

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

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

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

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

21 (vii) that a prisoner serving a sentence for
22 aggravated domestic battery shall receive no more than
23 4.5 days of good conduct credit for each month of his
24 or her sentence of imprisonment.

25 (2.1) For all offenses, other than those enumerated in
26 subdivision (a) (2) (i), (ii), or (iii) committed on or after

1 June 19, 1998 or subdivision (a)(2)(iv) committed on or
2 after June 23, 2005 (the effective date of Public Act
3 94-71) or subdivision (a)(2)(v) committed on or after
4 August 13, 2007 (the effective date of Public Act 95-134)
5 or subdivision (a)(2)(vi) committed on or after June 1,
6 2008 (the effective date of Public Act 95-625) or
7 subdivision (a)(2)(vii) committed on or after July 23, 2010
8 (the effective date of Public Act 96-1224), and other than
9 the offense of aggravated driving under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof as defined in
12 subparagraph (F) of paragraph (1) of subsection (d) of
13 Section 11-501 of the Illinois Vehicle Code, and other than
14 the offense of aggravated driving under the influence of
15 alcohol, other drug or drugs, or intoxicating compound or
16 compounds, or any combination thereof as defined in
17 subparagraph (C) of paragraph (1) of subsection (d) of
18 Section 11-501 of the Illinois Vehicle Code committed on or
19 after January 1, 2011 (the effective date of Public Act
20 96-1230), the rules and regulations shall provide that a
21 prisoner who is serving a term of imprisonment shall
22 receive one day of good conduct credit for each day of his
23 or her sentence of imprisonment or recommitment under
24 Section 3-3-9. Each day of good conduct credit shall reduce
25 by one day the prisoner's period of imprisonment or
26 recommitment under Section 3-3-9.

1 (2.2) A prisoner serving a term of natural life
2 imprisonment or a prisoner who has been sentenced to death
3 shall receive no good conduct credit.

4 (2.3) The rules and regulations on early release shall
5 provide that a prisoner who is serving a sentence for
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, shall receive no more than 4.5 days
11 of good conduct credit for each month of his or her
12 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 (2.6) The rules and regulations on early release shall
6 provide that a prisoner who is serving a sentence for
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds or any
9 combination thereof as defined in subparagraph (C) of
10 paragraph (1) of subsection (d) of Section 11-501 of the
11 Illinois Vehicle Code committed on or after January 1, 2011
12 (the effective date of Public Act 96-1230) shall receive no
13 more than 4.5 days of good conduct credit for each month of
14 his or her sentence of imprisonment.

15 (3) The rules and regulations shall also provide that
16 the Director may award up to 180 days additional good
17 conduct credit for meritorious service in specific
18 instances as the Director deems proper; except that no more
19 than 90 days of good conduct credit for meritorious service
20 shall be awarded to any prisoner who is serving a sentence
21 for conviction of first degree murder, reckless homicide
22 while under the influence of alcohol or any other drug, or
23 aggravated driving under the influence of alcohol, other
24 drug or drugs, or intoxicating compound or compounds, or
25 any combination thereof as defined in subparagraph (F) of
26 paragraph (1) of subsection (d) of Section 11-501 of the

1 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
2 predatory criminal sexual assault of a child, aggravated
3 criminal sexual assault, criminal sexual assault, deviate
4 sexual assault, aggravated criminal sexual abuse,
5 aggravated indecent liberties with a child, indecent
6 liberties with a child, child pornography, heinous battery
7 as described in Section 12-4.1 or subdivision (a)(2) of
8 Section 12-3.05, aggravated battery of a spouse,
9 aggravated battery of a spouse with a firearm, stalking,
10 aggravated stalking, aggravated battery of a child as
11 described in Section 12-4.3 or subdivision (b)(1) of
12 Section 12-3.05, endangering the life or health of a child,
13 or cruelty to a child. Notwithstanding the foregoing, good
14 conduct credit for meritorious service shall not be awarded
15 on a sentence of imprisonment imposed for conviction of:
16 (i) one of the offenses enumerated in subdivision
17 (a)(2)(i), (ii), or (iii) when the offense is committed on
18 or after June 19, 1998 or subdivision (a)(2)(iv) when the
19 offense is committed on or after June 23, 2005 (the
20 effective date of Public Act 94-71) or subdivision
21 (a)(2)(v) when the offense is committed on or after August
22 13, 2007 (the effective date of Public Act 95-134) or
23 subdivision (a)(2)(vi) when the offense is committed on or
24 after June 1, 2008 (the effective date of Public Act
25 95-625) or subdivision (a)(2)(vii) when the offense is
26 committed on or after July 23, 2010 (the effective date of

