



Rep. Michael J. Zalewski

Filed: 1/6/2017

09900SB1824ham006

LRB099 09089 RLC 52214 a

1 AMENDMENT TO SENATE BILL 1824

2 AMENDMENT NO. _____. Amend Senate Bill 1824, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Criminal Identification Act is amended by
6 changing Section 2.1 as follows:

7 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

8 Sec. 2.1. For the purpose of maintaining complete and
9 accurate criminal records of the Department of State Police, it
10 is necessary for all policing bodies of this State, the clerk
11 of the circuit court, the Illinois Department of Corrections,
12 the sheriff of each county, and State's Attorney of each county
13 to submit certain criminal arrest, charge, and disposition
14 information to the Department for filing at the earliest time
15 possible. Unless otherwise noted herein, it shall be the duty
16 of all policing bodies of this State, the clerk of the circuit

1 court, the Illinois Department of Corrections, the sheriff of
2 each county, and the State's Attorney of each county to report
3 such information as provided in this Section, both in the form
4 and manner required by the Department and within 30 days of the
5 criminal history event. Specifically:

6 (a) Arrest Information. All agencies making arrests for
7 offenses which are required by statute to be collected,
8 maintained or disseminated by the Department of State Police
9 shall be responsible for furnishing daily to the Department
10 fingerprints, charges and descriptions of all persons who are
11 arrested for such offenses. All such agencies shall also notify
12 the Department of all decisions by the arresting agency not to
13 refer such arrests for prosecution. With approval of the
14 Department, an agency making such arrests may enter into
15 arrangements with other agencies for the purpose of furnishing
16 daily such fingerprints, charges and descriptions to the
17 Department upon its behalf.

18 (b) Charge Information. The State's Attorney of each county
19 shall notify the Department of all charges filed and all
20 petitions filed alleging that a minor is delinquent, including
21 all those added subsequent to the filing of a case, and whether
22 charges were not filed in cases for which the Department has
23 received information required to be reported pursuant to
24 paragraph (a) of this Section. With approval of the Department,
25 the State's Attorney may enter into arrangements with other
26 agencies for the purpose of furnishing the information required

1 by this subsection (b) to the Department upon the State's
2 Attorney's behalf.

3 (c) Disposition Information. The clerk of the circuit court
4 of each county shall furnish the Department, in the form and
5 manner required by the Supreme Court, with all final
6 dispositions of cases for which the Department has received
7 information required to be reported pursuant to paragraph (a)
8 or (d) of this Section. Such information shall include, for
9 each charge, all (1) judgments of not guilty, judgments of
10 guilty including the sentence pronounced by the court with
11 statutory citations to the relevant sentencing provision,
12 findings that a minor is delinquent and any sentence made based
13 on those findings, discharges and dismissals in the court; (2)
14 reviewing court orders filed with the clerk of the circuit
15 court which reverse or remand a reported conviction or findings
16 that a minor is delinquent or that vacate or modify a sentence
17 or sentence made following a trial that a minor is delinquent;
18 (3) continuances to a date certain in furtherance of an order
19 of supervision granted under Section 5-6-1 of the Unified Code
20 of Corrections or an order of probation granted under Section
21 10 of the Cannabis Control Act, Section 410 of the Illinois
22 Controlled Substances Act, Section 70 of the Methamphetamine
23 Control and Community Protection Act, Section 12-4.3 or
24 subdivision (b)(1) of Section 12-3.05 of the Criminal Code of
25 1961 or the Criminal Code of 2012, Section 10-102 of the
26 Illinois Alcoholism and Other Drug Dependency Act, Section

1 40-10 of the Alcoholism and Other Drug Abuse and Dependency
2 Act, Section 10 of the Steroid Control Act, or Section 5-615 of
3 the Juvenile Court Act of 1987; and (4) judgments or court
4 orders terminating or revoking a sentence to or juvenile
5 disposition of probation, supervision or conditional discharge
6 and any resentencing or new court orders entered by a juvenile
7 court relating to the disposition of a minor's case involving
8 delinquency after such revocation.

9 (d) Fingerprints After Sentencing.

