

# CLEAR Initiative

## Criminal Law Edit, Alignment and Reform

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## SENATE BILL 150

### LEGISLATION WILL CREATE CRIMINAL LAW REVIEW COMMISSION

The Criminal Law Edit, Alignment and Reform (CLEAR) Commission recently concluded an 18-month study of our state's lengthy Criminal Code. The CLEAR Commission recognized the current state of the Criminal Code has been the natural result of hundreds of changes made to the Code in the past 45 years. The recommendations of the CLEAR Commission to clarify and streamline the Criminal Code are now included in **SB 100**.

To help avoid inconsistent and redundant changes in the future, the Commission also recommends the creation of an on-going permanent **Criminal Law Review Commission** as outlined in **SB 150**. The **Criminal Law Review Commission** will consider proposed legislative changes to criminal laws. After review, the independent commission would make recommendations on the proposal to the General Assembly. The added level of review is designed to insure that the Code would remain uniform in composition and that future changes would adhere to fundamental drafting principles.

The CLEAR Commission, which made these recommendations, includes legislators appointed by the four legislative leaders, as well as prosecutors, defense attorneys, judges, law enforcement representatives, the Attorney General and a representative of Gov. Rod Blagojevich. (Members of the CLEAR Commission are listed on the left side of this page.)

### Criminal Law Review Commission will review legislation that proposes changes to Illinois criminal laws. For each proposed statute the Commission will ask:

- Is the statute constitutional?
- Is the statute duplicative of or inconsistent with existing law?
- Does the statute include a mental state?
- Is the statute placed in an appropriate place within the state statutes?

### Criminal Law Review Commission members

- Three members appointed by the President of the Senate
- Three members appointed by the Minority Leader of the Senate
- Three members appointed by the Speaker of the House of Representatives
- Three members appointed by the Minority Leader of the House of Representatives
- One member appointed by the Governor

The **Criminal Law Review Commission** will make one of three determinations: the bill should be considered as drafted; the bill should be considered with specific changes; the bill should not be considered. The **Criminal Law Review Commission** recommendations will not be binding on the General Assembly. The recommendations will be advisory only and are intended to identify problems with bills that could negatively impact the integrity of the state's statutes before the General Assembly votes on final passage of bills that would change criminal laws.

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