

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

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

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

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

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

23 (3) prevent arbitrary or oppressive treatment of

1 persons adjudicated offenders or delinquents; and

2 (4) restore offenders to useful citizenship.

3 (c) Council composition.

4 (1) The Council shall consist of the following  
5 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  
22 her 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  
17          unit of local government to be selected by the members  
18          of 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,

1 or his or her designee;

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

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

12 (4.6) Study and identify discriminatory practices in  
13 sentencing across this State and make recommendations to  
14 the Governor and General Assembly regarding ways to remedy  
15 those discriminatory practices.

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

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

22 (7) Publish a report on the trends in sentencing for  
23 offenders described in subsection (b-1) of Section 5-4-1  
24 of this Code, the impact of the trends on the prison and  
25 probation populations, and any changes in the racial  
26 composition of the prison and probation populations that

1 can be attributed to the changes made by adding subsection  
2 (b-1) of Section 5-4-1 to this Code by Public Act 99-861.

3 (e) Authority.

4 (1) The Council shall have the power to perform the  
5 functions necessary to carry out its duties, purposes and  
6 goals under this Act. In so doing, the Council shall  
7 utilize information and analysis developed by the Illinois  
8 Criminal Justice Information Authority, the Administrative  
9 Office of the Illinois Courts, and the Illinois Department  
10 of Corrections.

11 (2) Upon request from the Council, each executive  
12 agency and department of State and local government shall  
13 provide information and records to the Council in the  
14 execution of its duties.

15 (f) Report. The Council shall report in writing annually  
16 to the General Assembly, the Illinois Supreme Court, and the  
17 Governor.

18 (g) (Blank).

19 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17;  
20 101-279, eff. 8-9-19.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.