

Capitol Q&A: Cleaning up Illinois' criminal law

By [ADRIANA COLINDRES \(adriana.colindres@sj-r.com\)](mailto:adriana.colindres@sj-r.com)

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Whenever lawmakers target bad guys by creating new crimes or enacting tougher forms of punishment, revisions must be made to the part of state law known as the Illinois criminal code.

But as the criminal code has undergone numerous changes in the past several decades, it's become poorly organized and confusing -- even to lawyers. A special panel called the Criminal Law Edit, Alignment and Reform (CLEAR) Commission has been working for four years to clean up the code.

Gov. Pat Quinn recently signed some of commission's recommendations into law. This week, State Capitol Q&A takes a closer look at the panel, its proposals and the potential impact on Illinois residents.

Q: What is the CLEAR Commission?

A: It's a group of about two dozen criminal justice experts, including lawmakers, judges, prosecutors and defense attorneys. Among the members are Attorney General Lisa Madigan, a Democrat, and DuPage County State's Attorney Joe Birkett, a Republican who was Madigan's opponent in the 2002 race for attorney general.

Ex-Gov. James Thompson and Gino DiVito, a former judge, co-chair the commission, which consists of "a critical mix of people," said Peter Baroni, director of the CLEAR initiative.

Q: Why does the criminal code need an overhaul?

A: The last time the code was subjected to a complete study was in 1961, said John Decker, a law professor at DePaul University and special adviser to CLEAR. Since then, it's become a "complete patchwork arrangement" that is difficult for attorneys and non-attorneys to navigate.

Similar types of crimes aren't always grouped together, and portions of the code are vague or out-of-date.

Words such as "wickedly" and "officiously" show up with some frequency, but they are not defined.

For instance, the commission hopes to delete a portion of the code that deals with an offense called "barratry." According to the definition, someone commits barratry if he or she "wickedly and willfully excites and stirs up actions or quarrels between the people of this state with a view to promote strife and contention."

"That happens in my house every day," Baroni joked. "I think it happens in every house in the state."

Decker said CLEAR members found that the criminal code also contained some "gaps" that needed to be fixed.

One example: A section dealing with threatening public officials provides protection to the assistant state's attorneys who work in county court systems, but not to the assistant attorneys general who work for the Illinois attorney general.

Q: Why does this matter?

A: Decker said the commission decided early on that the criminal code should be understandable by anyone who can read and write "in an intelligible manner."

One of the positive benefits of a reorganized, more succinct criminal code is that it will help police officers, prosecuting attorneys and defense attorneys do their jobs better, he said.

Michael Metnick, a Springfield attorney and CLEAR Commission member, added: "It's important that we have a criminal code that is understandable, that is fully comprehensive ... and is not a hodgepodge of laws."

A straightforward criminal code makes it easier to know "what behavior is prohibited," Metnick said.

Q: What's happened so far as a result of the commission's work, and what remains to be done?

A: Lawmakers are considering the commission's proposals "one chunk at a time," said Baroni. The process is ongoing.

Quinn recently signed into law a package of bills that resulted from the CLEAR Commission's work. They include Senate Bill 1300 and Senate Bill 1325, which rewrite a combined total of 25 percent of the criminal code by deleting redundant language, making clarifications and reorganizing the statutes.

To reach this point, commission members met four times a year during the past four years to review the 300,000-word criminal code. All of the panel's decisions were reached by consensus.