

STATE OF ILLINOIS  
91ST GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE  
SECOND SPECIAL SESSION

2nd Legislative Day

December 17, 1999

Speaker Madigan: "The Chair shall now convene the Second Special Session. The Chair, relative to the Attendance Roll Call requests leave to use the Attendance Roll Call of the First Special Session as the Attendance Roll Call for the Second Special Session. Is there leave? Leave is granted. Representative Lindner."

Lindner: "Thank you, Mr. Speaker. The Republicans would request an immediate Caucus."

Speaker Madigan: "So, the Republicans will convene in Caucus in Room 118 immediately. And the Democrats will convene in Caucus in Room 114 immediately. And let me further explain that we will go to Party Caucus. At the end of the Party Caucuses the Criminal Judiciary Committee will convene for the purpose of considering an Amendment to Senate Bill 224. It is expected that the committee will recommend the adoption of that Amendment and then we will return to the floor and consider the Amendment and the Bill on Third Reading. So, now we'll go to Caucus; Democrats, 114, Republicans, 118."

Clerk Rossi: "Attention Members, the Judiciary II Committee will meet immediately in Room 114. The Judiciary II Committee will meet immediately in Room 114. Attention Members, the House will convene in five minutes."

Speaker Madigan: "The House shall come to order in the Second Special Session. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary II-Criminal Law, to which the following measure was referred, action taken on December 17, 1999, reported the same back with the following recommendation/s: 'be adopted' House Amendment #2 to Senate Bill 224."

Speaker Madigan: "The Second Special Session on the Order of

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Senate Bills-Second Reading, there appears Senate Bill 224.

Mr. Clerk, is there an Amendment?"

Clerk Rossi: "Senate Bill 224 has been read a second time, previously. Floor Amendment #2, offered by Representative Currie, has been approved for consideration."

Speaker Madigan: "On Amendment #2, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. In 1994, by almost unanimous votes in both chambers, the General Assembly passed the Safe Neighborhoods Act in an effort to make Illinois citizens safer in their homes, on their streets, and in their places of work. The Illinois Supreme Court, early this month, ruled that the Act failed to meet Constitutional standards because it violated the single subject rule in the Illinois Constitution. There were other issues in the Bill beyond the Safe Neighborhoods Act itself. And our effort today is to try to recreate the Safe Neighborhoods Act as close as possible to the way it passed this Assembly five years ago. You will remember that there were many criminal provisions in the Bill. For example, we created for the first time, the offense of gunrunning, when somebody transfers someone who's not eligible to have them."

Speaker Madigan: "Representative Currie, let me make a suggestion that we adopt the Amendment, put the Bill on Third Reading, and then all of the debate will be on Third Reading."

Currie: "Fine."

Speaker Madigan: "So, Representative Currie moves that the Amendment be adopted. Those in favor say 'yes'; those opposed say 'no'. The 'ayes' have it; the Amendment is adopted. Are there any further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Madigan: "Third Reading. Read the Bill."

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Clerk Rossi: "Senate Bill 224, a Bill for an Act in relation to sex offenses committed against persons under 18 years of age. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Currie on Third Reading."

Currie: "Thank you, Speaker and Members of the House. You already know the history. I just want to remind you that this measure contains offenses against gunrunning, increased penalties for people who are involved in gang activity or harassing jurors, for example. There are many provisions in the Bill. The one that has kept us here for five days however, is the provision that made unlawful use of a weapon a felony in the State of Illinois. In my view, that provision was most meritorious. And if you look for example, in Cook County and find the number of gun offenses having declined by more than half over the last four years, you would perhaps agree with me. There are however, people who have concerns about individuals who might, accidentally as it were, accidentally violate the Unlawful Use of Weapons Law and should they be convicted, find themselves having been convicted of a felony, a very serious charge. We have been working with people in both chambers in the Executive Branch. In fact, the Attorney General, at the Governor's request, created a task force that included Members from each Caucus, as well as the Governor's Office, the Cook County State's Attorney, the DuPage County State's Attorney, the Mayor's Office of the City of Chicago, as it was the Mayor who first proposed this Bill. So what we have in this Bill today, is a compromise on the issue of unlawful use of weapons. The charge will remain a felony because a felony charge has shown that we can do something to stem gun violence, not only in our large cities but in our rural areas, as well. However, this measure creates a

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very careful escape clause under which individuals who have not been found guilty in the past of felonies or violations of UJW Laws, who have not recently been adjudicated delinquent, who own a valid Firearm Owner's Identification Card, would be eligible for short-term probation, six months to one year. At the end of the one year, they would have the opportunity, one year later, to have the arrest entirely expunged from the record. It is my view that there will not be very many people who fall into the probationary category, but I do appreciate the concern by sportsmen and others, that we have this opportunity available for somebody who was inadvertent or accidental in breaking the law. Think for example of the hunter who's bagged his first deer and in his enthusiasm managed to leave the loaded shotgun that killed the critter sitting on the seat, the passenger seat, right next to the driver. Well, perhaps, for that individual who had earlier led a blameless life, the opportunity of probation and ultimate expungement makes sense. It does not make sense for people who are repeat offenders; people whose gun usage and gun violations are serious business, and do put at risk the people of the state. So, I would urge that this compromise is a reasonable one. We retain the felony provision, but we provide for an escape hatch for people who found themselves in the toils of the law in an inadvertent fashion. I would be happy to answer your questions and I would appreciate your support for this measure."

Speaker Madigan: "The Lady moves for the passage of the Bill. This is a Third Reading debate. Is there any further discussion? Mr. John Turner."

Turner, J.: "Thank you, Mr. Speaker. Parliamentary inquiry."

Speaker Madigan: "State your inquiry."

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Turner, J.: "Mr. Speaker, I'm looking at the Constitution of the State of Illinois, Article IV under Section (8) entitled, Passage of Bills. And to quote the constitution, it says, 'a Bill expressly amending a law shall set forth completely the sections amended.' It seems pretty straightforward. The question to the Parliamentarian, since the Bill in front of me does not set forth the sections of law that are being amended, I'd indicate to the Parliamentarian to ask the Speaker to make a ruling whether or not we have complied with this particular section of the Constitution."

Speaker Madigan: "Mr. Turner, I would suggest that we take that under advisement and return to you."

Turner, J.: "Do I need to explicate or is the Parliamentarian aware of what I'm talking about in as much as you set forth the law that has been stricken down as unconstitutional, or stricken down I should say, versus the law that is in effect today? So, that is the nature of my inquiry. Having taken it under advisement, may I ask questions of the Sponsor?"

Speaker Madigan: "The Sponsor yields."

Turner, J.: "Representative, obviously, you and I just got out of committee, so we've had a chance to discuss this in pretty good detail, but a few questions, I think, are appropriate for the floor. Let's start off with the questions regarding fines. You will recall I asked you 20 or 30 minutes ago, what is the maximum fine that a person is subject to, under this probation, even though they're not going to be convicted of any crime?"

Currie: "I believe it is the same as is under current law, which is \$10 thousand."

Turner, J.: "All right. Do you find any impropriety with that? I mean, what we're doing here, according to your own terms

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is, that we would have a mechanism where a person, who under your example, is really an innocent person, won't get a conviction of any kind and yet, they could be fined \$10 thousand in spite of their innocence. Do you have any comment on that? And do you think that's fair or do you...?"

Currie: "Representative Turner, as you know, I came here Monday prepared to restore the Safe Neighborhoods Act, as we passed it in 1994. We were interested in compromising with those who were concerned that relatively innocent people, who had nevertheless broken the law if they are convicted, they did do something intentionally wrong and I am not uncomfortable with this outcome. I would suggest that a judge is unlikely, if probation is the appropriate remedy in a particular case, is unlikely to find that a \$10 thousand fine is appropriate. I have faith in the judiciary to make distinctions, to make appropriate differences in distinctions among the people that are in the courtroom charged with various offenses."