10 (1) After the court pronounces sentence, sentences a
11 minor following a trial in which a minor was found to be
12 delinquent or issues an order of supervision or an order of
13 probation granted under Section 10 of the Cannabis Control
14 Act, Section 410 of the Illinois Controlled Substances Act,
15 Section 70 of the Methamphetamine Control and Community
16 Protection Act, Section 12-4.3 or subdivision (b)(1) of
17 Section 12-3.05 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, Section 10-102 of the Illinois
19 Alcoholism and Other Drug Dependency Act, Section 40-10 of
20 the Alcoholism and Other Drug Abuse and Dependency Act,
21 Section 10 of the Steroid Control Act, or Section 5-615 of
22 the Juvenile Court Act of 1987 for any offense which is
23 required by statute to be collected, maintained, or
24 disseminated by the Department of State Police, the State's
25 Attorney of each county shall ask the court to order a law
26 enforcement agency to fingerprint immediately all persons

1 appearing before the court who have not previously been
2 fingerprinted for the same case. The court shall so order
3 the requested fingerprinting, if it determines that any
4 such person has not previously been fingerprinted for the
5 same case. The law enforcement agency shall submit such
6 fingerprints to the Department daily.

7 (2) After the court pronounces sentence or makes a
8 disposition of a case following a finding of delinquency
9 for any offense which is not required by statute to be
10 collected, maintained, or disseminated by the Department
11 of State Police, the prosecuting attorney may ask the court
12 to order a law enforcement agency to fingerprint
13 immediately all persons appearing before the court who have
14 not previously been fingerprinted for the same case. The
15 court may so order the requested fingerprinting, if it
16 determines that any so sentenced person has not previously
17 been fingerprinted for the same case. The law enforcement
18 agency may retain such fingerprints in its files.

19 (e) Corrections Information. The Illinois Department of
20 Corrections and the sheriff of each county shall furnish the
21 Department with all information concerning the receipt,
22 escape, execution, death, release, pardon, parole, commutation
23 of sentence, granting of executive clemency or discharge of an
24 individual who has been sentenced or committed to the agency's
25 custody for any offenses which are mandated by statute to be
26 collected, maintained or disseminated by the Department of

1 State Police. For an individual who has been charged with any
2 such offense and who escapes from custody or dies while in
3 custody, all information concerning the receipt and escape or
4 death, whichever is appropriate, shall also be so furnished to
5 the Department.

6 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

7 Section 10. The Clerks of Courts Act is amended by changing
8 Section 14 as follows:

9 (705 ILCS 105/14) (from Ch. 25, par. 14)

10 Sec. 14. The clerks shall enter of record all judgments and
11 orders of their respective courts, as soon after the rendition
12 or making thereof as practicable.

13 Immediately after a judgment of dissolution of marriage or
14 declaration of invalidity of marriage is granted in this State,
15 the clerk of the court which granted the judgment of
16 dissolution of marriage or declaration of invalidity of
17 marriage shall complete and sign the form furnished by the
18 Department of Public Health, and forward such form to the
19 Department of Public Health within 45 days after the close of
20 the month in which the judgment is rendered.

21 The clerk of the circuit court of each county shall, on a
22 monthly basis, provide electronic copies of sentencing orders
23 of persons sentenced under Section 5-4.5-110 of the Unified
24 Code of Corrections to the Sentencing Policy Advisory Council

1 for the purposes of analysis and reporting.

2 (Source: P.A. 83-346.)

3 Section 15. The Criminal Code of 2012 is amended by
4 changing Sections 24-1.1 and 24-1.6 as follows:

5 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

6 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
7 Felons or Persons in the Custody of the Department of
8 Corrections Facilities.

9 (a) It is unlawful for a person to knowingly possess on or
10 about his person or on his land or in his own abode or fixed
11 place of business any weapon prohibited under Section 24-1 of
12 this Act or any firearm or any firearm ammunition if the person
13 has been convicted of a felony under the laws of this State or
14 any other jurisdiction. This Section shall not apply if the
15 person has been granted relief by the Director of the
16 Department of State Police under Section 10 of the Firearm
17 Owners Identification Card Act.

