

Senate Bill 1320: Illinois Sentencing Policy Advisory Council

Legislation

The Illinois Sentencing Policy Advisory Council (SPAC) will gather and analyze criminal justice information to help make the system less costly and more efficient.

Purposes and goals – SPAC will review sentencing policies and practices and examine how these policies and practices impact the cost and management of the Illinois criminal justice system.

Council composition – The proposed SPAC will consist of a nonpartisan group of 18 key stakeholders from across the state and local criminal justice systems, including members from all three branches of government: legislators (from both political parties and houses), retired judges, prosecutors, defense attorneys, corrections and administrators of the court officials, law enforcement, victim’s rights advocates and academics. There will also be ex-officio members from the agencies providing data to SPAC (Illinois Criminal Justice Information Authority, Administrative Office of the Illinois Courts, and Illinois Department of Corrections).

Duties – SPAC is designed to objectively inform sentencing and corrections policy decisions. To perform this function, the Council would collect and analyze data, conduct correctional population projections based on simulation models and produce fiscal impact statements for the legislature. In addition, the Council is charged with ensuring that effective evidence-based practices (EBP) are used in policy decisions and practices in the criminal justice system.

Authority – The authority section delineates the power of SPAC to accomplish its assigned tasks. It specifies that government agencies cooperate with data requests that are set forth by the Council so that it can conduct comprehensive data analyses.

Report – The Council will report in writing annually to the General Assembly, the Governor and the Supreme Court.

Sunset – The Council is scheduled to sunset three years after the final appointment of all of the voting members of the Council.

Background

In Illinois, we are spending \$1.4 billion dollars on Department of Corrections and hundreds of billions of dollars more on criminal justice and law enforcement systems with the following results:

- 40,000 are put in prison each year and 40,000 are released
- More than half will be back in three years
- 40% are imprisoned for non-violent drug crimes
- More than 20% stay in expensive state prisons for 63 days or less
- Prisons, according to the unions, are dangerously overcrowded
- There are 245,000 people under the jurisdiction of IDOC, which, if it were a city, would be the second largest in Illinois
- Research shows that incarceration of non-violent offenders in the long term increases crime and reduces economic growth

There are many entities collecting information on the criminal justice and corrections systems (IDOC, State Police, Criminal Justice Authority, Administrative Office of the Illinois Courts, local law enforcement, Attorney General’s Office, etc.) but there is no one place that collects all that information and analyzes it. No agency is charged with evaluating the criminal justice and corrections systems and recommending how to improve them.

The Sentencing Policy Advisory Council (SPAC) will use the criminal justice information collected by other agencies to understand how sentencing practices impact the criminal justice system and improve its effectiveness and efficiency. Currently, there are 22 active state sentencing policy entities – sentencing commissions – (including in the District of Columbia) in the United States. (Attached is a chart of other state sentencing structures.)

State Sentencing Commission Structures

State	Name of Commission	Year Created	Location in Government	Number of Members	Number of Staff ¹	Budget ²
Alabama	Alabama Sentencing Commission	2000	Judiciary	16	3	\$184,000
Arkansas	Arkansas Sentencing Commission	1993	Independent	9	5	\$351,074
Colorado	Colorado Commission on Criminal and Juvenile Justice	2007	Executive	26	1	\$92,657
Delaware	Delaware Sentencing Accountability Commission	1984	Executive	11	--	--
District of Columbia	District of Columbia Sentencing and Criminal Code Revision Commission	1998	Independent	20	5	\$602,000
Kansas	Kansas Sentencing Commission	1989	Hybrid	17	12	\$784,403
Louisiana	Louisiana Sentencing Commission	1987	Executive	23	--	--
Maryland	Maryland State Commission of Criminal Sentencing Policy	1996	Executive	19	4	\$355,037
Massachusetts	Massachusetts Sentencing Commission	1994	Judiciary	15	4	\$232,000
Minnesota	Minnesota Sentencing Guidelines Commission	1978	Executive	11	9	\$926,000
Missouri	Missouri Sentencing Advisory Commission	1994	Independent	11	1	\$95,000
Nevada	Nevada Advisory Commission on the Administration of Justice	2007	Judiciary	17	N/A	\$50,000
New Jersey	New Jersey Commission to Review Criminal Sentencing	2004	Executive	13	1	\$100,000
New Mexico	New Mexico Sentencing Commission	2001	Executive	23	8	\$606,000
New York	New York State Commission on Sentencing Reform	2007	Executive	11	N/A	N/A
North Carolina	North Carolina Sentencing and Policy Advisory Commission	1990	Independent	30	9	\$900,000
Ohio	Ohio Criminal Sentencing Commission	1991	Judiciary	31	3	\$300,000
Oklahoma	Oklahoma Sentencing Commission	1998	Legislature	17	7	\$637,624
Oregon	Oregon Criminal Justice Commission	1995	Independent	9	6	\$600,000
Pennsylvania	Pennsylvania Commission on Sentencing	1978	Legislature	11	16	\$2,258,940
Utah	Utah Sentencing Commission	1993	Executive	27	2	\$185,000
Vermont	Vermont Sentencing Commission	2007	Executive	17	N/A	N/A
Virginia	Virginia Criminal Sentencing Commission	1995	Judiciary	17	10	\$1,050,960
Washington	Washington Sentencing Guidelines Commission	1981	Legislature	20	9	\$937,000

¹ There is no permanent staff on the commissions in Delaware and Louisiana; staff from an umbrella organization is used to conduct the commission's work.

² Funding in Delaware and Louisiana is funneled through an umbrella organization, thus its annual budget is not determinable.