

HB4031



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4031

Introduced 1/20/2012, by Rep. Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-8-8

Amends the Code of Corrections. Extends the sunset repeal of the Illinois Sentencing Policy Advisory Council from December 31, 2012 to December 31, 2015. Effective immediately.

LRB097 16541 MRW 61711 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-8-8 as follows:

6 (730 ILCS 5/5-8-8)

7 (Section scheduled to be repealed on December 31, 2012)

8 Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

9 (a) Creation. There is created under the jurisdiction of
10 the Governor the Illinois Sentencing Policy Advisory Council,
11 hereinafter referred to as the Council.

12 (b) Purposes and goals. The purpose of the Council is to
13 review sentencing policies and practices and examine how these
14 policies and practices impact the criminal justice system as a
15 whole in the State of Illinois. In carrying out its duties, the
16 Council shall be mindful of and aim to achieve the purposes of
17 sentencing in Illinois, which are set out in Section 1-1-2 of
18 this Code:

19 (1) prescribe sanctions proportionate to the
20 seriousness of the offenses and permit the recognition of
21 differences in rehabilitation possibilities among
22 individual offenders;

23 (2) forbid and prevent the commission of offenses;

1 (3) prevent arbitrary or oppressive treatment of
2 persons adjudicated offenders or delinquents; and

3 (4) restore offenders to useful citizenship.

4 (c) Council composition.

5 (1) The Council shall consist of the following members:

6 (A) the President of the Senate, or his or her
7 designee;

8 (B) the Minority Leader of the Senate, or his or
9 her designee;

10 (C) the Speaker of the House, or his or her
11 designee;

12 (D) the Minority Leader of the House, or his or her
13 designee;

14 (E) the Governor, or his or her designee;

15 (F) the Attorney General, or his or her designee;

16 (G) two retired judges, who may have been circuit,
17 appellate or supreme court judges, selected by the members
18 of the Council designated in clauses (c) (1) (A) through (L);

19 (H) the Cook County State's Attorney, or his or her
20 designee;

21 (I) the Cook County Public Defender, or his or her
22 designee;

23 (J) a State's Attorney not from Cook County,
24 appointed by the State's Attorney's Appellate
25 Prosecutor;

26 (K) the State Appellate Defender, or his or her

1 designee;

2 (L) the Director of the Administrative Office of
3 the Illinois Courts, or his or her designee;

4 (M) a victim of a violent felony or a
5 representative of a crime victims' organization,
6 selected by the members of the Council designated in
7 clauses (c) (1) (A) through (L);

8 (N) a representative of a community-based
9 organization, selected by the members of the Council
10 designated in clauses (c) (1) (A) through (L);

11 (O) a criminal justice academic researcher, to be
12 selected by the members of the Council designated in
13 clauses (c) (1) (A) through (L);

14 (P) a representative of law enforcement from a unit
15 of local government to be selected by the members of
16 the Council designated in clauses (c) (1) (A) through
17 (L);

18 (Q) a sheriff selected by the members of the
19 Council designated in clauses (c) (1) (A) through (L);
20 and

21 (R) ex-officio members shall include:

22 (i) the Director of Corrections, or his or her
23 designee;

24 (ii) the Chair of the Prisoner Review Board, or
25 his or her designee;

26 (iii) the Director of the Illinois State

1 Police, or his or her designee;

2 (iv) the Director of the Illinois Criminal
3 Justice Information Authority, or his or her
4 designee; and

5 (v) the assistant Director of the
6 Administrative Office of the Illinois Courts, or
7 his or her designee.

8 (1.5) The Chair and Vice Chair shall be elected from
9 among its members by a majority of the members of the
10 Council.

11 (2) Members of the Council who serve because of their
12 public office or position, or those who are designated as
13 members by such officials, shall serve only as long as they
14 hold such office or position.

15 (3) Council members shall serve without compensation
16 but shall be reimbursed for travel and per diem expenses
17 incurred in their work for the Council.

18 (4) The Council may exercise any power, perform any
19 function, take any action, or do anything in furtherance of
20 its purposes and goals upon the appointment of a quorum of
21 its members. The term of office of each member of the
22 Council ends on the date of repeal of this amendatory Act
23 of the 96th General Assembly.

24 (d) Duties. The Council shall perform, as resources permit,
25 duties including:

26 (1) Collect and analyze information including

1 sentencing data, crime trends, and existing correctional
2 resources to support legislative and executive action
3 affecting the use of correctional resources on the State
4 and local levels.

5 (2) Prepare criminal justice population projections
6 annually, including correctional and community-based
7 supervision populations.

8 (3) Analyze data relevant to proposed sentencing
9 legislation and its effect on current policies or
10 practices, and provide information to support
11 evidence-based sentencing.

12 (4) Ensure that adequate resources and facilities are
13 available for carrying out sentences imposed on offenders
14 and that rational priorities are established for the use of
15 those resources. To do so, the Council shall prepare
16 criminal justice resource statements, identifying the
17 fiscal and practical effects of proposed criminal
18 sentencing legislation, including, but not limited to, the
19 correctional population, court processes, and county or
20 local government resources.

21 (5) Perform such other studies or tasks pertaining to
22 sentencing policies as may be requested by the Governor or
23 the Illinois General Assembly.

24 (6) Perform such other functions as may be required by
25 law or as are necessary to carry out the purposes and goals
26 of the Council prescribed in subsection (b).

1 (e) Authority.

2 (1) The Council shall have the power to perform the
3 functions necessary to carry out its duties, purposes and
4 goals under this Act. In so doing, the Council shall
5 utilize information and analysis developed by the Illinois
6 Criminal Justice Information Authority, the Administrative
7 Office of the Illinois Courts, and the Illinois Department
8 of Corrections.

9 (2) Upon request from the Council, each executive
10 agency and department of State and local government shall
11 provide information and records to the Council in the
12 execution of its duties.

13 (f) Report. The Council shall report in writing annually to
14 the General Assembly and the Governor.

15 (g) This Section is repealed on December 31, 2015 ~~2012~~.

16 (Source: P.A. 96-711, eff. 8-25-09; 96-1000, eff. 7-2-10.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.