

# Chicago Daily Law Bulletin.

January 16, 2009 Volume: 155 Issue: 11

## Rewrite of state Criminal Code awaits gov's signature

*By Patrick T. Yeagle  
Special to the Law Bulletin*

SPRINGFIELD — An overhaul of the Illinois Criminal Code has been sent to the governor's desk by the General Assembly.

Senate Bill 100 proposes hundreds of changes to the state's criminal statutes, attempting to make them more logical, accurate and clear.

"The goal of this legislation is to help judges, prosecutors and defense attorneys have confidence that every factor has been considered when determining the proper sentence for a crime," said Robyn Ziegler, press secretary for Attorney General Lisa M. Madigan.

"The bill is designed to make the sentencing provisions in the Code of Corrections easier to follow and implement and, as a result, to reduce the likelihood of a sentence being found improper and overturned on appeal."

Incoming Senate President John J. Cullerton said the bill clarifies the penalties for crimes by updating the law to include Supreme Court precedents.

"Senate Bill 100 is a realignment of the sentencing provisions of the Code of Corrections," he said.

"Most of [the revisions] were non-substantive. They're clarifications incorporating case law interpretations, uniformity in usage," Cullerton said. "There were certain adjustments of penalties, but only based on proportionality, and maybe elimination of some unused crimes."

Cullerton urged lawyers to use the Illinois General Assembly Web site, [ilga.gov](http://ilga.gov), to familiarize themselves with the changes.

First introduced in early 2007, the bill is the result of recommendations from the Criminal Law Edit, Alignment and Reform Initiative, or CLEAR, a quasi-governmental commission meant to "create a politically viable process to review and reform the entire Illinois Criminal Code," according to the organization's Web site. CLEAR first began meeting in 2005, studying the criminal code to find ways to streamline and modernize it.

"I hope it will make criminal sentencing easier to understand and apply," said Peter G. Baroni, special advisor to the CLEAR Initiative.

Baroni said the most important aspect of the bill is the simplification it delivers.

"The biggest thing, globally, is the one-stop shopping for some things," said Baroni. He explained that the bill would index crimes and their corresponding penalties.

"If you look at the classification of the offense, and then you go to the definition of that class, then you'll know the parameters of that class," Baroni said. "Now you'll have one place to go where you'll get the entire scope of the offense."

Madigan and Cullerton are commissioners of the CLEAR Initiative, which includes senators, representatives, state's attorneys, judges, prosecutors and defense attorneys.

The bill drew no opposition in the General Assembly, originally passing 55-0 in the Senate and 110-0 in the House. It passed Tuesday with the Senate voting 57-0 to concur with what Cullerton characterized as a "minor technical amendment" from the House. The measure now awaits Gov. Rod R. Blagojevich's signature.