1 Public Act 96-1224), (ii) aggravated driving under the
2 influence of alcohol, other drug or drugs, or intoxicating
3 compound or compounds, or any combination thereof as
4 defined in subparagraph (F) of paragraph (1) of subsection
5 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
6 one of the offenses enumerated in subdivision (a) (2.4) when
7 the offense is committed on or after July 15, 1999 (the
8 effective date of Public Act 91-121), (iv) aggravated arson
9 when the offense is committed on or after July 27, 2001
10 (the effective date of Public Act 92-176), (v) offenses
11 that may subject the offender to commitment under the
12 Sexually Violent Persons Commitment Act, or (vi)
13 aggravated driving under the influence of alcohol, other
14 drug or drugs, or intoxicating compound or compounds or any
15 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).

19 The Director shall not award good conduct credit for
20 meritorious service under this paragraph (3) to an inmate
21 unless either:

22 (A) the inmate has served a minimum of 60 days of
23 the sentence in a secure county corrections facility or
24 Illinois Department of Corrections facility or in both
25 such facilities; except that nothing in this paragraph
26 shall be construed to permit the Director to extend an

1 inmate's sentence beyond that which was imposed by the
2 court; ~~or-~~

3 (B) the Director in his or her discretion
4 determines that an award of good conduct credit under
5 this paragraph (3) which would permit release in
6 advance of an inmate having served 60 days of the
7 sentence in a secure county corrections facility or
8 Illinois Department of Corrections facility or in both
9 such facilities will further correctional goals
10 without appreciably or predictably increasing risk to
11 public safety, and would be consistent with best
12 practices and the purposes of this Code.

13 Among factors the Director may consider in reaching a
14 determination are:

15 (i) that correctional staff including line
16 officers and counselors have observed positive
17 qualities including but not limited to the inmate's
18 good behavior within the facility, a cooperative
19 attitude, evidence of empathy, a desire to take
20 advantage of opportunity, responsibility for his or
21 her actions and for family, children, and community;

22 (ii) that through either or both the inmate's, the
23 Department's, local government or community-based
24 program efforts housing, medical or substance abuse
25 treatment, employment, education, community
26 corrections or other programs or opportunities of the

1 type and quality which have been shown to help reduce
2 recidivism are available to the inmate in the community
3 or in an unsecure facility to which the inmate could be
4 released in advance of the 60 day limit; or

5 (iii) that confinement in the Illinois Department
6 of Corrections for the purpose of meeting the 60 day
7 limit is inconsistent with best practices by reason of
8 the inmate's age, vulnerability, physical or
9 developmental disability, medical or mental illness or
10 because of special program needs which cannot be
11 provided by the Illinois Department of Corrections
12 during the period of confinement necessary to meet the
13 60 day limit or which will be provided if the inmate is
14 released in advance of the 60 day limit.

15 Prior to awarding credit under this paragraph (3), the
16 Director shall make a written determination that the
17 inmate:

18 (I) ~~(A)~~ is eligible for good conduct credit for
19 meritorious service;

20 (II) ~~(B)~~ has either served a minimum of 60 days as
21 specified in subparagraph (A) of this paragraph (3), or
22 as close to 60 days as the sentence will allow, or
23 meets the conditions and criteria specified in
24 subparagraph (B) of this paragraph (3); and

25 (III) ~~(C)~~ has met the eligibility criteria
26 established by rule.

