



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB1533

by Rep. Elaine Nekritz

#### SYNOPSIS AS INTRODUCED:

20 ILCS 415/4c  
730 ILCS 5/5-8-8

from Ch. 127, par. 63b104c

Amends the Personnel Code. Provides that employees of the Sentencing Policy Advisory Council are exempt from the provisions of the Code. Amends the Code of Corrections. Expands the membership of the Council. Effective immediately.

LRB098 09021 HLH 39157 b

1 AN ACT concerning State government.

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

4 "Section 5. The Personnel Code is amended by changing  
5 Section 4c as follows:

6 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

7 Sec. 4c. General exemptions. The following positions in  
8 State service shall be exempt from jurisdictions A, B, and C,  
9 unless the jurisdictions shall be extended as provided in this  
10 Act:

11 (1) All officers elected by the people.

12 (2) All positions under the Lieutenant Governor,  
13 Secretary of State, State Treasurer, State Comptroller,  
14 State Board of Education, Clerk of the Supreme Court,  
15 Attorney General, and State Board of Elections.

16 (3) Judges, and officers and employees of the courts,  
17 and notaries public.

18 (4) All officers and employees of the Illinois General  
19 Assembly, all employees of legislative commissions, all  
20 officers and employees of the Illinois Legislative  
21 Reference Bureau, the Legislative Research Unit, and the  
22 Legislative Printing Unit.

23 (5) All positions in the Illinois National Guard and

1 Illinois State Guard, paid from federal funds or positions  
2 in the State Military Service filled by enlistment and paid  
3 from State funds.

4 (6) All employees of the Governor at the executive  
5 mansion and on his immediate personal staff.

6 (7) Directors of Departments, the Adjutant General,  
7 the Assistant Adjutant General, the Director of the  
8 Illinois Emergency Management Agency, members of boards  
9 and commissions, and all other positions appointed by the  
10 Governor by and with the consent of the Senate.

11 (8) The presidents, other principal administrative  
12 officers, and teaching, research and extension faculties  
13 of Chicago State University, Eastern Illinois University,  
14 Governors State University, Illinois State University,  
15 Northeastern Illinois University, Northern Illinois  
16 University, Western Illinois University, the Illinois  
17 Community College Board, Southern Illinois University,  
18 Illinois Board of Higher Education, University of  
19 Illinois, State Universities Civil Service System,  
20 University Retirement System of Illinois, and the  
21 administrative officers and scientific and technical staff  
22 of the Illinois State Museum.

23 (9) All other employees except the presidents, other  
24 principal administrative officers, and teaching, research  
25 and extension faculties of the universities under the  
26 jurisdiction of the Board of Regents and the colleges and

1 universities under the jurisdiction of the Board of  
2 Governors of State Colleges and Universities, Illinois  
3 Community College Board, Southern Illinois University,  
4 Illinois Board of Higher Education, Board of Governors of  
5 State Colleges and Universities, the Board of Regents,  
6 University of Illinois, State Universities Civil Service  
7 System, University Retirement System of Illinois, so long  
8 as these are subject to the provisions of the State  
9 Universities Civil Service Act.

10 (10) The State Police so long as they are subject to  
11 the merit provisions of the State Police Act.

12 (11) (Blank).

13 (12) The technical and engineering staffs of the  
14 Department of Transportation, the Department of Nuclear  
15 Safety, the Pollution Control Board, and the Illinois  
16 Commerce Commission, and the technical and engineering  
17 staff providing architectural and engineering services in  
18 the Department of Central Management Services.

19 (13) All employees of the Illinois State Toll Highway  
20 Authority.

21 (14) The Secretary of the Illinois Workers'  
22 Compensation Commission.

23 (15) All persons who are appointed or employed by the  
24 Director of Insurance under authority of Section 202 of the  
25 Illinois Insurance Code to assist the Director of Insurance  
26 in discharging his responsibilities relating to the

1 rehabilitation, liquidation, conservation, and dissolution  
2 of companies that are subject to the jurisdiction of the  
3 Illinois Insurance Code.

4 (16) All employees of the St. Louis Metropolitan Area  
5 Airport Authority.

6 (17) All investment officers employed by the Illinois  
7 State Board of Investment.

8 (18) Employees of the Illinois Young Adult  
9 Conservation Corps program, administered by the Illinois  
10 Department of Natural Resources, authorized grantee under  
11 Title VIII of the Comprehensive Employment and Training Act  
12 of 1973, 29 USC 993.

13 (19) Seasonal employees of the Department of  
14 Agriculture for the operation of the Illinois State Fair  
15 and the DuQuoin State Fair, no one person receiving more  
16 than 29 days of such employment in any calendar year.