18 (b) It is unlawful for any person confined in a penal
19 institution, which is a facility of the Illinois Department of
20 Corrections, to possess any weapon prohibited under Section
21 24-1 of this Code or any firearm or firearm ammunition,
22 regardless of the intent with which he possesses it.

23 (c) It shall be an affirmative defense to a violation of
24 subsection (b), that such possession was specifically

1 authorized by rule, regulation, or directive of the Illinois
2 Department of Corrections or order issued pursuant thereto.

3 (d) The defense of necessity is not available to a person
4 who is charged with a violation of subsection (b) of this
5 Section.

6 (e) Sentence. Violation of this Section by a person not
7 confined in a penal institution shall be a Class 3 felony for
8 which the person shall be sentenced to no less than 2 years and
9 no more than 10 years. A ~~and any~~ second or subsequent violation
10 of this Section shall be a Class 2 felony for which the person
11 shall be sentenced to a term of imprisonment of not less than 3
12 years and not more than 14 years, except as provided for in
13 Section 5-4.5-110 of the Unified Code of Corrections. Violation
14 of this Section by a person not confined in a penal institution
15 who has been convicted of a forcible felony, a felony violation
16 of Article 24 of this Code or of the Firearm Owners
17 Identification Card Act, stalking or aggravated stalking, or a
18 Class 2 or greater felony under the Illinois Controlled
19 Substances Act, the Cannabis Control Act, or the
20 Methamphetamine Control and Community Protection Act is a Class
21 2 felony for which the person shall be sentenced to not less
22 than 3 years and not more than 14 years, except as provided for
23 in Section 5-4.5-110 of the Unified Code of Corrections.
24 Violation of this Section by a person who is on parole or
25 mandatory supervised release is a Class 2 felony for which the
26 person shall be sentenced to not less than 3 years and not more

1 than 14 years, except as provided for in Section 5-4.5-110 of
2 the Unified Code of Corrections. Violation of this Section by a
3 person not confined in a penal institution is a Class X felony
4 when the firearm possessed is a machine gun. Any person who
5 violates this Section while confined in a penal institution,
6 which is a facility of the Illinois Department of Corrections,
7 is guilty of a Class 1 felony, if he possesses any weapon
8 prohibited under Section 24-1 of this Code regardless of the
9 intent with which he possesses it, a Class X felony if he
10 possesses any firearm, firearm ammunition or explosive, and a
11 Class X felony for which the offender shall be sentenced to not
12 less than 12 years and not more than 50 years when the firearm
13 possessed is a machine gun. A violation of this Section while
14 wearing or in possession of body armor as defined in Section
15 33F-1 is a Class X felony punishable by a term of imprisonment
16 of not less than 10 years and not more than 40 years. The
17 possession of each firearm or firearm ammunition in violation
18 of this Section constitutes a single and separate violation.

19 (Source: P.A. 97-237, eff. 1-1-12.)

20 (720 ILCS 5/24-1.6)

21 Sec. 24-1.6. Aggravated unlawful use of a weapon.

22 (a) A person commits the offense of aggravated unlawful use
23 of a weapon when he or she knowingly:

24 (1) Carries on or about his or her person or in any
25 vehicle or concealed on or about his or her person except

1 when on his or her land or in his or her abode, legal
2 dwelling, or fixed place of business, or on the land or in
3 the legal dwelling of another person as an invitee with
4 that person's permission, any pistol, revolver, stun gun or
5 taser or other firearm; or

6 (2) Carries or possesses on or about his or her person,
7 upon any public street, alley, or other public lands within
8 the corporate limits of a city, village or incorporated
9 town, except when an invitee thereon or therein, for the
10 purpose of the display of such weapon or the lawful
11 commerce in weapons, or except when on his or her own land
12 or in his or her own abode, legal dwelling, or fixed place
13 of business, or on the land or in the legal dwelling of
14 another person as an invitee with that person's permission,
15 any pistol, revolver, stun gun or taser or other firearm;
16 and

17 (3) One of the following factors is present:

