

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 adding Section 5-8-8 as follows:

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

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 members:

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

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

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

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

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

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

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

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

20 (I) the Cook County Public Defender, or his or her
21 designee;

22 (J) a State's Attorney not from Cook County,
23 appointed by the State's Attorney's Appellate
24 Prosecutor;

25 (K) the State Appellate Defender, or his or her
26 designee;

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

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

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

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

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

17 (Q) a sheriff selected by the members of the
18 Council designated in clauses (c) (1) (A) through (L);

19 (R) ex-officio members shall include:

20 (i) the Director of Corrections, or his or her
21 designee;

22 (ii) the Chair of the Prisoner Review Board, or
23 his or her designee;

24 (iii) the Director of the Illinois State
25 Police, or his or her designee;

26 (iv) the Director of the Illinois Criminal

1 Justice Information Authority, or his or her
2 designee; and

3 (v) the assistant Director of the
4 Administrative Office of the Illinois Courts, or
5 his or her designee; and

6 (T) the Chair and Vice Chair shall be elected from
7 among its members by a majority of the members of the
8 Council.

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

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

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

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

24 (1) Collect and analyze information including
25 sentencing data, crime trends, and existing correctional
26 resources to support legislative and executive action

1 affecting the use of correctional resources on the State
2 and local levels.

3 (2) Prepare criminal justice population projections
4 annually, including correctional and community-based
5 supervision populations.

6 (3) Analyze data relevant to proposed sentencing
7 legislation and its effect on current policies or
8 practices, and provide information to support
9 evidence-based sentencing.

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

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

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

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 and the Governor.

13 (g) This Section is repealed on December 31, 2012.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.