17 (20) All "temporary" employees hired under the  
18 Department of Natural Resources' Illinois Conservation  
19 Service, a youth employment program that hires young people  
20 to work in State parks for a period of one year or less.

21 (21) All hearing officers of the Human Rights  
22 Commission.

23 (22) All employees of the Illinois Mathematics and  
24 Science Academy.

25 (23) All employees of the Kankakee River Valley Area  
26 Airport Authority.

1           (24) The commissioners and employees of the Executive  
2 Ethics Commission.

3           (25) The Executive Inspectors General, including  
4 special Executive Inspectors General, and employees of  
5 each Office of an Executive Inspector General.

6           (26) The commissioners and employees of the  
7 Legislative Ethics Commission.

8           (27) The Legislative Inspector General, including  
9 special Legislative Inspectors General, and employees of  
10 the Office of the Legislative Inspector General.

11           (28) The Auditor General's Inspector General and  
12 employees of the Office of the Auditor General's Inspector  
13 General.

14           (29) All employees of the Illinois Power Agency.

15           (30) Employees having demonstrable, defined advanced  
16 skills in accounting, financial reporting, or technical  
17 expertise who are employed within executive branch  
18 agencies and whose duties are directly related to the  
19 submission to the Office of the Comptroller of financial  
20 information for the publication of the Comprehensive  
21 Annual Financial Report (CAFR).

22           (31) All employees of the Illinois Sentencing Policy  
23 Advisory Council.

24 (Source: P.A. 97-618, eff. 10-26-11; 97-1055, eff. 8-23-12.)

25           Section 10. The Unified Code of Corrections is amended by

1 changing Section 5-8-8 as follows:

2 (730 ILCS 5/5-8-8)

3 (Section scheduled to be repealed on December 31, 2015)

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

5 (a) Creation. There is created under the jurisdiction of  
6 the Governor the Illinois Sentencing Policy Advisory Council,  
7 hereinafter referred to as the Council.

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

15 (1) prescribe sanctions proportionate to the  
16 seriousness of the offenses and permit the recognition of  
17 differences in rehabilitation possibilities among  
18 individual offenders;

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

20 (3) prevent arbitrary or oppressive treatment of  
21 persons adjudicated offenders or delinquents; and

22 (4) restore offenders to useful citizenship.

23 (c) Council composition.

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

25 (A) the President of the Senate, or his or her

1           designee;

2           (B) the Minority Leader of the Senate, or his or  
3 her designee;

4           (C) the Speaker of the House, or his or her  
5 designee;

6           (D) the Minority Leader of the House, or his or her  
7 designee;

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

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

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

14          (G-5) two sitting judges, who may be circuit,  
15 appellate, or supreme court judges, appointed by the  
16 Chief Justice of the Supreme Court; one member  
17 appointed under this paragraph (G-5) shall be selected  
18 from the Circuit Court of Cook County or the First  
19 Judicial District, and one member appointed under this  
20 paragraph (G-5) shall be selected from a judicial  
21 circuit or district other than the Circuit Court of  
22 Cook County or the First Judicial District;

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

25          (I) the Cook County Public Defender, or his or her  
26 designee;



1 (J) a State's Attorney not from Cook County,  
2 appointed by the State's Attorney's Appellate  
3 Prosecutor;

4 (K) the State Appellate Defender, or his or her  
5 designee;

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

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

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

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

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

22 (Q) a sheriff selected by the members of the  
23 Council designated in clauses (c) (1) (A) through (L);  
24 and

25 (R) ex-officio members shall include:

26 (i) the Director of Corrections, or his or her

1           designee;

2                   (ii) the Chair of the Prisoner Review Board, or  
3           his or her designee;

4                   (iii) the Director of the Illinois State  
5           Police, or his or her designee; and

6                   (iv) the Director of the Illinois Criminal  
7           Justice Information Authority, or his or her  
8           designee. ~~;~~ ~~and~~

9                   ~~(v) the assistant Director of the~~  
10           ~~Administrative Office of the Illinois Courts, or~~  
11           ~~his or her designee.~~

12           (1.5) The Chair and Vice Chair shall be elected from  
13           among its members by a majority of the members of the  
14           Council.

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

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

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

1 of the 96th General Assembly.

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

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

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

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

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

25 (5) Perform such other studies or tasks pertaining to  
26 sentencing policies as may be requested by the Governor or

1 the Illinois General Assembly.

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

5 (e) Authority.

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

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

17 (f) Report. The Council shall report in writing annually to  
18 the General Assembly and the Governor.

19 (g) This Section is repealed on December 31, 2015.

20 (Source: P.A. 96-711, eff. 8-25-09; 96-1000, eff. 7-2-10;  
21 97-775, eff. 7-13-12.)

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