Turner, J.: "You use the term 'relatively innocent'. Now that's not in the statutory scheme anyplace is it? That's just something that you've said on the floor to describe the person who gets probation?"

Currie: "Well, I was reminding... I was... I was reminding all of us that anyone convicted today of unlawful use of weapons, is guilty of a crime. Its penalty is a misdemeanor. Under this program, many people convicted of unlawful use of weapons would, in fact, be charged and found guilty of a felony. We are concerned about the relative handful of people who have been found by the court to have committed the crime, but who in other ways, we believe, need a special break. That's the purpose of that provision and I

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think that it is one that would be very rarely invoked. But, I do believe that it helps solve the perceptual problems of people who believed that law-abiding citizens are likely to find themselves in trouble, if we retain the felony."

Turner, J.: "All right. So, the answer to my question is, the relatively innocent person could be fined up to \$10,000?"

Currie: "Yeah, the relative criminal could be fined up to \$10 thousand under this law, as is true today."

Turner, J.: "No, no, Representative, let's not confuse the Members now. You just said, 'the relative criminal'. Under your Bill, this person's not going to be a criminal if they get probation, correct?"

Currie: "If someone were successfully to discharge probation, that individual would be entitled to have the arrest record expunged."

Turner, J.: "Under your Bill, if the person gets probation, they are not going to be a criminal, correct?"

Currie: "Their arrest will be expunged."

Turner, J.: "And they're not going to be a criminal. Why do you want to avoid that? My question is, will they be a criminal?"

Currie: "Their criminal... the criminal charges will have disappeared, that is right. But, in order for them to have entered into probation, there will have to have been a finding, that indeed, they were guilty of violating the Unlawful Use of Weapons Statute."

Turner, J.: "Okay, we covered this in committee. Just to go over it so the people on the floor, that weren't in committee, understand this is, is that prior to the passage of the Safe Neighborhoods Act, the penalty was a Class A misdemeanor, correct?"

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Currie: "Eligible as it... as apparently it is today... eligible for 365 days in jail and for fines."

Turner, J.: "Right. And it was a Class A misdemeanor where the court could not give court supervision, correct?"

Currie: "That is right."

Turner, J.: "And therefore, prior to 1994 if someone was found guilty of unlawful use of weapon, they would receive a criminal conviction, correct?"

Currie: "That is correct."

Turner, J.: "And subsequent to the passage of the Act, which made it a felony, if a person is found guilty they would also receive a conviction, correct?"

Currie: "Yes."

Turner, J.: "And yet under your law, there will be no conviction, whatsoever, entered if the person gets probation, correct?"

Currie: "That is correct. It is my view, however, that the much larger number of people who are convicted and not eligible for probation will serve serious time for what, I believe, are serious offenses. I believe that, in fact, we will be safer if we pass this Bill than if we leave the old law in place, which is our alternative."

Turner, J.: "Well I asked you in committee, I don't think I ever got an answer. I told you before I came into committee, an antigun person said that they weren't for the Bill because it was the weakest legislative scheme to cover unlawful use of weapons the State of Illinois had ever had. What's your thought on that, since under your plan there won't be any conviction of any kind, whatsoever, if the person gets probation?"

Currie: "Well, as I told you in committee, Representative... first of all, I do not believe because the felony provision is retained... I do not believe that the charge is



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accurate. Secondly, it is my belief that virtually no one will end up on probation because, I believe, virtually no one has been somehow, inappropriately prosecuted for what you might call, the accidental misbehavior."

Turner, J.: "Okay. Some of my downstate colleagues might have a problem with that. You've said twice now during this debate and you said it once during committee, that virtually no one will receive this probation. Virtually no one. So, is it your intent, even though there's a presumption of probation, that hardly anyone or virtually no one's going to get this probation? So they're all going to get the felony convictions?"

Currie: "It is my personal view, that much of the discussion this week has revolved around issues that don't happen. We hear about people who are on their way back from hunting who are violating the Unlawful Use of Weapons Act. Never mind that there's been a Federal Statute in place since 1986 that protects people who are traveling, as long as their weapons are safely stored. The Illinois Law protects the hunter who takes the gun apart, takes the ammunition out, puts it in the trunk, or puts it in some kind of container in the back of the RV or the SUV. I do not believe that there are quantities of people out there who have been improperly, in the sense that these are basically law-abiding folks, been improperly brought to the bar by virtue of a mistake and the fact that the law is a felony status situation. So, I don't think they'll be very many people at all."

Turner, J: "Well, a pretty famous person once said, 'Injustice anywhere, is a threat to justice everywhere.' What you're indicating is that there are those who are being convicted even though they have no criminal intent, whatsoever."

Currie: "That they cannot... you do understand that the Unlawful

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Use of Weapons Statute requires a 'knowing intent' in order to establish guilt? Somebody who had not a clue, who had no way of knowing, is not 'guilty as charged' under UJW."

Turner, J.: "Really. I see the knowing as it applies to the gun itself."

Currie: "It says it right there in the statute."

Turner, J.: "Does that knowing language apply to whether, indeed, there's ammunition in the gun? Is that what the cases have said on that?"

Currie: "I do not know the case law but I would imagine that when it says right there on the face of the statute and that's current law, that if you have to knowingly violate the Act, I would assume that prosecutors, as well as courts, take that admonition seriously."

Turner, J.: "All right. Well, we want to get that certainly on the record. I have a pretty good idea this is going to pass at least the House, I don't know about the Senate. So, the mens rea, the mental element, the knowing, applies not only to the gun, but also the ammunition in the gun, correct?"

Currie: "It says... "

Turner, J.: "For legislative intent, so when the court looks at this particular statutory scheme, they'll know what we meant?"

Currie: "Yes, that's what the statute now says and we do not change that language."

Turner, J.: "All right. So it would be a defense then if someone knew the gun was in the vehicle, but didn't know it was loaded, right? Because the mens rea would not have been met, correct?"

Currie: "I didn't know the gun was loaded. Yep, that's right. Now, of course... "

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Turner, J.: "So, they must know the gun's there, they must know it's loaded, before they have violated UJW in the State of Illinois?"

Currie: "That is true today and it will be true when we pass this Bill."

Turner, J.: "All right. A lot of concerns raised by some of my constituents is with regard to what will they do if they get this special probation? When a question comes up later on in their life where they haven't been convicted of a crime, but an application for employment will ask the question, 'Have you been charged with a felony?' You indicated in committee that you thought, I think it was a Senator, that that was against the law. But in practice, that happens. There are applications submitted all the time in everyday life, which pose the query, 'Have you Mr. Prospective or Mrs. Prospective employee, ever been charged with a felony?' My question to you is, how do they answer that question, assuming they want to be truthful?"

Currie: "There are at least two options. The first is to remind the employer that, except in rare circumstances, that is not a legitimate employment question. The second possible answer is, to tell the truth. To say, I was arrested, but there is... that I was found not guilty and in fact, the arrest record has been expunged."

Turner, J.: "Do you view that as perhaps, problematic with the person who's applying for the job and being successful in getting it?"

Currie: "It seems to me a pretty straightforward response and if the employer is a reasonable person, they would, I suspect... I suspect that it would be one that might sell... but Senator Cullerton suggested, 'if the employer is a reasonable deer hunter, for sure it will.'"

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Turner, J.: "How about a bank loan application? Let's say I want to go in and, you know, unfortunately, was one of those people, who were, I forgot what the term you used, pretty much innocent but not quite innocent, substantially innocent, whatever. Later on then I go in for a loan at my local bank and that's one of the questions on the application, in order to get the loan. Again, how do I answer that? Especially, if it's under penalties of perjury... for example, I'm doing a financial statement?"

Currie: "Again, I would suggest that you tell them the truth, but I wasn't aware that that kind of question is asked on a bank application."

Turner, J.: "I've got in front of me... "

Currie: "And is it arrest or conviction that they ask?"

Turner, J.: "So, it's your understanding they only ask about convictions and not about whether you've been charged?"

