

PENALTIES FOR CRIMES IN ILLINOIS

Category of crime	Usual prison or jail term	Possible extended term ¹	Probation term instead ²	Mandatory supervised release term ³	Maximum fine ⁴
MURDER					
FIRST-degree	(Death) ⁵ Life, no parole ⁶ 20-60 years ⁷	— — 60-100 years	Not allowed Not allowed Not allowed	— 3 years 3 years	\$25,000*
SECOND-degree	4-20 years	15-30 years	4 years	2 years	
HABITUAL CRIMINAL⁸					
	Life, no parole	—	Not allowed	—	—
FELONY					
Class X	6-30 years	30-60 years	Not allowed	3 years	\$25,000* (or more if specified; \$50,000 if a corporation)
1	4-15 years	15-30 years	Up to 4 years ⁹	2 years	
2	3-7 years	7-14 years	Up to 4 years ⁹	2 years	
3	2-5 years	5-10 years	Up to 2½ years	1 year	
4	1-3 years	3-6 years	Up to 2½ years	1 year	
MISDEMEANOR					
Class A	Under 1 year	—	Up to 2 years	—	\$2,500*
B	Up to 6 months	—	Up to 2 years	—	\$1,500*
C	Up to 30 days	—	Up to 2 years	—	\$1,500*
PETTY OFFENSE	—	—	Up to 6 months	—	Amount specified, limited to \$1,000*
BUSINESS OFFENSE	—	—	—	—	Amount specified

* Most fines are subject to mandatory surcharges of at least one-fourth the amount fined. Note 4 on the reverse side gives details.

Note: This summary of Illinois' complex sentencing provisions lists the normal penalties for each class of crime. Laws defining some crimes set higher penalties than the normal penalties for their classes. Numbered notes are on the reverse side.

PENALTIES FOR CRIMES IN ILLINOIS

- EXTENDED TERM.** The court may impose an extended term in lieu of the usual term on a person convicted of any of a number of crimes (or of crimes committed in types of circumstances) listed in 730 ILCS 5/5-5-3.2(a) to (c). An extended term can also be imposed on a person who committed a murder with “. . . wanton cruelty” or committed any felony if an aggravating factor described in note 5 below was present.
- PROBATION.** Except for the most serious crimes, an offender can be sentenced to a term of probation in lieu of prison. The “Probation term instead” column lists maximum probation terms by class of crime. A probationer may not have a weapon or leave the state without permission, and must pay a \$50 fee and any fees for court-ordered treatment, in addition to other conditions imposed by law or the court. See note 10 below on nonprobationable felonies.
- MANDATORY SUPERVISED RELEASE (MSR).** This is a period of parole that automatically follows a prison term for a felony. Persons convicted of some of the more serious sex crimes (mostly involving children or child pornography) must serve from 3 years to as long as natural life of MSR. A person convicted of felony or aggravated domestic battery, stalking or aggravated stalking, or a felony violation of an order of protection must serve 4 years of MSR; a person convicted of a repeat offense of aggravated or felony criminal sexual abuse of a victim under 18 must serve 4 years of MSR, with at least the first 2 under electronic home detention. The Prisoner Review Board can release from MSR a person it considers likely to avoid additional crimes.
- FINES.** When a fine is imposed, other than for a nonmoving traffic offense or a pedestrian offense, there is added to it a penalty of \$10 per \$40 or fraction of \$40. Thus the fines listed must be increased by one-fourth to approximate maximum base fines. Other surcharges on fines for several kinds of crimes are listed principally in 730 ILCS 5/5-9-1.1 to 5/5-9-1.18.
- DEATH PENALTY.** A person who was at least 18 when committing first-degree murder may be sentenced to death if the defendant killed: (1) any of the following kinds of persons who were performing their duties, or to prevent or retaliate for such performance: a peace officer; participant in a criminal investigation, prosecution, or trial; prison or jail employee; firefighter; emergency medical worker employed by government; or community policing volunteer; (2) a prisoner or other person authorized to be in a prison or jail; (3) two or more persons, at the same or different times, if done with separate intent or in separate acts; (4) as a result of a hijacking; (5) for hire, or by hiring another; (6) intentionally, acting either alone or with another, in the course of another “inherently violent” felony; (7) a person under age 12, or at least 60, with “. . . wanton cruelty;” (8) intentionally as part of a drug crime, or by causing another person to kill as part of such a crime; (9) while in prison and in the course of committing or conspiring to commit another felony; (10) in a “cold, calculated, and premeditated manner” as part of a scheme to take a human life illegally; (11) as a leader of a criminal drug conspiracy who caused the victim to be killed; (12) intentionally in a way that involved torture; (13) in a drive-by shooting; (14) a disabled person; (15) a person who had an order of protection against the murderer; (16) a teacher or other school employee, in or near a school; or (17) as part of a terrorist act.
- LIFE IN PRISON.** A first-degree murderer may be sentenced to life in prison without possibility of parole if (a) the killing was done with “. . . wanton cruelty” or (b) any factor listed in note 5 was present. Unless death is imposed, the court must sentence to life in prison without parole any first-degree murderer who killed (1) after being earlier convicted of first-degree murder anywhere in the U.S.; (2) a person under age 12 if the murderer was at least 17, or during an aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping before the murderer turned 17; (3) a person fitting a description in note 5, item (1), (2), or (3); or (4) an emergency management worker performing duties or to prevent or retaliate for their performance.
- The range of possible prison sentences for first-degree murder is 20 to 60 years unless a fact justifying life in prison or death is present. But if the murderer carried a firearm, the term is automatically increased by 15 years; if the murderer fired it, by 20 years; or if the firing caused great bodily harm, permanent disability or disfigurement, or death, by 25 years to life.
- HABITUAL CRIMINALITY.** This is not an offense, but an adjudication of a person who has twice committed and been convicted in U.S. courts of first-degree murder, a Class X felony, aggravated kidnapping, or criminal sexual assault; and after spending less than 20 years out of custody following conviction of the first such crime, again commits and is convicted of any of those crimes other than aggravated kidnapping.

Another provision says that anyone who, twice after January 1978, committed and was convicted of Class 2 or more serious felonies, and while over age 21 is convicted of a separate Class 1 or 2 felony, must be sentenced as a Class X felon.
- Probation is not ordinarily allowed for a Class 2 or more serious felony committed within 10 years after conviction of another Class 2 or more serious felony. Probation is also prohibited for numerous other kinds of crimes or situations listed in 730 ILCS 5/5-5-3(c)(2).

Sources: This chart is based principally on the following sections of Illinois law in effect as of April 2010: 720 ILCS 5/9-1 and 5/9-2; 730 ILCS 5/3-3-3, 5/3-3-8, 5/5-4.5-10 to 5/5-4.5-80 and 5/5-4.5-95, 5/5-5-3, 5/5-5-3.2, 5/5-6-1 ff., 5/5-8-1 ff., and 5/5-9-1 ff.; and 20 ILCS 301/40-5 ff.

Visit our website at:

http://www.ilga.gov/commission/lru/lru_home.html