

# CLEAR bills head to Quinn

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SPRINGFIELD — With one signature from Gov. [Patrick J. Quinn](#), the Criminal Code of 1961 will no longer exist.

Soon, the Criminal Code of 2012 will take its place.

The Illinois House on Wednesday unanimously supported the final two pieces of a massive rewrite of the state's criminal laws. Both pieces of legislation cleared the Senate last week and now head to Quinn for consideration.

House Bill 2582 changes the date on the criminal code, officially signifying that the laws received a fresh, comprehensive review, said state Sen. [Kirk W. Dillard](#), R-Hinsdale, a sponsor of the two bills.

"A lot has changed in the criminals' minds and technology since 1961," Dillard said. "So to have a Criminal Code of 2012 at least shows legislators and practitioners, decades from now, that we did something to modernize our efforts to combat crime in Illinois."

The road to rewriting the code began in 2005 with the creation of the Criminal Law Edit, Alignment and Reform (CLEAR) Initiative. The group, under the direction of attorney [Peter G. Baroni](#), aimed to make the code less complex, removing duplications in law and provisions deemed unconstitutional.

With the last pieces of the CLEAR recommendations adopted, lawyer-lawmakers said attention to detail remains the key to keeping the code uncluttered.

"This does a great deal of good for the practitioner who, year after year, is struggling to find the appropriate rules of evidence and offenses they're challenged with on a daily basis," said state Rep. [James B. Durkin](#), R-Western Springs.

House Bill 2582 also makes several technical changes to the code, updating cross-references and renumbering provisions and adds mental states for certain crimes.

The other piece of legislation, House Bill 3366, creates a new article for crimes against children. It takes several related offenses throughout the code and combines them in one section.

State Rep. [Dennis M. Reboletti](#), R-Elmhurst, said the changes should benefit not just attorneys, but also police officers and anyone else utilizing the laws.

"Trying to navigate through the criminal code is a very difficult thing to do," said Reboletti, a former prosecutor. "Hopefully, as we tinker and change things we can remain in those correct code sections."

State Sen. [Michael J. Noland](#), D-Elgin, said he knew the code needed changes every time he looked at it. Born in 1960, the criminal defense attorney said he found it troubling that the set of laws were nearly as old as him.

"Basically it's from the same year I was born," he said. "I was living proof that this really needed to be done."

Noland, who chairs the Senate Criminal Law Committee, said he believes lawmakers will keep the code in order. A CLEAR Commission compliance subcommittee now exists, he said, reviewing bills that call for penalty enhancements or create new crimes.

Dillard said that subcommittee already showed its effectiveness when it blocked a bill this month that sought to criminalize an act already covered by existing law.

"Everybody wants to be tough on crime and make headlines," Dillard said. "And it leads to a hodgepodge criminal code that is very difficult for the public or practitioners to decipher."

State Sen. [Kwame Y. Raoul](#), D-Chicago, said another group, the Sentencing Policy Advisory Council, can also help maintain order in the criminal code.

Created in 2009, the 18-member panel aims to study the state's sentencing practices and offer objective policy recommendations to improve the system.

Raoul, though, said he remains somewhat cynical of the likelihood that lawmakers can keep the code unmuddled. Another CLEAR project may be required decades from now, he said, to clean up the 2012 version of the code.

"Notwithstanding all of our efforts," he said, "there probably will be some need some years down the line."