Currie: "Pardon me?"

Turner, J.: "Your understanding is, that under normal the circumstances, a person is asked only about a conviction and not about whether they've been charged?"

Currie: "That's what I thought, but I'm not sure."

Turner, J.: "I asked you the question in committee about Federal Law and whether our statute preempts Federal Law or, whether Federal Law by the supremacy clause, preempts our state statute? And it was towards the end, and I did not ever get... I was never clear on what your response was to that question."

Currie: "Well, my response is that we can't change Federal Law nor can we provide for people not to have to respect Federal Law. But we also are a state and we establish our own laws, our own rules, and that we are permitted to do."

Turner, J.: "All right. To me you're saying that Federal Law

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does preempt State, Statutory Law."

Currie: "I'm not sure that there is a preemption issue here. I do know that there is Federal Law with respect to transport of firearms interstate and I believe that our law, our State Law, pretty closely reflects the... the federal rule, but I'm not sure about anything in this discussion about felony charges for unlawful use of weapons, that there is any contradiction with Federal Law."

Turner, J.: "Well, some Members of my side of the aisle think that there is a contradiction because Federal Law suggests that you can't have a handgun if you're under indictment, which is only a charge, you're presumed to be innocent, which would be similar to being under probation where you're not ultimately convicted. And the question, therefore, becomes, does that federal statute preempt our Illinois Law that we're going to be passing, perhaps, today? Does it prohibit that person on probation from having a gun?"

Currie: "But, first... it... I believe we have... we have specific language which says that, 'during the period of probation, the person shall not be considered under indictment or otherwise charged with a crime', page 86, that's lines 30 and 31."

Turner, J.: "I'm sorry, Representative, were you finished? We also covered forfeiture laws, seizure laws in committee, confiscation of the weapon, confiscation of not only the weapon that may have been involved in the commission of the alleged crime but also, confiscation of any other weapons that may be at home. I think it'd be nice if you'd explain to the Members who are interested in forfeiture laws, and the confiscation and seizure of weapons, how this particular special kind of b-5 probation will affect those

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provisions."

Currie: "Well, first of all, it won't because you have to be found... you have to be convicted in order for the forfeiture law to come into play. And this language, specifically states you will not be convicted. And again, you're talking as if this is very special, very different but in fact, we did... you use to call it 14-10. This is essentially the kind of probation that is available today to people who are found guilty of possession of small amounts of recreational drugs. So, it's not a brand-new phenomenon. It is one that we modeled on current law in Illinois for first-time offenders of small amounts of illegal substances."

Turner, J.: "Well, I would agree with you except having been a former prosecutor and a former public defender, as well, under those sections most first-time offenders get that kind of probation. Most first-time offenders don't get the conviction. But you've already indicated to us, that your kind of probation is much different, because you envision hardly anyone's going to get this kind of probation."

Currie: "Yeah. Because I don't think very often people who... who were basically law abiding, break the law and meet the requirements for probation under this Act. I think there's been a lot of misunderstanding about what the state of the current law is and what the federal protections provide us."

Turner, J.: "Well, I know, as you pointed out in debate, we come from different parts of the state. And I do know, that a person that carries a gun and has that gun loaded, is in violation of the UUW Law."

Currie: "Yes, it is."

Turner, J.: "I also know reality. And I know that there are

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truck drivers who travel the countryside. And I know there are people that live in the inner cities, both South and North, who feel like they need protection. And they feel like, if they're going to have a weapon in their car or truck, that that thing's probably not going to give them a lot of protection if it doesn't have ammunition to go along with it. I know you can't cure that, but I don't think you should overlook the fact that some people are willing to risk, they're willing to risk getting a criminal violation because they think they need the protection. And they think it's worth it. And I think for you to suggest that most people are not going to be eligible for probation because this is only a hunter situation and hunters generally take out their ammunition, is misleading the Body. And I think it really does get down to the question of whether or not we want to make criminals out of otherwise law-abiding citizens who are simply trying to protect themselves. And I think it's clear that you do."

Currie: "Well, Representative, I would point out that the current status of the law does, as well. Someone guilty of unlawful use of weapons is today guilty of a misdemeanor, that is a criminal offense. I think we made that public policy decision some 60 years ago. I think it is critical today, to make sure that people who are unlawfully using weapons, are eligible for more than 365 days in the slammer when their actions and activities put at risk the life and the limb of Illinois citizens. That is what this debate is about. We are trying to provide a special escape clause for people who really didn't understand or didn't really mean quite to break the law, didn't perhaps, have criminal activity as the intent, at the end of the day. Regular probation will be available for these... for people who

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fall into charges against these crimes as well. But we were particularly concerned because there seemed to be so much concern among our colleagues about the individual who shouldn't end up with a felony conviction at the end of the day, simply for failing to take that last shot out of the rifle."

Turner, J.: "Representative, you make it sound like that in Cook County..."

Currie: "So, we trying... we were trying to be helpful and..."

Turner, J.: "But, but you make it sound like in Cook County, that the first-time UUW offender, under the felony provisions that were in existence until a couple of weeks ago, are either number one, going to prison or at least, number two, going to jail. Do you have any statistics to back that up?"

Currie: "No, and I don't believe that you have either which is why you keep asking me about my numbers. I don't have numbers, but I would suggest that there may be other kinds of first-time offenders for whom this particular kind of probation might be effective and maybe that is good public policy. We'll have an opportunity when this Bill becomes law, to assess the numbers of people who fall into the various categories that are available to the prosecution and to the court. And perhaps, we'll come back and change our minds."

Turner, J.: "When you said that 365 days in the slammer was not enough... "

Currie: "For some people... "

Turner, J.: "... it seems to me, logically, that you're suggesting that they're going to prison, getting more than 365 days, but yet, that probably is not the case. I think we can admit that, can't we?"



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Currie: "I do not know what the numbers are, but I do know that we have... I do know that we have people in the state prison system for longer than 365 days by virtue of UUV convictions. And I do know, and you know, we all know, that the felony provision has saved lives. And it has stemmed the tide of guns on our streets, in our places of work, and in our homes. We know from Cook County statistics, and I suspect other counties would bear that out, that the number of people carrying loaded weapons on their persons and in the passenger seat next to the driver, has been substantially reduced over the last four years. I think that's good public policy. I think it's public policy that will save additional lives and that's why I think we should reenact this measure."

Turner, J.: "Representative, we also talked in committee about Justice McMorro's Supreme Court opinion. You recall that, don't you?"

Currie: "I do."

Turner, J.: "And we discussed some of the language cited in the Supreme Court opinion, did we not?"

Currie: "Yes."

Turner, J.: "And I read part of that into the record where the court was talking about the single subject rule and stating why it's important to have the single subject rule in the constitution, and why it's important for the Legislature to follow the same. And I think I at least tried to indicate what the spirit of that Supreme Court decision was when they used the phrase 'log rolling'. And they said the practice of 'log rolling', wherein less popular legislation was bundled with more palatable Bills so that the well received Bills would carry the unpopular ones to passage, was corruptive."

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Speaker Madigan: "Representative Hannig in the Chair."

Turner, J.: "Oh... well, corruptive... corruptive of the Legislator. I don't know if that meant Legislature, but it says Legislator, and dangerous to the state. And the spirit of that... let me put this in the form of the question. The spirit of that is it not, is for we as a legislative Body combined with the Senate as a General Assembly, to not take unpopular or controversial measures and place them upon popular ones in order to avoid voting on the controversial or unpopular ones. That's the spirit of the opinion that sent us back here for this entire week before Christmas, isn't that right?"