18 (A) the firearm, other than a pistol, revolver, or
19 handgun, possessed was uncased, loaded, and
20 immediately accessible at the time of the offense; or

21 (A-5) the pistol, revolver, or handgun possessed
22 was uncased, loaded, and immediately accessible at the
23 time of the offense and the person possessing the
24 pistol, revolver, or handgun has not been issued a
25 currently valid license under the Firearm Concealed
26 Carry Act; or

1 (B) the firearm, other than a pistol, revolver, or
2 handgun, possessed was uncased, unloaded, and the
3 ammunition for the weapon was immediately accessible
4 at the time of the offense; or

5 (B-5) the pistol, revolver, or handgun possessed
6 was uncased, unloaded, and the ammunition for the
7 weapon was immediately accessible at the time of the
8 offense and the person possessing the pistol,
9 revolver, or handgun has not been issued a currently
10 valid license under the Firearm Concealed Carry Act; or

11 (C) the person possessing the firearm has not been
12 issued a currently valid Firearm Owner's
13 Identification Card; or

14 (D) the person possessing the weapon was
15 previously adjudicated a delinquent minor under the
16 Juvenile Court Act of 1987 for an act that if committed
17 by an adult would be a felony; or

18 (E) the person possessing the weapon was engaged in
19 a misdemeanor violation of the Cannabis Control Act, in
20 a misdemeanor violation of the Illinois Controlled
21 Substances Act, or in a misdemeanor violation of the
22 Methamphetamine Control and Community Protection Act;
23 or

24 (F) (blank); or

25 (G) the person possessing the weapon had an ~~a~~ order
26 of protection issued against him or her within the

1 previous 2 years; or

2 (H) the person possessing the weapon was engaged in
3 the commission or attempted commission of a
4 misdemeanor involving the use or threat of violence
5 against the person or property of another; or

6 (I) the person possessing the weapon was under 21
7 years of age and in possession of a handgun, unless the
8 person under 21 is engaged in lawful activities under
9 the Wildlife Code or described in subsection
10 24-2(b)(1), (b)(3), or 24-2(f).

11 (a-5) "Handgun" as used in this Section has the meaning
12 given to it in Section 5 of the Firearm Concealed Carry Act.

13 (b) "Stun gun or taser" as used in this Section has the
14 same definition given to it in Section 24-1 of this Code.

15 (c) This Section does not apply to or affect the
16 transportation or possession of weapons that:

17 (i) are broken down in a non-functioning state; or

18 (ii) are not immediately accessible; or

19 (iii) are unloaded and enclosed in a case, firearm
20 carrying box, shipping box, or other container by a person
21 who has been issued a currently valid Firearm Owner's
22 Identification Card.

23 (d) Sentence.

24 (1) Aggravated unlawful use of a weapon is a Class 4
25 felony; a second or subsequent offense is a Class 2 felony
26 for which the person shall be sentenced to a term of

1 imprisonment of not less than 3 years and not more than 7
2 years, except as provided for in Section 5-4.5-110 of the
3 Unified Code of Corrections.

4 (2) Except as otherwise provided in paragraphs (3) and
5 (4) of this subsection (d), a first offense of aggravated
6 unlawful use of a weapon committed with a firearm by a
7 person 18 years of age or older where the factors listed in
8 both items (A) and (C) or both items (A-5) and (C) of
9 paragraph (3) of subsection (a) are present is a Class 4
10 felony, for which the person shall be sentenced to a term
11 of imprisonment of not less than one year and not more than
12 3 years.

13 (3) Aggravated unlawful use of a weapon by a person who
14 has been previously convicted of a felony in this State or
15 another jurisdiction is a Class 2 felony for which the
16 person shall be sentenced to a term of imprisonment of not
17 less than 3 years and not more than 7 years, except as
18 provided for in Section 5-4.5-110 of the Unified Code of
19 Corrections.

20 (4) Aggravated unlawful use of a weapon while wearing
21 or in possession of body armor as defined in Section 33F-1
22 by a person who has not been issued a valid Firearms
23 Owner's Identification Card in accordance with Section 5 of
24 the Firearm Owners Identification Card Act is a Class X
25 felony.