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

3 (4) The rules and regulations shall also provide that
4 the good conduct credit accumulated and retained under
5 paragraph (2.1) of subsection (a) of this Section by any
6 inmate during specific periods of time in which such inmate
7 is engaged full-time in substance abuse programs,
8 correctional industry assignments, or educational programs
9 provided by the Department under this paragraph (4) and
10 satisfactorily completes the assigned program as
11 determined by the standards of the Department, shall be
12 multiplied by a factor of 1.25 for program participation
13 before August 11, 1993 and 1.50 for program participation
14 on or after that date. However, no inmate shall be eligible
15 for the additional good conduct credit under this paragraph
16 (4) or (4.1) of this subsection (a) while assigned to a
17 boot camp or electronic detention, or if convicted of an
18 offense enumerated in subdivision (a)(2)(i), (ii), or
19 (iii) of this Section that is committed on or after June
20 19, 1998 or subdivision (a)(2)(iv) of this Section that is
21 committed on or after June 23, 2005 (the effective date of
22 Public Act 94-71) or subdivision (a)(2)(v) of this Section
23 that is committed on or after August 13, 2007 (the
24 effective date of Public Act 95-134) or subdivision
25 (a)(2)(vi) when the offense is committed on or after June
26 1, 2008 (the effective date of Public Act 95-625) or

1 subdivision (a) (2) (vii) when the offense is committed on or
2 after July 23, 2010 (the effective date of Public Act
3 96-1224), or if convicted of aggravated driving under the
4 influence of alcohol, other drug or drugs, or intoxicating
5 compound or compounds or any combination thereof as defined
6 in subparagraph (F) of paragraph (1) of subsection (d) of
7 Section 11-501 of the Illinois Vehicle Code, or if
8 convicted of aggravated driving under the influence of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds or any combination thereof as defined in
11 subparagraph (C) of paragraph (1) of subsection (d) of
12 Section 11-501 of the Illinois Vehicle Code committed on or
13 after January 1, 2011 (the effective date of Public Act
14 96-1230), or if convicted of an offense enumerated in
15 paragraph (a) (2.4) of this Section that is committed on or
16 after July 15, 1999 (the effective date of Public Act
17 91-121), or first degree murder, a Class X felony, criminal
18 sexual assault, felony criminal sexual abuse, aggravated
19 criminal sexual abuse, aggravated battery with a firearm as
20 described in Section 12-4.2 or subdivision (e) (1), (e) (2),
21 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or
22 successor offenses with the same or substantially the same
23 elements, or any inchoate offenses relating to the
24 foregoing offenses. No inmate shall be eligible for the
25 additional good conduct credit under this paragraph (4) who
26 (i) has previously received increased good conduct credit

1 under this paragraph (4) and has subsequently been
2 convicted of a felony, or (ii) has previously served more
3 than one prior sentence of imprisonment for a felony in an
4 adult correctional facility.

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

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

26 (4.1) The rules and regulations shall also provide that

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

16 (4.5) The rules and regulations on early release shall
17 also provide that when the court's sentencing order
18 recommends a prisoner for substance abuse treatment and the
19 crime was committed on or after September 1, 2003 (the
20 effective date of Public Act 93-354), the prisoner shall
21 receive no good conduct credit awarded under clause (3) of
22 this subsection (a) unless he or she participates in and
23 completes a substance abuse treatment program. The
24 Director may waive the requirement to participate in or
25 complete a substance abuse treatment program and award the
26 good conduct credit in specific instances if the prisoner

1 is not a good candidate for a substance abuse treatment
2 program for medical, programming, or operational reasons.
3 Availability of substance abuse treatment shall be subject
4 to the limits of fiscal resources appropriated by the
5 General Assembly for these purposes. If treatment is not
6 available and the requirement to participate and complete
7 the treatment has not been waived by the Director, the
8 prisoner shall be placed on a waiting list under criteria
9 established by the Department. The Director may allow a
10 prisoner placed on a waiting list to participate in and
11 complete a substance abuse education class or attend
12 substance abuse self-help meetings in lieu of a substance
13 abuse treatment program. A prisoner on a waiting list who
14 is not placed in a substance abuse program prior to release
15 may be eligible for a waiver and receive good conduct
16 credit under clause (3) of this subsection (a) at the
17 discretion of the Director.

18 (4.6) The rules and regulations on early release shall
19 also provide that a prisoner who has been convicted of a
20 sex offense as defined in Section 2 of the Sex Offender
21 Registration Act shall receive no good conduct credit
22 unless he or she either has successfully completed or is
23 participating in sex offender treatment as defined by the
24 Sex Offender Management Board. However, prisoners who are
25 waiting to receive such treatment, but who are unable to do
26 so due solely to the lack of resources on the part of the

1 Department, may, at the Director's sole discretion, be
2 awarded good conduct credit at such rate as the Director
3 shall determine.

