



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1437

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

New Act

Creates the Criminal Sentencing Impact Note Act. Provides that every bill, the purpose or effect of which is to have a disparate impact on the criminal offender population and its racial and ethnic composition, shall have prepared for it a brief explanatory statement or note that shall include a reliable estimate of the anticipated impact on the racial and ethnic composition of the criminal offender population. Provides that the Illinois Criminal Justice Information Authority shall prepare the statement or note. Sets forth the contents of the statement or note addressing the disparate impact. Defines "criminal offender population". Contains other related provisions regarding the vote on the necessity of the note, comment or opinion regarding the merits of the legislation included in the note, and appearance of State officials and employees in support or opposition of measure.

LRB099 04138 JLK 24158 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 1. Short title. This Act may be cited as the
5 Criminal Sentencing Impact Note Act.

6 Section 5. Criminal sentencing impact note.

7 (a) Every bill, the purpose or effect of which is to have a
8 disparate impact on the criminal offender population and its
9 racial and ethnic composition, shall have prepared for it,
10 before second reading in the house of introduction, a brief
11 explanatory statement or note that shall include a reliable
12 estimate of the anticipated impact on the racial and ethnic
13 composition of that group. Each criminal sentencing impact note
14 must include, for racial and ethnic groups for which data are
15 available: (i) an estimate of how the proposed legislation
16 would change or affect the racial and ethnic composition of the
17 criminal offender population; (ii) a statement of the
18 methodologies and assumptions used in preparing the estimate;
19 and (iii) an estimate of the racial and ethnic composition of
20 the crime victims who may be affected by the proposed
21 legislation.

22 (b) For the purposes of this Act, "criminal offender
23 population" means all persons who are convicted of a crime or

1 adjudicated for an act that, if committed by an adult, would
2 constitute a crime.

3 Section 10. Preparation. The sponsor of each bill to which
4 Section 5 applies shall present a copy of the bill with the
5 request for a criminal sentencing impact note to the Illinois
6 Criminal Justice Information Authority. The criminal
7 sentencing impact note shall be prepared by the Illinois
8 Criminal Justice Information Authority and submitted to the
9 sponsor of the bill within 5 calendar days, except that
10 whenever, because of the complexity of the measure, additional
11 time is required for the preparation of the criminal sentencing
12 impact note, the Illinois Criminal Justice Information
13 Authority may inform the sponsor of the bill, and the sponsor
14 may approve an extension of the time within which the note is
15 to be submitted, not to extend, however, beyond June 15,
16 following the date of the request. If, in the opinion of the
17 Illinois Criminal Justice Information Authority, there is
18 insufficient information to prepare a reliable estimate of the
19 anticipated impact, a statement to that effect can be filed and
20 shall meet the requirements of this Act.

21 Section 15. Vote on necessity of criminal sentencing impact
22 notes. Whenever the sponsor of any bill is of the opinion that
23 no criminal sentencing impact note is required, any member of
24 either house may request that a note be obtained, and in that

1 case the applicability of this Act shall be decided by the
2 majority of those present and voting in the house of which the
3 sponsor is a member.

4 Section 20. Requisites and contents. The note shall be
5 factual in nature, as brief and concise as may be, and, in
6 addition, it shall include both the immediate effect and, if
7 determinable or reasonably foreseeable, the long range effect
8 of the measure on the criminal offender population and its
9 racial and ethnic composition. If, after careful
10 investigation, it is determined that such an effect is not
11 ascertainable, the note shall contain a statement to that
12 effect, setting forth the reasons why no ascertainable effect
13 can be given.

14 Section 25. Comment or opinion; technical or mechanical
15 defects. No comment or opinion shall be included in the
16 criminal sentencing impact note with regard to the merits of
17 the measure for which the criminal sentencing impact note is
18 prepared; however, technical or mechanical defects may be
19 noted.

20 Section 30. Appearance of State officials and employees in
21 support or opposition of measure. The fact that a criminal
22 sentencing impact note is prepared for any bill or proposed
23 rule shall not preclude or restrict the appearance before any

1 committee of the General Assembly of any official or authorized
2 employee of the Illinois Criminal Justice Information
3 Authority who desires to be heard in support of or in
4 opposition to the measure.