Currie: "Representative, there is no way in which this UUU provision, as part of Senate Bill 224, violates the single subject rule of the Illinois Constitution. The Supreme Court looked closely at the legislation that was adopted in 1994 and in no way did they suggest in their opinion, that this provision ought to... needed to be treated separately. As I told you, the whole package worked, the 1994 legislation, it helped us bring down crime. In fact, murders are down 300 a year since 1995. In 1994, in Cook County, 22,000 illegal guns were confiscated. In 1998, the number was 9,000. Armed robbery is down by one-third. Why do you think? Because we passed the Safe Neighborhoods Bill and because in that Bill, was a provision that made it a felony to commit unlawful use of weapons. That was part and parcel, one could say the linchpin of the 1994 Act. The idea that on any ground, it should be separated from the other worthwhile provisions, is nonsense."

Turner, J.: "Representative,... and that is not what I said. I didn't mention the single subject rule except in quoting. I said, the spirit of the Supreme Court decision which is

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the very reason why we are here, is that the Legislature should not engage in 'log rolling'. My question is, have we been log rolling this week, have we?"

Currie: "No."

Turner, J.: "Have we been taking a package of about 50 Bills that was very popular and using that to put another unpopular, uncontroversial Bill on top of it, in order to avoid a vote on the unpopular Bill? Isn't that 'log rolling'? Isn't that what the Supreme Court opinion said we shouldn't be doing? And that's what we're doing here?"

Currie: "No... No, it is not what we're doing here. In the first place, what we're doing here is very popular with many constituencies across the state. Second, 'log rolling' is quite different from trying to forge a compromise, which is a legitimate part of the legislative process."

Turner, J.: "Representative, I pointed out in committee. Yes, pass 99% of it. It's very important. I want to vote for this. The way this thing's set up, I can't even vote for it. I can't vote for something that I support 99% of because you won't separate out the controversial Bill. That's unfair to me as a Member. That's unfair to every Member in this Body and the one that sets across the great divide. It's wrong. And I suggested to you in committee and I suggest now, it should be separated. I know you don't have the authority to do that as we speak here on the floor. But I would like for you to admit that we are violating the spirit of the Supreme Court rule that sent us back here this week."

Currie: "I make no such admission. I think you're dead wrong."

Turner, J.: "All right. So, you don't think there's been any 'log rolling' during the week, then?"

Currie: "Do what?"

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Turner, J.: "You don't think there's been any 'log rolling' during the week? You don't think we've been negotiating about UUW, which is a couple of pages in the entire Bill, all week long?"

Currie: "We've... we have been trying to compro... we've been trying... we've been trying to find language to compromise on an issue that people have decided is important, concerns about the administration of justice. That's legitimate. I would also remind you, Representative, that what we're voting on this afternoon was the recommendation of the task force that included: the Governor's Office, the Attorney General's Office, the four Caucuses in the Legislature, States Attorneys from several counties and the Mayor of the City of Chicago."

Turner, J.: "Did you say it included the Legislature?"

Currie: "Yes."

Turner, J.: "Well, I don't know. My constituents call me from Atlanta, Illinois, and they say it looks like to them they don't need a General Assembly. We just need four Leaders and the Governor to make all the decisions for us. I don't really know how to answer them. I do the best I can. And I say, 'Well no, you know, everybody can't negotiate. You have to have a certain number of people that can negotiate.' But, they don't understand how it could take five days, when 90% of the Bill, if not 99% of it, is completely popular and unexcepted. They don't understand why you can't separate out what is controversial. But apparently, that doesn't make any sense. It makes common sense to the people in Atlanta is all I can tell you. To the Bill."

Speaker Hannig: "To the Bill."

Turner, J.: "Wish, wish I could vote for this Bill. I support

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the anti-crime measures in the Bill, I've supported them in the past. I probably have the luxury, that some of my colleagues don't, as being a former state's attorney, I doubt if I'll be attacked for being soft on crime. If I am, I guess I'll just have to face it and try to answer those accusations the best that I can. But I'm taking a vote today and I'm voting 'no'. Because I'm voting against this system and the way it's worked this week. Because it's unfair for this Body to have to vote, be forced to vote, by proclamation and by the conduct of all the Leaders upon a controversial measure, that should have been separated out from the rest of the package. And I'm sure no one else is going to stand up and say it, and maybe they're afraid of the repercussions, maybe I should be. But, I've got to believe that the rank and file in this Body agree with me, and I've got to believe they agree on the other side of the Capitol Building in the Senate, as well. So, I'm voting 'no' and I know that the politics dictate that many of you need to vote 'yes', and I wish I could vote 'yes'. But because of the way this process has worked this week, it forces me to take a 'no' vote against a Bill that I support about 95% of. My vote is 'no' against the system. My vote would be 'yes' for the Safe Neighborhoods Act. And I wish that we would have had a chance to debate on whether the UUW in Illinois should be a felony or should be a misdemeanor because I can live with either decision. But for god sakes, why can't we just debate it, instead of going through this charade that we've been going through for the last five days. We were deprived of doing that. Thank you for your patience in listening to all my questions."

Speaker Hannig: "The Chair recognizes the Gentleman from Kendall,

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Representative Cross."

Cross: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "Yes, the Sponsor indicates she'll yield."

Cross: "Representative, I just have a few questions of cleanup nature, maybe from a legislative intent standpoint. Some people have had some questions. One, it's my understanding, and I have a copy from the State Police dated December 17th, 1999. It says, 'imposition of the probation proposed by House Amendment #2 to Senate Bill 224, shall not result in Illinois State Police revoking an otherwise valid FOID card, or denying an otherwise valid FOID application.' That is the intent under this Bill, and apparently..."

Currie: "That is the intent..."

Cross: "...outlined by the State Police, and that's your intent to follow this. Is that correct?"

Currie: "That is the intent and the... the language about not considering a person under indictment or otherwise charged with a crime, would mean that there is no trigger for the State Police to take that action."

Cross: "The goal here is that their case is, that someone could be placed under probation in this... under this scenario... under the b-5 probation and not lose their FOID card and, that is the understanding among those that have been working on this. We don't want it to automatically trigger, no pun intended, the revocation of a FOID card."

Currie: "That is right. And the language that does that is the language on page 86, lines 27 through 29."

Cross: "In addition to that... as well as what helps that is this language from the State Police. You agree with that?"

Currie: "Yes."

Cross: "Okay. A couple of other questions that have come out of

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our Caucus. Assuming someone has put on B-5 probation, and during that probationary time they get charged with a domestic violence offense, is it not true that that could be a basis for a revocation of this probation, such as any criminal offense that takes place during a term of probation?"

Currie: "If for example that the court said, at the beginning of the probationary period, this is one of the conditions, that would trigger an end to probation. Now also, of course, if somebody does other... violates the criminal statutes during probation, that also triggers the end of probation..."

Cross: "It would certainly..."

Currie: "So..."

Cross: "... be in the discretion of the State's Attorney's Office whether or not to file a petition to revoke probation. Is that correct?"

Currie: "Yes."

Cross: "Thank you. There has been a lot of discussion about the issue of what a case is, inaccessible, et cetera. I just want to point out to the Members of this Body and make sure that people are aware of... there is actually a definition of the word 'case' in the Wildlife Code. And I'd like to point that out so people are aware of it. And, in fact, I'd like to read it into the record; 'case means a container, specifically designed for the purpose of housing a gun or bow and arrow device which completely encloses such gun or bow and arrow device by being zipped, snapped, buckled, tied or otherwise fastened with no portion of the gun or bow and arrow device exposed.' That comes out of the Wildlife Code, 5-20 ILCS 5-1...2b-1. So, I don't know if you're aware of that. I wasn't until today,

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Representative. I just wanted to make that clear."

Currie: "Thank you."

Cross: "It's... Representative, a couple of other just quick questions. It's our understanding from the research that we've done over the last few hours, that if one is put on this B-5 probation it would not mean the loss of a professional license such as for an accountant, a lawyer, a real estate agent. Is that your understanding?"

Currie: "That is my understanding."

Cross: "And it is not the intent, under this legislation..."

Currie: "School teachers as well."

Cross: "...for anyone to lose a professional license while on this probation?"

Currie: "That's right. Right. And that includes school teachers. And you're right, the language is very carefully drafted so as to prevent that from happening."