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

26 (6) The rules and regulations prescribed by the

1 Department of Corrections applicable to good conduct
2 credit awarded for meritorious service pursuant to
3 paragraph (3) of this subsection (a) and to good conduct
4 credit increased by reason of an inmate's participation in
5 programs pursuant to paragraph (4), (4.1), (4.5), or (4.6)
6 of this subsection (a) shall provide that the award of good
7 conduct credit under the authority of these provisions
8 serves the following goals and purposes:

9 (A) assists the Department in managing the inmate
10 population so as to assure institutional and public
11 safety;

12 (B) provides incentives for positive inmate
13 behavior in county as well as Illinois Department of
14 Corrections correctional facilities;

15 (C) encourages and rewards inmate participation in
16 the Department's accredited or certified
17 rehabilitative programs that reduce recidivism among
18 released inmates or, when such programs are lacking, in
19 self-help, faith-based, volunteer, correspondence, and
20 approved but unaccredited programs;

21 (D) provides an incentive for inmates to comply
22 with conditions of release and to comport with the
23 requirements of law after release; and

24 (E) promotes successful reentry to the community
25 by encouraging and facilitating inmate arrangements
26 for housing, medical or substance abuse treatment,

1 employment, education, community corrections or other
2 programs or opportunities which have been shown to
3 reduce recidivism.

4 In prescribing and administering rules and regulations
5 that serve the goals and purposes enumerated in this
6 paragraph (6), the Director may:

7 (i) authorize the award of good conduct credit
8 pursuant to paragraph (3) of this subsection (a) to
9 inmates who complied with rules and regulations of a
10 county jail in which he or she was detained prior to
11 admission to the Department of Corrections in
12 connection with the charges for which the inmate was
13 ultimately committed to the Department of Corrections;
14 or authorize the withholding of all or a portion of up
15 to 90 days of good conduct credit if the inmate is
16 reported to have engaged in more than one or in a
17 pattern of documented or reported negative behaviors
18 (regardless of whether the negative behavior resulted
19 in a disciplinary adjudication) including: refusal to
20 cooperate with corrections officers and inmates;
21 refusal to participate in recommended programs;
22 aggressive behavior toward other prisoner or
23 corrections officers and staff, disruptive behavior in
24 a group setting; or activity to incite or increase
25 tensions among staff or inmates; provided that the
26 rules and regulations may not permit withholding good

1 time credit for inmate conduct reported to the court
2 prior to sentencing or which was offered to or
3 considered by the sentencing court in imposing
4 sentence;

5 (ii) authorize the award of good conduct credit
6 pursuant to paragraph (3) of this subsection (a) to
7 inmates who while in the custody of the Illinois
8 Department of Corrections:

9 (I) have not been adjudicated guilty of a
10 100-level, 200-level, or 301 (fighting)
11 disciplinary offense or adjudicated of more than 3
12 300-level or 400-level disciplinary offenses while
13 incarcerated on the committing offense or during
14 the past 12 months, whichever is lesser; or have
15 not been adjudicated guilty of disciplinary
16 offenses as set forth on a schedule devised by the
17 Director which takes into account the seriousness
18 of disciplinary offenses and their frequency in
19 determining the award of good conduct credits;

20 (II) participate in a reputable or credited
21 program of self-instruction or self-education
22 including correspondence courses or a self-help
23 curriculum;

24 (III) cooperate with any treatment program,
25 mental, or medical service extended to the inmate.
26 In considering the appropriateness of an award of

1 good conduct credit for cooperation with any
2 treatment program, mental, or medical service the
3 Director may take into consideration limitations
4 caused by mental illness, a history of abuse, or
5 PTS syndrome;

6 (IV) assist corrections officers, medical and
7 other professional staff, or the prison
8 administration in institutional operations; assist
9 other inmates adjust to incarceration, maintain
10 family ties, obtain needed or desired supplies and
11 the like;

12 (V) maintain a record of self-control and good
13 conduct as evidenced by incurring no infractions,
14 receiving positive reports from staff, or
15 maintaining high degree of personal cleanliness
16 and hygiene while living in group, dormitory,
17 temporary, or overcrowded cell-block or other
18 housing. For purposes of this provision
19 "overcrowded cell-block or other housing" includes
20 any dorm-style arrangements with more than 4 beds
21 in one enclosed space or one cell, or any
22 Department of Corrections facility or unit that is
23 more than 100% of design capacity;

