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It's time to get state code on right side of the law

Decades of court decisions and piecemeal changes by lawmakers have made a mess of the Illinois Criminal Code. Laws that have been struck down as unconstitutional remain on the books, even though they can't be enforced. Haphazard additions have resulted in inconsistencies and confusion. Similar crimes are addressed in widely separated sections. The code has become increasingly unworkable, and that's why the Legislature should move quickly this session to reform it.

Thankfully, a panel representing everyone with a stake in the criminal justice system has done the hard work already. The Criminal Law Edit, Alignment and Reform Commission, led by former Gov. James Thompson and former Appellate Court Justice Gino DiVito, spent 18 months carrying out the mission described by its name. The group has presented a plan to streamline the code, cut redundancies and inconsistencies, drop unconstitutional provisions and end the confusion that, as DiVito put it, "has led to lengthy and expensive disputes, retrials and delays."

Lawmakers still have their work cut out for them, given that the code now runs more than 300,000 words and the panel's proposals are numerous. But the panel has tried to ease the way by only proposing changes that won the unanimous approval of everyone on the diverse group, which includes judges, lawmakers from both parties, prosecutors, public defenders, defense lawyers and law enforcement representatives. That should eliminate any controversy, leaving the Legislature with the still-difficult job of vetting the panel's work.

Examples of changes include placing offenses against children and students, which are now scattered throughout the code, into a new "Harms to-Children and Students" article. Outdated words like "wickedly" and "officiously" were replaced or removed. The statute that describes intimidation as threatening to commit a "criminal offense," which courts have found to be unconstitutionally vague, has been changed to clarify that intimidation occurs when someone threatens to commit "a felony or Class A misdemeanor." One idea that did not make the cut was ending laws against adultery and fornication. Panel members said those laws, while rarely enforced, remain hot-button issues that could bog down their efforts.

The group also hopes to complete a review of the state's similarly confusing Code of Corrections, which covers sentencing. It also hopes to persuade lawmakers to create a legislative panel whose job would be to prevent confusing changes in the future, so we don't have to repeat this task in 40 years.

This represents the view of Sun-Times News Group newspapers in metropolitan Chicago.