Cross: "All right, two more questions. I just want to make sure that we've included in this latest Amendment... there was some discussion, among many discussions, that subsequent to the expiration of the probation for a period of ten years, any offense that you were charged with could be used against you in a sentencing hearing, that we've now reduced that to five years and limited it to forcible felonies and unlawful use of weapons charges. Is that correct?"

Currie: "That is correct."

Cross: "All right. Final question, just to alleviate some concern. Since the passage of the Safe Neighborhood Bill back in '95, there have been Amendments to the Safe Neighborhood Bill. We've enhanced penalties, et cetera. My understanding in reading that Bill is we've taken care of those Amendments in your language that... assuming the Safe Neighborhood Bill is reenacted, those additional



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Amendments or enhancements will fall into place and still be the law. Is that correct?"

Currie: "You are correct and some... for example, there are... none of the juvenile court provisions are in this Act because we reenacted the Juvenile Court Act with them a year ago. So, both sides of that coin are accurate."

Cross: "And with the exception, then, of the WIC provision, the Secured Care, and I believe, the civil portion of FOID, everything else is in there. That's your understanding, from the Safe Neighborhood Bill?"

Currie: "Yes."

Cross: "Thank you."

Speaker Hannig: "The Chair recognizes the Gentleman from Cook, Representative Lopez."

Lopez: "Thank you, Mr. Speaker. To the Bill. First of all, I'd like to commend Governor Ryan, Mayor Daley, Speaker Madigan, Leader Daniels, and Leader Jones for taking the leadership on this important issue. There has been a lot of talk in Caucus, there's been a lot of talk on the floor, a lot of talk during this week as we're looking at each other and finding things to do this week, and talk about how do we protect law-abiding citizens to be able to carry their guns. But the fact is, that the majority of the people that carry guns in this state that use them for crimes, are criminals. So, we can all sit here and feel sorry... and sure there's a lot of law-abiding citizens that want to carry their weapons legally, but the number one issue, at least in my district, is crime, is guns. I am sick and tired... how do you explain to a mother... let me give you a couple of examples. Herman Morales, shot while riding his new big wheel as a Christmas gift two years ago. When I went to the funeral, what could I

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possibly tell the mother and the father as they were crying? What could I possibly tell them that's going to help them to feel the relief of bringing their child back? Absolutely nothing. Their son died at the age of five years old. What do I tell the parents of Nakia Terrell shot four blocks from my house, innocently playing basketball in the back of her house? What do I tell her parents that's going to relieve and make them feel better about their child being killed, innocently, that had nothing to do with what's going on in their neighborhood? What do I tell the grandchildren and the children of a senior citizen, Edna De Larosa, CHA senior resident, about a mile from my house, that was killed the same day that Officer Ceriale was buried, the very same day that a police officer was shot and killed? The day that he was buried, she was shot on her way to the grocery store. What do I tell her grandchildren when they say, 'I can never see my grandma, again.' And my own example, what could anyone tell me when two years ago, two rival gangs start shooting at each other half a block from my house and a bullet came into my window exactly where my children had been there five minutes before. Five minutes before my children... if this shot had come into my house five minutes before, my children would have been killed. What could anyone possibly tell us? What could anyone possibly tell my wife and I, when my five-year-old or my 12-year-old was shot innocently, while playing in my living room. So, it's easy for everyone to get here and say, 'Oh let's find something, let's work this out.' But what do we tell the innocent people who have been shot? What do we tell the innocent family members that will live the rest of their lives thinking about their relatives? Well, there's nothing that we can do to bring

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those relatives back. That's why this issue is so important. And I urge, urge every Member of this Body, and I urge the Senate to do what is right. Do what is correct for not only the people in my district, but do what's correct for the children and the families of the State of Illinois. Thank you and I urge an 'aye' vote."

Speaker Hannig: "The Chair Recognizes the Gentleman from Cook, Representative Delgado."

Delgado: "Thank you, Mr. Speaker. I too, rise in support of Senate Bill 224. On Monday, many many families came in from around the Cook County area and other places to ask us to do one thing. And that was to make sure that we reenacted a law that is already... has a historic result. We are sure. We have tangible results from a law that's already on the books. We don't have to talk hypothetically. We don't have to read it in a book. As my colleagues have said, we have been personally stunned by this. I, one, as an uncle, lost my nephew to a gunshot on Mother's Day of 1998. Explain that to my oldest brother, explain that to my mother, the grandmother. We know that this Bill has a history. We know that Chicago and the State of Illinois has become a world known state and the city. We're economically viable in these days, but we have to make sure that we're at the same time, economically and safely viable for all of our families to walk free. How do we tell young couples that when they're planning for their families, that they're even thinking of maybe not having more than two children because they're concerned about what may happen to them in the mean streets of the State of Illinois. It's not only a regional problem. We understand that these things continue to affect and infect societies. It's not only Chicago. It happens in all the suburbs around us. We

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know, and we can review those statistics and that history. We know that since this law was on the books four years ago, in Chicago alone, we were able to remove, in 1994, 22,000 guns and went down to 11,000 in 1998. It's imperative that after all of this going back and forth and playing politics with something so important, this isn't about deer hunting. This is about saving lives. This is about protecting the rights of children, seniors. And everyone who came here on Monday, came with a strong voice. And to my surprise, one of those young people was my niece, to make sure that we did our work. And as that brings that emotion to me, we cannot be debating the technicalities of a law that already is proven and is on the books. So, I encourage my colleagues on both sides of the aisle to use their human and compassionate side of your logic and do the right thing. And make sure you say 'yes' to (sic-Senate Bill) 224 because this is not something that we just brought up yesterday. Many of you supported it in '94 and I'm glad to join you today. And I challenge you to do the right thing. This Bill saves lives. Don't give me... it is hard to even begin to conceive that we are spending so much time debating. Tell Steven Young that... about a white man who lost a white child. This isn't about Latinos, this isn't about African-Americans. This is about families, for heavens sakes. So, let's be sure that when we look at our conscience, we don't get confused, that we start putting 'Bambi' in front of the lives of our children. Because it burns me up every time I go back home and I have to listen to all of the mothers that say to me, 'Willy, what are we going to do?' Together, we will have that answer, but alone, I don't know. This is as close as we're going to get, and please, I ask you for your 'aye'

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vote. Search your hearts, especially, in this Christmas time. Please search your hearts and let's do the right thing. Thank you, Mr. Chair (Sic-Mr. Speaker)."

Speaker Hannig: "The Chair recognizes the Gentleman from Cook, Representative Brosnahan."

Brosnahan: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Brosnahan: "Barbara, can you tell us what impact has the Safe Neighborhoods Law had on gun offenses in Cook County, when it was in effect?"

Currie: "I would say the whole package has done a very good job in reducing violent crime. In Cook County, murders with handguns are down 300 a year since 1994. The number of illegal guns confiscated and destroyed by the Cook County by... in Cook County, has decreased by more than 50%. Armed robbery is down by a third. Violent crime in the collars has gone down 27% between 1994 and 1998; in Suburban Cook, 25%; downstate almost 22%. We've had a major impact from the Safe Neighborhoods Act and it's clear to me that the linchpin of that Act is, in fact, the decision to treat unlawful use of weapons as a felony."

Brosnahan: "Now, Barbara, some people have expressed concern about the expungement process and how difficult that would be. Can you tell us if an individual is charged and sentenced under this type of probation, what could be expunged, could he represent himself, pro se, when he tries to get that expungement?"

Currie: "An individual may represent himself, pro se, and there's a one-page form available at any courthouse that need be filled out."

Brosnahan: "Okay. Thank you."

Currie: "People do it all the time for a variety of other kinds

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of things."

