

CLEAR Initiative

Criminal Law Edit, Alignment and Reform

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GOVERNOR SIGNS LEGISLATION TO CLEAR UP CONFUSION IN STATE SENTENCING LAWS

CLEAR Commission changes will reduce costly appeals and bring more fairness to the criminal justice system

SPRINGFIELD – Legislation signed Friday by Gov. Pat Quinn will clear up confusion in the state's disorganized and sometimes ambiguous criminal sentencing laws.

Senate Bill 100, which was recommended by the Criminal Law Edit, Alignment and Reform (CLEAR) Commission, rewrites the Illinois Code of Corrections, making it easier to understand without altering the severity of punishment for any criminal convictions.

"This makes the sentencing code much easier for everyone to understand and use, and will reduce the confusion that seemed to result each time the legislature created a new criminal classification or a court ruling changed the interpretation of a statute," said former Gov. James R. Thompson, one of the co-chairs of the CLEAR Commission. "By making the sentencing laws clear today, judges can have more confidence in the validity of sentences they impose, and legislators will have a better understanding of the impact of any proposed changes in the future."

"Confusion surrounding the Code of Corrections has led to too many sentences later overturned on appeal," said former Illinois Appellate Court Justice Gino L. DiVito, who co-chairs the CLEAR Commission. "Some mistakes are inevitable in any system, but our sentencing code had become so confusing that mistakes happened much too often. Court delays, lengthy appeals and new sentencing hearings are time consuming and costly to taxpayers."

SB 100 was sponsored by Senate President John Cullerton, D-Chicago, and State Rep. Arthur L. Turner, D-Chicago, and it passed both chambers of the General Assembly by unanimous votes. The new law will take effect July 1.

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“Throughout the country, piecemeal changes to state sentencing codes have resulted in a great deal of confusion about an important part of the law that really should be crystal clear to all citizens,” Cullerton said. “Illinois is fortunate to have been able to revise its sentencing laws with the volunteer help of men and women with decades of experience as prosecutors, defenders, judges and lawmakers. The thorough review produced a sentencing code that will make the judicial system more fair, and reduce the number of appeals that increase costs to all involved.”

Because many of the sentencing provisions in the Code of Corrections are long and repetitive and often not found in any logical order in state statutes, the CLEAR Commission recommended a way to organize it coherently and consistently. The revision will allow a reader to match a criminal offense with the possible sentence. Because SB 100 incorporates existing case law, readers will know that the improved code reflects the current state of sentencing law.

The CLEAR Commission is composed of prominent and diverse experts in the criminal justice system, including Attorney General Lisa Madigan and legislators chosen by the Democratic and Republican leaders in the General Assembly. Other commission members include prosecutors, defense attorneys, judges and law enforcement representatives.

All CLEAR Commission decisions are made by consensus and require the approval of all commission members.

The CLEAR Commission also has recommended a similar streamlining and reorganization of the Illinois Criminal Code to eliminate redundancies, inconsistencies, and sections found unconstitutional by the courts. Legislation incorporating those revisions is being drafted by General Assembly staff and should be presented to legislators later this year.

For more information about the CLEAR Commission, visit www.clearinitiative.org.

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About the CLEAR Commission:

The CLEAR Initiative was developed by staff at Chicago Metropolis 2020, a business-based civic organization promoting long-term planning and smart investment in the Chicago region and working for better outcomes in our legal and corrections systems.

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