

HB3151



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3151

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-8

Amends the Unified Code of Corrections. Removes sunset date of December 31, 2020 for the provision creating the Illinois Sentencing Policy Advisory Council. Adds the Cook County Sheriff, or his or her designee as an ex-officio member of the Council. Provides that the Council shall determine the qualifications for and hire the Executive Director. Effective immediately.

LRB101 11189 SLF 56433 b

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-8-8 as follows:

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

7 (Section scheduled to be repealed on December 31, 2020)

8 Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

9 (a) Creation. There is created under the jurisdiction of
10 the Governor the Illinois Sentencing Policy Advisory Council,
11 hereinafter referred to as the Council.

12 (b) Purposes and goals. The purpose of the Council is to
13 review sentencing policies and practices and examine how these
14 policies and practices impact the criminal justice system as a
15 whole in the State of Illinois. In carrying out its duties, the
16 Council shall be mindful of and aim to achieve the purposes of
17 sentencing in Illinois, which are set out in Section 1-1-2 of
18 this Code:

19 (1) prescribe sanctions proportionate to the
20 seriousness of the offenses and permit the recognition of
21 differences in rehabilitation possibilities among
22 individual offenders;

23 (2) forbid and prevent the commission of offenses;

1 (3) prevent arbitrary or oppressive treatment of
2 persons adjudicated offenders or delinquents; and

3 (4) restore offenders to useful citizenship.

4 (c) Council composition.

5 (1) The Council shall consist of the following members:

6 (A) the President of the Senate, or his or her
7 designee;

8 (B) the Minority Leader of the Senate, or his or
9 her designee;

10 (C) the Speaker of the House, or his or her
11 designee;

12 (D) the Minority Leader of the House, or his or her
13 designee;

14 (E) the Governor, or his or her designee;

15 (F) the Attorney General, or his or her designee;

16 (G) two retired judges, who may have been circuit,
17 appellate, or supreme court judges; retired judges
18 shall be selected by the members of the Council
19 designated in clauses (c) (1) (A) through (L);

20 (G-5) (blank);

21 (H) the Cook County State's Attorney, or his or her
22 designee;

23 (I) the Cook County Public Defender, or his or her
24 designee;

25 (J) a State's Attorney not from Cook County,
26 appointed by the State's Attorney's Appellate

1 Prosecutor;

2 (K) the State Appellate Defender, or his or her
3 designee;

4 (L) the Director of the Administrative Office of
5 the Illinois Courts, or his or her designee;

6 (M) a victim of a violent felony or a
7 representative of a crime victims' organization,
8 selected by the members of the Council designated in
9 clauses (c) (1) (A) through (L);

10 (N) a representative of a community-based
11 organization, selected by the members of the Council
12 designated in clauses (c) (1) (A) through (L);

13 (O) a criminal justice academic researcher, to be
14 selected by the members of the Council designated in
15 clauses (c) (1) (A) through (L);

16 (P) a representative of law enforcement from a unit
17 of local government to be selected by the members of
18 the Council designated in clauses (c) (1) (A) through
19 (L);

20 (Q) a sheriff outside of Cook County selected by
21 the members of the Council designated in clauses
22 (c) (1) (A) through (L); and

23 (R) ex-officio members shall include:

24 (i) the Director of Corrections, or his or her
25 designee;

26 (ii) the Chair of the Prisoner Review Board, or

1 his or her designee;

2 (iii) the Director of the Illinois State
3 Police, or his or her designee; ~~and~~

4 (iv) the Director of the Illinois Criminal
5 Justice Information Authority, or his or her
6 designee; and -

7 (v) the Cook County Sheriff, or his or her
8 designee.

9 (1.5) The Chair and Vice Chair shall be elected from
10 among its members by a majority of the members of the
11 Council.

12 (2) Members of the Council who serve because of their
13 public office or position, or those who are designated as
14 members by such officials, shall serve only as long as they
15 hold such office or position.

16 (3) Council members shall serve without compensation
17 but shall be reimbursed for travel and per diem expenses
18 incurred in their work for the Council.

19 (4) The Council may exercise any power, perform any
20 function, take any action, or do anything in furtherance of
21 its purposes and goals upon the appointment of a quorum of
22 its members. The term of office of each member of the
23 Council ends on the date of repeal of this amendatory Act
24 of the 96th General Assembly.

25 (5) The Council shall determine the qualifications for
26 and hire the Executive Director.

1 (d) Duties. The Council shall perform, as resources permit,
2 duties including:

3 (1) Collect and analyze information including
4 sentencing data, crime trends, and existing correctional
5 resources to support legislative and executive action
6 affecting the use of correctional resources on the State
7 and local levels.

8 (2) Prepare criminal justice population projections
9 annually, including correctional and community-based
10 supervision populations.

11 (3) Analyze data relevant to proposed sentencing
12 legislation and its effect on current policies or
13 practices, and provide information to support
14 evidence-based sentencing.

15 (4) Ensure that adequate resources and facilities are
16 available for carrying out sentences imposed on offenders
17 and that rational priorities are established for the use of
18 those resources. To do so, the Council shall prepare
19 criminal justice resource statements, identifying the
20 fiscal and practical effects of proposed criminal
21 sentencing legislation, including, but not limited to, the
22 correctional population, court processes, and county or
23 local government resources.

24 (4.5) Study and conduct a thorough analysis of
25 sentencing under Section 5-4.5-110 of this Code. The
26 Sentencing Policy Advisory Council shall provide annual

1 reports to the Governor and General Assembly, including the
2 total number of persons sentenced under Section 5-4.5-110
3 of this Code, the total number of departures from sentences
4 under Section 5-4.5-110 of this Code, and an analysis of
5 trends in sentencing and departures. On or before December
6 31, 2022, the Sentencing Policy Advisory Council shall
7 provide a report to the Governor and General Assembly on
8 the effectiveness of sentencing under Section 5-4.5-110 of
9 this Code, including recommendations on whether sentencing
10 under Section 5-4.5-110 of this Code should be adjusted or
11 continued.

12 (5) Perform such other studies or tasks pertaining to
13 sentencing policies as may be requested by the Governor or
14 the Illinois General Assembly.

15 (6) Perform such other functions as may be required by
16 law or as are necessary to carry out the purposes and goals
17 of the Council prescribed in subsection (b).

18 (7) Publish a report on the trends in sentencing for
19 offenders described in subsection (b-1) of Section 5-4-1 of
20 this Code, the impact of the trends on the prison and
21 probation populations, and any changes in the racial
22 composition of the prison and probation populations that
23 can be attributed to the changes made by adding subsection
24 (b-1) of Section 5-4-1 to this Code by Public Act 99-861.

25 (e) Authority.

26 (1) The Council shall have the power to perform the

1 functions necessary to carry out its duties, purposes and
2 goals under this Act. In so doing, the Council shall
3 utilize information and analysis developed by the Illinois
4 Criminal Justice Information Authority, the Administrative
5 Office of the Illinois Courts, and the Illinois Department
6 of Corrections.

7 (2) Upon request from the Council, each executive
8 agency and department of State and local government shall
9 provide information and records to the Council in the
10 execution of its duties.

11 (f) Report. The Council shall report in writing annually to
12 the General Assembly, the Illinois Supreme Court, and the
13 Governor.

14 (g) (Blank). ~~This Section is repealed on December 31, 2020.~~
15 (Source: P.A. 99-101, eff. 7-22-15; 99-533, eff. 7-8-16;
16 99-861, eff. 1-1-17; 100-3, eff. 1-1-18; 100-201, eff.
17 8-18-17.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.