Brosnahan: "Thank you. To the Bill. Mr. Speaker, one of the previous speakers said that this legislation was... he heard, it was one of the weakest legislative schemes aimed at UUW's. I really take exception to that. I looked at this Bill. All week we've looked at different proposals. I think what we have to remember here and I was a prosecutor in Cook County for eight years, I've talked to many of my former colleagues that are still prosecutors, they are in favor of this Bill. It's not perfect. I think the perfect scenario would have been if we reenacted the Safe Neighborhoods Law the way it was after addressing the single subject matter issue, but that wasn't the case, so this is compromise. This is supposed to be a middle ground. People are in favor of this Bill that are definitely pro-law enforcement. The Attorney General of Illinois is in favor of this Bill. The Cook County State's Attorneys Office are in favor of this Bill. This is definitely a very strong Bill as it addresses gun offenses in the State of Illinois. It's easy to characterize this Bill as a gun Bill, but really it's not. It's an anti-crime Bill. This Bill is about public safety. It's good public policy and out at... and always ask everyone here for an 'aye' vote. Thank you."

Speaker Hannig: "The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. I, too, like some previous speakers, had some problems with the way things developed here. I don't think any of us were terribly happy about being here this past week. I think, to say it was circus like, is an understatement. The back and forth, some of the craziest proposals I've ever heard

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in my life, but I'm extremely pleased that the Speaker has forced this issue because we've been waiting here for so long and I want to commend him for doing that. What we have in front of us is the Safe Neighborhoods Bill. It was a Bill that I sponsored five years ago, so I guess, in a certain sense, you can blame me for us being here. The reality of it is the Safe Neighborhoods Bill was an Act that was conceived by the Mayor, myself, and other folks as a way to combat some of the problems we were having on the streets. The different laws that we have come as a direct result of conversations with people in the street, the CAPS members, the police officers. And we asked them what it was that they needed to try to make their streets a little bit safer. They came back with some pretty common sense type of ideas. One dealing with trying to deal with the intimidation of witnesses, harassment of jurors, problems with gunrunning, problems with people who have guns to face them. But one of the things they kept coming back to was, the chief problem was, the problem with guns. There's just too many guns on the streets. We put the Bill together and we tried to address that and I think the numbers speak for themselves. We did a very good job. Would I be so naive and so stupid as to say that this Bill, in and of itself, was the reason why so many of these different categories show that there was a decrease in crime? No, no, I wouldn't be so stupid to say that. But did this have a dramatic impact on it? Yeah. And how is it that I know that? Well, I can tell you for starters the day after the Supreme Court found this unconstitutional, my phone was lit up. And who was it lit up by; police chiefs. Police chiefs calling me saying, 'Tom, this has got to get back on the books and it's got to get back on the books right away.

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It's the one law that you guys have ever done down there that's made any sense and actually worked.' One after another they were saying that. And so here we are, we're back down here today to try to put it back on the books. Once again, is anybody thrilled with the way the negotiations are going on? No. I, personally, don't agree with them either. But through the negotiations, we have come up with a compromise. And in my opinion, it is probably one of the most reasonable compromises you're ever gonna get in this situation. It is a Bill that, two years ago, I'd sponsored. Why did I Sponsor a Bill, two years ago, that dealt with the 1410 type situation? Well, part of it had to do with the fact that there were individuals who were trying to repeal this Bill, but the other part of it, too, was that it made sense. It made eminent sense. Why? Because the UUW provisions of the Bill were simple and straightforward. We wanted to go after criminals. Did we ever want to go after the law-abiding citizen, the legal gun owner? No, that was not what the intent was. We all knew that. But it was a question in the... how do we get to that? And the only way we can get to that is on a fact by fact, case by case basis. You can't legislate that. You can't legislate a law saying, this is only applying to bad people; good people get to go away. Can't do that. We all know that here. So how do you do it? You try to put a tool in effect that would give the court the degree of latitude to deal with those folks. And Ladies and Gentlemen that's what we have here today. Individuals might be trying to sit there and say, 'Well, we've watered this thing down, it's no longer as tough.' That's just not true. It's absolutely not true. What we have here is a situation where the bad people, the people we want to go



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after, the ones that are terrorizing our streets, we can go after them and treat them like they should be, as a felon. But for the individual who is caught up in the system, an individual who is hunting, an individual who is a law-abiding citizen who pays their taxes, what will they get? They will get the break, the break that they can get under this law that they deserve. What that break would be is that they would have this one opportunity where they could be put on probation, in a probation that would not ever be held against them, that an employer could not get, that a credit reference could not get. Now, is that watering down this Bill? Absolutely not. This is something to go before the State's Attorney and the judge, both, at the same time to make sure that this is not a bad person, the people that we're trying to go after with this Bill. So, we have in front of us now just what we started with at the very beginning. A Bill that goes at the heart of the problem which is too many people who should not have guns, have 'em on the street, and we're gonna do something about it. This Bill does that. For people that contend otherwise, it's just patently not true. It's not what's in this Bill. We have a situation, where for once, we can deal with the gun problem. As a former state's attorney, I can only tell you with the... a degree of regret about my years as a state's attorney where guns were treated like traffic tickets. They were a misdemeanor. You go into gun court, it was like going into traffic court. You come in here, get your supervision, your slap on the wrist and out the door. As much as I would like to tell you, otherwise, folks, the reality of it is that the defendants, the criminals, the bad people out there, they know the law better than the lawyers know it. They know it better than

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the judges know it. And they knew that we were not taking gun offenses seriously. They knew they were misdemeanors. They knew there was no repercussions to having a gun on your person when you're out on the streets. They knew that. They also knew all of a sudden that when we changed this and made it a felony that all of a sudden things had changed. And you know what, it shows in all of the numbers, all the statistics. They all show the same things. There is no category of crime... there has been a greater decrease than in the gun crimes, that have occurred over the last ten years. None. Why is that? It's because we finally got smart with our laws. So folks, in the end, what do we have? We have a law that should work. Is it everything that everybody in this room wanted? No. But does it get after precisely what we talked about five years ago? Absolutely. It goes after the bad people, the people we don't want having guns. And for those law-abiding citizens, the hunters, you know what, they get the pass that you asked for. They get that thing that will not be a mark on the record forever. And in the end, folks, in the end, I can give you 14,000 reasons why we should vote for it. That's the number of guns we have had decreased on the streets since this law was on the books. But more importantly, I can give you 300 reasons and that's the 300 less deaths we've had on the streets from guns since this law was on the books. And I think we should vote for this Bill. Thank you."

Speaker Hannig: "The Lady... the Chair recognizes the Lady from Kane, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "She indicates she will."

Lindner: "Yes. Very briefly, to the Bill. I called all my

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chiefs of police and they were all very supportive of the fact that the Safe Neighborhood Law has been a deterrent to crime. But I also heard from citizens, lawful gun owners, hunters, who said, 'We're scared. We don't know what to do. We don't know how to transport our weapons and we don't want to be felons.' In my opinion, the best solution for this would be to make the first offense a misdemeanor and the second offense (sic-offense) a felony. That would allow for the lawful gun owner and also, it would catch the gangbanger because in reality, as one of my chiefs told me, usually these people have tons of other charges and the UUW charge is the least of the charges is dropped and there are felony charges for the rest of the people. But in this Body, we never get a perfect law to vote for. We have to weigh the good against the bad. If 90% of this law is good and a deterrent to crime and my law enforcement officers are telling me that, then I will have to vote 'yes'."

Speaker Hannig: "The Chair recognizes the Gentleman from Cook, Representative Durkin."

