



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4252

Introduced 1/5/2022, by Rep. Tony McCombie and Daniel Swanson

SYNOPSIS AS INTRODUCED:

New Act

Creates the Gun Crime Charging and Sentencing Accountability and Transparency Act. Provides that in a criminal case, if a defendant is charged with an offense involving the illegal use or possession of a firearm and subsequently enters into a plea agreement in which the charge will be reduced to a lesser offense or a non-weapons offense in exchange for a plea of guilty, at or before the time of sentencing, the State's Attorney shall file with the court a written statement of his or her reasons in support of the plea agreement, which shall specifically state why the offense or offenses of conviction resulting from the plea agreement do not include the originally charged weapons offense. Provides that the written statement shall be part of the court record in the case and a copy shall be provided to any person upon request. Provides that in a criminal case in which the original charge is or was for an offense involving the illegal use or possession of a firearm, if a defendant pleads guilty or is found guilty of the original charge or lesser offense or a non-weapons offense, in imposing sentence, the judge shall set forth in a written sentencing order his or her reasons for imposing the sentence or accepting the plea agreement. Provides that a copy of the written sentencing order shall be provided to any person upon request.

LRB102 21339 RLC 30451 b

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 1. Short title. This Act may be cited as the Gun
5 Crime Charging and Sentencing Accountability and Transparency
6 Act.

7 Section 5. Plea agreement; State's Attorney. In a criminal
8 case, if a defendant is charged with an offense involving the
9 illegal use or possession of a firearm and subsequently enters
10 into a plea agreement in which the charge will be reduced to a
11 lesser offense or a non-weapons offense in exchange for a plea
12 of guilty, at or before the time of sentencing, the State's
13 Attorney shall file with the court a written statement of his
14 or her reasons in support of the plea agreement, which shall
15 specifically state why the offense or offenses of conviction
16 resulting from the plea agreement do not include the
17 originally charged weapons offense. The written statement
18 shall be part of the court record in the case and a copy shall
19 be provided to any person upon request.

20 Section 10. Sentencing; judge. In a criminal case in which
21 the original charge is or was for an offense involving the
22 illegal use or possession of a firearm, if a defendant pleads

1 guilty or is found guilty of the original charge or lesser
2 offense or a non-weapons offense, in imposing sentence, the
3 judge shall set forth in a written sentencing order his or her
4 reasons for imposing the sentence or accepting the plea
5 agreement. A copy of the written sentencing order shall be
6 provided to any person upon request.