26 (e) The possession of each firearm in violation of this

1 Section constitutes a single and separate violation.

2 (Source: P.A. 98-63, eff. 7-9-13; revised 10-6-16.)

3 Section 20. The Unified Code of Corrections is amended by
4 changing Section 5-8-8 and by adding Section 5-4.5-110 as
5 follows:

6 (730 ILCS 5/5-4.5-110 new)

7 Sec. 5-4.5-110. SENTENCING OF INDIVIDUALS WITH PRIOR
8 FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

9 (a) DEFINITIONS. For the purposes of this Section:

10 "Firearm" has the meaning ascribed to it in Section 1.1
11 of the Firearm Owners Identification Card Act.

12 "Qualifying predicate offense" means the following
13 offenses under the Criminal Code of 2012:

14 (A) aggravated unlawful use of a weapon under
15 Section 24-1.6 or a similar provision under the
16 Criminal Code of 1961, when the weapon is a firearm;

17 (B) unlawful use or possession of a weapon by a
18 felon under 24-1.1 or a similar provision under the
19 Criminal Code of 1961, when the weapon is a firearm;

20 (C) first degree murder under Section 9-1 or a
21 similar provision under the Criminal Code of 1961;

22 (D) attempted first degree murder with a firearm or
23 a similar provision under the Criminal Code of 1961;

24 (E) aggravated kidnapping with a firearm under

1 paragraph (6) or (7) of subsection (a) of Section 10-2
2 or a similar provision under the Criminal Code of 1961;

3 (F) aggravated battery with a firearm under
4 subsection (e) of Section 12-3.05 or a similar
5 provision under the Criminal Code of 1961;

6 (G) aggravated criminal sexual assault under
7 Section 11-1.30 or a similar provision under the
8 Criminal Code of 1961;

9 (H) predatory criminal sexual assault of a child
10 under Section 11-1.40 or a similar provision under the
11 Criminal Code of 1961;

12 (I) armed robbery under Section 18-2 or a similar
13 provision under the Criminal Code of 1961;

14 (J) vehicular hijacking under Section 18-3 or a
15 similar provision under the Criminal Code of 1961;

16 (K) aggravated vehicular hijacking under Section
17 18-4 or a similar provision under the Criminal Code of
18 1961;

19 (L) home invasion with a firearm under paragraph
20 (3), (4), or (5) of subsection (a) of Section 19-6 or a
21 similar provision under the Criminal Code of 1961;

22 (M) aggravated discharge of a firearm under
23 Section 24-1.2 or a similar provision under the
24 Criminal Code of 1961;

25 (N) aggravated discharge of a machine gun or a
26 firearm equipped with a device designed or used for

1 silencing the report of a firearm under Section
2 24-1.2-5 or a similar provision under the Criminal Code
3 of 1961;

4 (O) unlawful use of firearm projectiles under
5 Section 24-2.1 or a similar provision under the
6 Criminal Code of 1961;

7 (P) manufacture, sale, or transfer of bullets or
8 shells represented to be armor piercing bullets,
9 dragon's breath shotgun shells, bolo shells, or
10 flechette shells under Section 24-2.2 or a similar
11 provision under the Criminal Code of 1961;

12 (Q) unlawful sale or delivery of firearms under
13 Section 24-3 or a similar provision under the Criminal
14 Code of 1961;

15 (R) unlawful discharge of firearm projectiles
16 under Section 24-3.2 or a similar provision under the
17 Criminal Code of 1961;

18 (S) unlawful sale or delivery of firearms on school
19 premises of any school under Section 24-3.3 or a
20 similar provision under the Criminal Code of 1961;

21 (T) unlawful purchase of a firearm under Section
22 24-3.5 or a similar provision under the Criminal Code
23 of 1961;

24 (U) use of a stolen firearm in the commission of an
25 offense under Section 24-3.7 or a similar provision
26 under the Criminal Code of 1961;

1 (V) possession of a stolen firearm under Section
2 24-3.8 or a similar provision under the Criminal Code
3 of 1961;

4 (W) aggravated possession of a stolen firearm
5 under Section 24-3.9 or a similar provision under the
6 Criminal Code of 1961;

7 (X) gunrunning under Section 24-3A or a similar
8 provision under the Criminal Code of 1961;

9 (Y) defacing identification marks of firearms
10 under Section 24-5 or a similar provision under the
11 Criminal Code of 1961; and

12 (Z) armed violence under Section 33A-2 or a similar
13 provision under the Criminal Code of 1961.