Durkin: "Thank you, Mr. Speaker. I just want to maybe make a couple clarifications of whether or not... when there was earlier debate, there was a question of whether or not this Bill is going to lessen the knowledge or mens rea requirement. I just want to make it perfectly clear, then, that's not the... that situation 'cause the Section we're amending, presently, under the Chapter 24 states that if you're gonna be convicted of unlawful use of weapon there must be a knowing violation. There must be knowledge requirement, so it's not a question that we are lessening the burden or eliminating that where a person does not have knowledge is gonna be automatically charged. That's not the situation. Secondly, there's been a lot of discussion

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over the past few weeks... last month that it's the hunter or the guy who's a law-abiding citizen who risks the most. Quite frankly, since 1986, the Federal Law said you don't... these people are protected under the McClure-Volker Act which was in 1986 which prohibits a municipality or state from prohibiting a person... a municipality or state from having a law which prohibits a person from transporting a weapon which they're transporting for a lawful purpose and the... as long as the weapon is not accessible and unloaded, a person cannot be charged with a municipal violation or a state violation. So if the question is, I need a vote from my hunter, you got this to hang your hat on 'cause this has been in 1986 and this person can't be charged under those circumstances. And those are the ones who we've talked about, the law-abiding citizens, are the ones who are gonna get tagged on this and that's not the case. But, to the Bill. I think all the debate and all the arguments have been very much from the heart. The numbers that we've seen out of the City of Chicago in the last four years, the areas that I live in, they don't lie. And I think, we have an obligation to come here to do something to keep body bags from keep... falling out of the west side of Chicago and the south side of Chicago because of a lessening of the gun laws. I think if we don't make a... a positive step forward in voting on this, we're taking a big step backwards. And I'm gonna ask my fellow Members on this side of the aisle to vote 'yes'."

Speaker Hannig: "The Chair's prepared to recognize Representative Currie to close, but first, there was an inquiry and at this time, the Chair will recognize the Parliamentarian on that point."

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Parliamentarian Uhe: "Representative Turner, on behalf of the Speaker, in response to your inquiry. As I understand it, the inquiry is whether Senate Bill 224, as amended by House Amendment #2 rather, violates the constitutional provision as states, 'a Bill expressly amending a law shall set forth completely the Sections amended.' That question requires interpretation of the Illinois Constitution and as Parliamentarian, I'm limited to interpreting the rules of the House of Representatives. Therefore, because I'm not empowered to rule upon constitutional questions, I must respectfully decline to respond to your inquiry."

Turner, J.: "Okay. Well, my follow-up inquiry would be then, do the rules violate the Constitution? Can you opine on that?"

Speaker Hannig: "Do you have a specific rule, Representative, that you feel is... "

Turner, J.: "The rule he just cited, whichever one it was."

Parliamentarian Uhe: "Representative, in response to your inquiry, I'm not aware of any rule that violates the Illinois Constitution."

Turner, J.: "Well... okay, so our official position then is that, indeed, this may violate the constitution. We're just not going to address that question today and that will be a question left up to the courts, correct?"

Parliamentarian Uhe: "I can't answer that question, Representative."

Turner, J.: "Excellent."

Speaker Hannig: "Representative Art Turner, for what reason do you rise?"

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I was not going to ask any specific questions regarding the legislation. I was one of those people that

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in 1994 voted against the Safe Neighborhoods Act. And one of the reasons I voted against it is... was explained earlier regarding, I think, Justice McMorrow was right, regarding the bundling of the legislation. But more importantly, it was a 300 page Bill set on my desk a half hour before time asked that we... about to vote for it. I think, the problem here today is first of all, the term 'safe neighborhoods'. I think that that needs to be defined. I don't think that you can define a safe neighborhood with Criminal Code and talk about mandating more and more jail sentences for people. We ought to be talking about violence prevention and peace promotion. A safe neighborhood means decent housing. It means available services such as shopping. It means decent schools. It means jobs. It means returning young professionals back to our community. This is what a safe neighborhood is. And yet, the public and the media today describe safe neighborhood as arresting gunrunners, arresting drug dealers and certainly, that's important and it's an element we don't need in our community. But I'd also like to just add a couple other comments. And that is, that we say crime statistics are down in our community or are down in this state and they may very well be down, but in my community, like the statistics that they put out... economic statistics that they put out, I think you're wrong. Less than a month ago, I had a young man gunned down right across the street from my office. Six months prior, actually that was the second attempt, they shot him six months prior and then a month late... I should say six months later, they killed him. The first time they killed his buddy. But the same statistics are the ones that we use when we talk about employment. They say the statewide

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statistics for unemployment is about 7%, some say 14%. But in my community, I know it's well over 40%. So, when we talk about safe and how things are getting much better, these Bills and these Criminal Code Laws that we keep passing today, is not making my neighborhood any safer. And yet, it's kinda hard for me to beat the media and beat this chamber to say that, if I vote against this legislation, I'm opposed to a safe neighborhood. I live in North Lawndale. I have two teenage sons. I have one that's 15 and the other is 17. I've also heard this term thrown around called 'gangbangers'. Why, I've got a son that wears his pants down below his buttocks. He turns his cap around because that's what he has to do in order to walk the streets. That's the 'in' thing that they see on TV today. That's what the rap singers do, so they don't consider themselves gangbangers. Instead, they consider themselves 'cool'. So it's 'cool' to look like a gangbanger in my community, but to the law enforcement official who arrests him and who sees him, he doesn't look at him as being 'cool', he's a gangbanger. And so the first way they approach him is the same way they approach me when I'm driving down the highway and a guy decides to pull me over. He unbuckles his gun buckle because he's not certain what's gonna take place. So, it's this type of profiling and while we're on profiling an issue that we... and I want to commend the Speaker because last Session when we dealt with the issue of profiling, at least he was willing and this Body, in fact, this entire chamber, agreed that we should... oughta... we oughta do something about racial profiling. Certainly, when it went out this chamber, it fell over the rail and nobody wants to discuss it anymore. And yet, the numbers bear out that something is

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not right. When you look at the criminal justice or look at the criminal system here in this state, 40,000 people arrested, 90% of 'em are black or Hispanic and we say that there's nothing wrong. There is no profiling, but we don't keep those numbers or the state's attorney doesn't keep the numbers or the sheriff don't keep the numbers. You don't have to keep 'em. Talk to the warden of this state and if you just take a visit to any prison, you will see that something is not right. I'm here to tell you today that we can pass... in fact, I've watched the statutes over the 20 years that I've been here. They've gone from about 18 inches to about 36 inches and you know what, life is not any safer in the streets of this state because of all the laws that we keep passing. In fact, I've talked to Superintendent Hilliard, when he was visiting me to talk about this Bill, and I said, you know the money that we spend here today and the last five days in this Assembly... the money that we spend bussing people down and all those phone calls from the misinformed constituents that live or that think that this is gonna bring about a safe neighborhood, if we spent some of that money putting a few more policemen because that's the hue and cry, this is what people are saying back in the community, 'I dial 911 and there in... the police haven't made it, yet.' I have actually taken some of my colleagues in my community because I like showing all of the good things that are going on there. It's really not as bad as people want to say it is. In fact, there is... you know, if you want to address safe neighborhoods, there was 500 units of new housing built on the old Sears and Roebuck property. You're starting to see a safe community and a new community. But I've driven people in my community and show



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'em a corner where dope sales are going on in the middle day. And they say, 'Well, what about the police? Where are they?' I mean, so it's very obvious that if we wanted to do something to make our place... make communities a safer community, we could do it. Instead, we appropriate money for Comisky Park, we build a new stadium. We're getting ready now to build a parking lot under Soldier's Field and Lord knows that losing team needs another parking lot and need another stadium. Instead, in my parks, I gotta sponsor... take my little... whatever you call 'pork' here, to support a little league team, to support a football team, to help an unwed mother. I mean, I feel sorry for the kids who don't have a mom and dad at home, whose parents cannot afford justice because justice is about as much as you can afford in this state. And for those kids, I feel very sorry for 'em. I, reluctantly, rise to support this legislation because I don't have time to give this speech to everybody back at home to tell 'em, but they really know what's going on. And they know that this is not going to make a difference and it's those innocent people who have that gun in their car and basically, they're not even carrying 'em in their car, who have that gun in their home because they don't believe that there's enough law enforcement around. Those are the individuals who decide that they're going to pick up rent, who gets pulled over. Those are the individuals that we're concerned about. And I think that this is, although it's fine and we had to do something because it's been declared unconstitutional. I remember the Governor saying early on that we need to take a look at the Criminal Code. And I would hope, that when we come back in the spring of this year, we spend as much time and lock in and sit down and