24 (VI) show evidence of positive reflection
25 including a self-conducted program of reading or
26 expression through writing, art or music, or any

1 other media accessible to a prisoner;

2 (VII) consistently complete assigned prison
3 jobs satisfactorily or better;

4 (VIII) engage in efforts to maintain family
5 ties or child support, or both, including
6 correspondence, video conference or live visits
7 with children, or activities approved by a
8 counselor or mental health or therapeutic
9 professional;

10 (IX) engage on one's own or with the assistance
11 of counselors, family or volunteers in release
12 planning by making efforts to arrange for housing,
13 medical or mental health care, employment or plans
14 to seek training and employment, payment of child
15 support, parenting, counseling, develop coping
16 mechanisms and participation in support groups,
17 faith-based, mentoring or community activities;

18 (X) engage with a mentor, sponsor, or
19 correspondent from a church, faith-based,
20 non-profit, or civic organization for purposes of
21 self-improvement or to address personal issues or
22 reentry;

23 (XI) obtain and document a commitment of
24 employment or housing, or both, while
25 incarcerated;

26 (XII) any other activity that contributes to

1 institutional safety or operations or that
2 reflects upon the inmate's positive adjustment,
3 development, and progress toward release; or
4 (iii) authorize increases in good conduct credit
5 by reason of an inmate's participation in programs as
6 provided in paragraphs (4), (4.1), (4.5), and (4.6) of
7 this subsection (a); and in addition authorize good
8 time credit or increases in good time credit on a fair
9 and equitable schedule developed by the Director for
10 inmates who are placed on waiting lists for programs or
11 who are willing and able to participate in programs or
12 employment but are precluded from doing so due to lack
13 of resources on the part of the Department, or who when
14 such programs are lacking, participate in self-help,
15 faith-based, volunteer, correspondence, and approved
16 but unaccredited programs.

17 Nothing in this paragraph (6) is intended to change or
18 modify the limits on and exceptions to the award of good
19 conduct credits set forth in paragraph (3) of this
20 subsection (a) and by reference paragraph (2) of this
21 subsection (a).

22 Nothing in this paragraph (6) is intended to create a
23 right or expectation of an award of good conduct credit for
24 any individual or class of inmate.

25 (b) Whenever a person is or has been committed under
26 several convictions, with separate sentences, the sentences

1 shall be construed under Section 5-8-4 in granting and
2 forfeiting of good time.

3 (c) The Department shall prescribe rules and regulations
4 for revoking good conduct credit, or suspending or reducing the
5 rate of accumulation of good conduct credit for specific rule
6 violations, during imprisonment. These rules and regulations
7 shall provide that no inmate may be penalized more than one
8 year of good conduct credit for any one infraction.

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

1 Department.

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

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

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

1 prisoner.

2 For purposes of this subsection (d):

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

7 (A) it lacks an arguable basis either in law or in
8 fact;

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

12 (C) the claims, defenses, and other legal
13 contentions therein are not warranted by existing law
14 or by a nonfrivolous argument for the extension,
15 modification, or reversal of existing law or the
16 establishment of new law;

17 (D) the allegations and other factual contentions
18 do not have evidentiary support or, if specifically so
19 identified, are not likely to have evidentiary support
20 after a reasonable opportunity for further
21 investigation or discovery; or

22 (E) the denials of factual contentions are not
23 warranted on the evidence, or if specifically so
24 identified, are not reasonably based on a lack of
25 information or belief.

26 (2) "Lawsuit" means a motion pursuant to Section 116-3

1 of the Code of Criminal Procedure of 1963, a habeas corpus
2 action under Article X of the Code of Civil Procedure or
3 under federal law (28 U.S.C. 2254), a petition for claim
4 under the Court of Claims Act, an action under the federal
5 Civil Rights Act (42 U.S.C. 1983), or a second or
6 subsequent petition for post-conviction relief under
7 Article 122 of the Code of Criminal Procedure of 1963
8 whether filed with or without leave of court or a second or
9 subsequent petition for relief from judgment under Section
10 2-1401 of the Code of Civil Procedure.

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

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

21 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
22 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
23 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
24 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
25 eff. 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11;
26 97-333, eff. 8-12-11.)