14 (b) APPLICABILITY. On or after the effective date of this
15 amendatory Act of the 99th General Assembly, when a person is
16 convicted of unlawful use or possession of a weapon by a felon,
17 when the weapon is a firearm, or aggravated unlawful use of a
18 weapon, when the weapon is a firearm, after being previously
19 convicted of a qualifying predicate offense the person shall be
20 sentenced as provided in this Section.

21 (c) SENTENCING FOR INDIVIDUALS WITH PRIOR FELONY
22 FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

23 (1) When a person is convicted of unlawful use or
24 possession of a weapon by a felon, when the weapon is a
25 firearm, and that person has been previously convicted of a
26 qualifying predicate offense, the person shall be

1 sentenced to a term of imprisonment of not less than 7
2 years and not more than 14 years, unless the court finds
3 that a departure is warranted under subsection (d) of this
4 Section.

5 (2) When a person is convicted of aggravated unlawful
6 use of a weapon, when the weapon is a firearm, and that
7 person has been previously convicted of a qualifying
8 predicate offense, the person shall be sentenced to a term
9 of imprisonment of not less than 6 years and not more than
10 7 years, or not more than 14 years if extended term
11 sentencing applies, unless the court finds that a departure
12 is warranted under subsection (d) of this Section.

13 (d) DEPARTURE STANDARDS.

14 (1) At the sentencing hearing conducted under Section
15 5-4-1 of this Code, the court may depart from the
16 sentencing ranges provided in subsection (c) of this
17 Section and impose a sentence otherwise authorized by law
18 for the offense if the court, after considering any factor
19 under paragraph (2) of this subsection (d) relevant to the
20 nature and circumstances of the offense and to the history
21 and character of the defendant, finds on the record
22 substantial and compelling justification that the sentence
23 would be unduly harsh and that a sentence otherwise
24 authorized by law would be consistent with public safety
25 and does not deprecate the seriousness of the offense.

26 (2) In deciding whether to depart from the sentencing

1 ranges provided in subsection (c) of this Section, the
2 court shall consider:

3 (A) the age, immaturity, or limited mental
4 capacity of the defendant at the time of commission of
5 the predicate or current offense, including whether
6 the defendant was suffering from a mental or physical
7 condition insufficient to constitute a defense but
8 significantly reduced the defendant's culpability;

9 (B) the nature and circumstances of the predicate
10 conviction;

11 (C) the time elapsed since the qualifying
12 predicate offense;

13 (D) the nature and circumstances of the current
14 conviction;

15 (E) the defendant's prior criminal history;

16 (F) whether the defendant committed the predicate
17 or current offense under specific and credible duress,
18 coercion, threat, or compulsion;

19 (G) whether the defendant aided in the
20 apprehension of another felon or testified truthfully
21 on behalf of another prosecution of a felony;

22 (H) whether departure is in the interest of the
23 person's rehabilitation taking into account any past
24 rehabilitation efforts and defendant's cooperation or
25 response to the rehabilitation; and

26 (I) whether departure is in the interest of public

1 safety.

2 (3) When departing from the sentencing range under
3 subsection (c) of this Section, the court shall specify on
4 the record, the particular evidence, information, factor
5 or factors, or other reasons that led to the departure from
6 the sentencing ranges provided in subsection (c) of this
7 Section. When departing from the sentencing range in
8 accordance with this subsection (d), the court shall
9 indicate on the sentencing order which departure factor or
10 factors provided in paragraph (2) of this subsection (d)
11 led to the sentence imposed. The sentencing order shall be
12 filed with the clerk of the court and shall be a public
13 record.