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reevaluate this Criminal Code, because we are making criminals out of innocent people and the sad commentary is because they're guys who and if you visit my district office and I welcome any of you to visit that office, you will find that there's a place right next door called the Hope House. And the Hope House is for ex-offenders and guys who are old who have been substance abuse users. These are guys who are looking' for a second chance and you know, they come in every day and they show me their 'rap' sheet and say, 'Man, I cannot get a job.' In fact, the most recent case was a guy who was arrested when he was 18 years old. He's the exact age I am now, so you know that's a long time ago, but in the meantime, he got accused of shoplifting in Cicero. The guy that arrested him and the Cicero police made the arrest, when they went to court because he was not shoplifting. He never left there with the item. He did push the security officer when the guy approached him in the parking lot, but he spent eight days in jail because he didn't have the \$100 to bail himself out. Do you know what he did? He pleaded... they said, 'Look... ' When the court date came up, the security officer wasn't there, no one showed up, the state's attorney said, 'If you plead guilty for time served,' that was eight days that he spent in jail, 'you plead guilty for time served, we'll let you go.' What he didn't know was, he was convicted. Now this law, that we're about to pass, now will help the gun guy, but didn't help him and now, he said, 'Art, I had a job working in the suburbs. I worked 45 days there, never late, never missed a day, all of a sudden the arrest record comes up and they fired me.' What he didn't know was because he changed his name from Henry Brown to Abdul it didn't change a damn thing. The record

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was still there and this is the problem that we have in our community. It's the innocent guy... we want the bad guy arrested. I want the guy arrested that shot the kid across the street from me. I want anybody that may carry a gun that's gonna hurt my kid. I want him arrested. But, the problem we're having with this legislation, like all the criminal legislation we've passed here is the selective enforcement and what happens to poor people who cannot afford justice, who cannot afford a lawyer to go in and say, 'Well, he's a good guy. He's really not the person that you think he is.' You see criminals on TV as how the media portrays them. That is a young kid in my neighborhood who's 'cool' and if he gets arrested by the police in the City of Chicago, not only in the city, 'cause it's just the City of Chicago. I can go over to Decatur; it's the same thing. The statewide statistics on crime and who does the time certainly reflects that 90% of black people and hispanic people in this state get arrested and do the time. And to that end, something is wrong."

Speaker Hannig: "The Chair recognizes the Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Chairman. First, I'd like to commend the former speaker and say, ditto, ditto, ditto to Arthur Turner's remarks because they are certainly right on target. The question I have, to the Sponsor is, on the Section with cannabis control. Does this new legislation, Representative Currie, state that a prior drug conviction that was discharged or dismissed can now be brought back up in a hearing? I mean, if a person has had a drug conviction dismissed or discharged and then if he's coming up with a gun hearing, do you bring that dismissed or discharged something back up?"

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Currie: "Oh, all this means, Representative, is that if you have been convicted under this Act and then within five years you're arrested for violating the Cannabis Act again, the court can take into account when sentencing you that this is a second conviction. This doesn't have anything to do with unlawful use of weapons. This is another Section of the Bill... "

Davis, M.: "Okay, but even if the person had the charges were dismissed, it'll be considered a... a second conviction?"

Currie: "I believe it means dismissal of the individual after the completion of the sentence rather than charges that were dismissed."

Davis, M.: "Okay. Representative, do you have... "

Currie: "It's only people who were convicted."

Davis, M.: "Okay."

Currie: "Okay."

Davis, M.: "Do you have the numbers of how many arrests were made or how many people were stopped based upon the Gun Violation Law?"

Currie: "Well, I have a chart that came from the Illinois State Police Criminal History Record Information System and it looks as if in 1994, there were... "

Davis, M.: "You mean 1994."

Currie: "1994, before passage of this Bill, there were a little under 4,000 arrests, a little over 1,000 convictions and those numbers both went up in 1995, but have come down very substantially since then. So that, in 1999 the number of arrests were under 2,000 where they had been in 1993. I'll give you 1993; they were almost 5,000 and convictions were down close to 500."

Davis, M.: "Well, Representative Currie, the numbers that I have been provided are supposedly from the Chicago Police

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Department and they state... "

Currie: "I'm sorry. I was giving you statewide figures."

Davis, M.: "Well, I'm gonna tell you that the numbers that I have that are Chicago figures are much higher than that that you're giving me for statewide. We have here that African Americans were arrested 2,512 times and that they were 63% of all the arrests, white-Hispanics 731 arrests, 18% of all the arrests. Whites were arrested 371 times, 9.3% of the arrests. Black Hispanics 14 arrests, .4%. And then African American females 335 arrests or 8.4%. My point, Representative, is that African Americans are disproportionately stopped for any of the crimes or state laws that we pass and since their stop is disproportionate, of course, the number arrests for them will also be much larger or much higher. But it gives the impression that they are the most criminal or commit the most crimes. Reverend Jesse Louis Jackson gives documentation that whites are arrested more frequently, but blacks are convicted most often. Even if I support this legislation, even if I decide to do that, it will not mean that we have made the streets any safer. It will merely mean, perhaps, that we'll continue with the spiraling number of arrests and convictions of African American people. I think it's... I have an awful cold and I apologize. But I think it's really important when we consider the legislation that we pass, the affect that it has on all people. Now, the worst crime that was committed in my community was an unarmed citizen being shot by the police. Miss Hagerty, that was the awful, the worst crime that was committed. I didn't know what to say to that parent. There were no words that I could offer or utter to her. When here we had an unarmed, contributing college-educated woman who was killed by the

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Chicago Police. Now, I'm not saying that to imply that had she been armed this might not have happened. What I'm saying is, there's a disproportionate number of African Americans stopped for these kinds of laws that we pass and because of that, they're the ones who most often are convicted of the crimes. Is there anything here that would demand fairness in the implementation of this law?"

Currie: "Well, of course, the effort to find a probation alternative for first-time offenders of the UUW provision with good records is an effort to make sure that there is fair play. I would be happy to work with you, Representative, on legislation next spring that might do some profiling. I supported, along with you, a measure that passed the House to do that with respect to the State Police, perhaps that would be a worthwhile agenda for this Assembly in the Spring Session."

Davis, M.: "That sounds very noble. In other words, we could, perhaps, track the stopping of individuals by all of our police authority to see if African Americans or document are stopped more frequently than others. And if that's the case, surely they would be, perhaps, you know, found with violations more frequently. Thank you. That's an excellent suggestion and I probably will support this. Thanks."

Speaker Hannig: "Now, the Lady from Cook, Representative Currie, to close."

Currie: "Thank you, Speaker and Members of the House. Senate Bill 224 is not a panacea. It won't solve all our problems in the criminal law with our streets and with our safety, but Senate Bill 224 has a track record. The measure has been on the books for five years and we know that it can help save lives. We know that it can make a dent in gun

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violence and other criminal behaviors. I hope you'll help me save a few more lives. I hope you'll vote 'yes' on Senate Bill 224, so that we can reenact the provisions of the Safe Neighborhoods Act."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 92 voting 'yes' and 20 voting 'no'. And this Bill, having received a Three-Fifths Constitutional Majority, is hereby declared passed."

Speaker Madigan: "Ladies and Gentlemen, the plan will be that we will stand in recess to 5:30. I would reiterate my advice of yesterday that everyone should plan to be here through the weekend and into next week. And into next week until this matter is resolved. So for now, we'll stand in recess until 5:30."

Currie: (Representative Currie in the Chair)"And the House will now come into the Second Special Session. And Representative Hartke moves that the Second Special Session stands adjourned until the hour of 11 A. M. on Saturday, December 18th. All in favor say 'aye'; opposed 'no'. The 'ayes' have it; and the House stands adjourned."