

# HB6325



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6325

Introduced 2/11/2016, by Rep. Marcus C. Evans, Jr. - John D. Anthony

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-8

Amends the Unified Code of Corrections. Deletes provision that 2 sitting judges shall serve on the Illinois Sentencing Policy Advisory Council. Provides that the retired judges on the Council shall be selected by certain other members of the Council (rather than by the Chief Justice of the Illinois Supreme Court). Effective immediately.

LRB099 18352 RLC 42727 b

A BILL FOR

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7 (Section scheduled to be repealed on December 31, 2020)

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

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

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

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

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

1 (3) prevent arbitrary or oppressive treatment of  
2 persons adjudicated offenders or delinquents; and

3 (4) restore offenders to useful citizenship.

4 (c) Council composition.

5 (1) The Council shall consist of the following 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 ~~appointed prior to the effective date of this~~  
19 ~~amendatory Act of the 98th General Assembly shall be~~

20 selected by the members of the Council designated in  
21 clauses (c) (1) (A) through (L), ~~and retired judges~~

22 ~~appointed on or after the effective date of this~~  
23 ~~amendatory Act of the 98th General Assembly shall be~~

24 ~~appointed by the Chief Justice of the Illinois Supreme~~  
25 ~~Court;~~

26 (G-5) (blank); ~~two sitting judges, who may be~~

1 ~~circuit, appellate, or supreme court judges, appointed~~  
2 ~~by the Chief Justice of the Supreme Court; one member~~  
3 ~~appointed under this paragraph (G-5) shall be selected~~  
4 ~~from the Circuit Court of Cook County or the First~~  
5 ~~Judicial District, and one member appointed under this~~  
6 ~~paragraph (G-5) shall be selected from a judicial~~  
7 ~~circuit or district other than the Circuit Court of~~  
8 ~~Cook County or the First Judicial District;~~

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

11 (I) the Cook County Public Defender, or his or her  
12 designee;

13 (J) a State's Attorney not from Cook County,  
14 appointed by the State's Attorney's Appellate  
15 Prosecutor;

16 (K) the State Appellate Defender, or his or her  
17 designee;

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

20 (M) a victim of a violent felony or a  
21 representative of a crime victims' organization,  
22 selected by the members of the Council designated in  
23 clauses (c) (1) (A) through (L);

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

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

4 (P) a representative of law enforcement from a unit  
5 of local government to be selected by the members of  
6 the Council designated in clauses (c) (1) (A) through  
7 (L);

8 (Q) a sheriff selected by the members of the  
9 Council designated in clauses (c) (1) (A) through (L);  
10 and

11 (R) ex-officio members shall include:

12 (i) the Director of Corrections, or his or her  
13 designee;

14 (ii) the Chair of the Prisoner Review Board, or  
15 his or her designee;

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

18 (iv) the Director of the Illinois Criminal  
19 Justice Information Authority, or his or her  
20 designee.

21 (1.5) The Chair and Vice Chair shall be elected from  
22 among its members by a majority of the members of the  
23 Council.

24 (2) Members of the Council who serve because of their  
25 public office or position, or those who are designated as  
26 members by such officials, shall serve only as long as they

1 hold such office or position.

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

5 (4) The Council may exercise any power, perform any  
6 function, take any action, or do anything in furtherance of  
7 its purposes and goals upon the appointment of a quorum of  
8 its members. The term of office of each member of the  
9 Council ends on the date of repeal of this amendatory Act  
10 of the 96th General Assembly.

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

13 (1) Collect and analyze information including  
14 sentencing data, crime trends, and existing correctional  
15 resources to support legislative and executive action  
16 affecting the use of correctional resources on the State  
17 and local levels.

18 (2) Prepare criminal justice population projections  
19 annually, including correctional and community-based  
20 supervision populations.

21 (3) Analyze data relevant to proposed sentencing  
22 legislation and its effect on current policies or  
23 practices, and provide information to support  
24 evidence-based sentencing.

25 (4) Ensure that adequate resources and facilities are  
26 available for carrying out sentences imposed on offenders

1 and that rational priorities are established for the use of  
2 those resources. To do so, the Council shall prepare  
3 criminal justice resource statements, identifying the  
4 fiscal and practical effects of proposed criminal  
5 sentencing legislation, including, but not limited to, the  
6 correctional population, court processes, and county or  
7 local government resources.

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

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

14 (e) Authority.

15 (1) The Council shall have the power to perform the  
16 functions necessary to carry out its duties, purposes and  
17 goals under this Act. In so doing, the Council shall  
18 utilize information and analysis developed by the Illinois  
19 Criminal Justice Information Authority, the Administrative  
20 Office of the Illinois Courts, and the Illinois Department  
21 of Corrections.

22 (2) Upon request from the Council, each executive  
23 agency and department of State and local government shall  
24 provide information and records to the Council in the  
25 execution of its duties.

26 (f) Report. The Council shall report in writing annually to

1 the General Assembly, the Illinois Supreme Court, and the  
2 Governor.

3 (g) This Section is repealed on December 31, 2020.

4 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.