14 (730 ILCS 5/5-8-8)

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

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

17 (a) Creation. There is created under the jurisdiction of
18 the Governor the Illinois Sentencing Policy Advisory Council,
19 hereinafter referred to as the Council.

20 (b) Purposes and goals. The purpose of the Council is to
21 review sentencing policies and practices and examine how these
22 policies and practices impact the criminal justice system as a
23 whole in the State of Illinois. In carrying out its duties, the
24 Council shall be mindful of and aim to achieve the purposes of
25 sentencing in Illinois, which are set out in Section 1-1-2 of

1 this Code:

2 (1) prescribe sanctions proportionate to the
3 seriousness of the offenses and permit the recognition of
4 differences in rehabilitation possibilities among
5 individual offenders;

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

7 (3) prevent arbitrary or oppressive treatment of
8 persons adjudicated offenders or delinquents; and

9 (4) restore offenders to useful citizenship.

10 (c) Council composition.

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

12 (A) the President of the Senate, or his or her
13 designee;

14 (B) the Minority Leader of the Senate, or his or
15 her designee;

16 (C) the Speaker of the House, or his or her
17 designee;

18 (D) the Minority Leader of the House, or his or her
19 designee;

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

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

22 (G) two retired judges, who may have been circuit,
23 appellate, or supreme court judges; retired judges
24 shall be selected by the members of the Council
25 designated in clauses (c) (1) (A) through (L);

26 (G-5) (blank);

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

3 (I) the Cook County Public Defender, or his or her
4 designee;

5 (J) a State's Attorney not from Cook County,
6 appointed by the State's Attorney's Appellate
7 Prosecutor;

8 (K) the State Appellate Defender, or his or her
9 designee;

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

12 (M) a victim of a violent felony or a
13 representative of a crime victims' organization,
14 selected by the members of the Council designated in
15 clauses (c) (1) (A) through (L);

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

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

22 (P) a representative of law enforcement from a unit
23 of local government to be selected by the members of
24 the Council designated in clauses (c) (1) (A) through
25 (L);

26 (Q) a sheriff selected by the members of the

1 Council designated in clauses (c) (1) (A) through (L);
2 and

3 (R) ex-officio members shall include:

4 (i) the Director of Corrections, or his or her
5 designee;

6 (ii) the Chair of the Prisoner Review Board, or
7 his or her designee;

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

10 (iv) the Director of the Illinois Criminal
11 Justice Information Authority, or his or her
12 designee.

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

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

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

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

1 Council ends on the date of repeal of this amendatory Act
2 of the 96th General Assembly.

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

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

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

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

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

26 (4.5) Study and conduct thorough analysis of

1 sentencing under Section 5-4.5-110 of this Code. The
2 Sentencing Policy Advisory Council shall provide annual
3 reports to the Governor and General Assembly, including the
4 total number of persons sentenced under Section 5-4.5-110
5 of this Code, the total number of departures from sentences
6 under Section 5-4.5-110 of this Code, and an analysis of
7 trends in sentencing and departures. On or before December
8 31, 2022, the Sentencing Policy Advisory Council shall
9 provide a report to the Governor and General Assembly on
10 the effectiveness of sentencing under Section 5-4.5-110 of
11 this Code, including recommendations on whether sentencing
12 under Section 5-4.5-110 of this Code should be adjusted or
13 continued.

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

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

20 (7) Publish a report on the trends in sentencing for
21 offenders described in subsection (b-1) of Section 5-4-1 of
22 this Code, the impact of the trends on the prison and
23 probation populations, and any changes in the racial
24 composition of the prison and probation populations that
25 can be attributed to the changes made by adding subsection
26 (b-1) of Section 5-4-1 to this Code by Public Act 99-861

1 ~~this amendatory Act of the 99th General Assembly.~~

2 (e) Authority.

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

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

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

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

18 (Source: P.A. 98-65, eff. 7-15-13; 99-101, eff. 7-22-15;
19 99-533, eff. 7-8-16; 99-861, eff. 1-1-17; revised 9-6-16.)".