

Criminal code needs update

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BODY:

IMAGINE AN 1,100-page bill produced by a group of judges, attorneys, cops, legislators and other legal types operating under the moniker the Criminal Law Edit, Alignment and Reform commission. OK, now have someone wave some smelling salts under your nose to wake you up.

We won't pretend that a major rewrite and reorganization of the state's mammoth criminal code is sexy. But it is extremely important and way overdue.

If Senate bills 100 and 150, which encompass the CLEAR commission's two years of work, are approved by the General Assembly, Illinois will be transformed from having one of the nation's most confusing and congested criminal codes to having a streamlined, updated and efficient code that will better serve all of us.

"Our statutes are antiquated and very, very confusing. It is impossible for even the finest of lawyers to read. We have a criminal code that is a hodge-podge," said state Sen. Kirk Dillard, R-Hinsdale, a CLEAR commission member.

AS IT STANDS TODAY, the Illinois criminal code - all 300,000 words of it - resembles a lot of our basements. There's plenty of good stuff in there, but year after year we tend to add more. And, despite our good intentions, we fail to get rid of the old stuff and to organize those tools, holiday decorations and stacks of old LPs.

After spending literally thousands of hours going line by line through the massive criminal code, the diverse and bipartisan members of the CLEAR commission have developed a bill that will clean up Illinois' mess. The revision will more logically organize the code, remove archaic and imprecise language and remove or fix some sections of the code that are currently unconstitutional.

The last major review and revision of the code took place in 1961. In the ensuing 46 years, legislators, lobbyists and others have been busy junking up the basement.

"The political problem is the reason the code is so screwed up in the first place," said state senator and CLEAR commission member John Cullerton, a Chicago Democrat. "Everybody comes in when they're running for state's attorney or attorney general and they bring their package (of new laws). Getting tough on crime is pretty powerful. ... So we tailor a law for that crime when it's already against the law, but we feel we need to make it against the law twice. That is why the code is so messed up." Cullerton's SB 150 will establish a permanent legislative review commission to help avoid unneeded clutter in the future.

THE MARCH of time, passage of laws and failure to properly organize the code have led to situations where some important laws dealing with modern problems may get lost among the jumble. For example, the Illinois Credit Card and Debit Card Act should be in the section of the code dealing with crimes of theft and deception. It's not.

"If you are a police officer or a prosecutor or anyone who hasn't read the whole thing - and when do you have time to do that in a crowded court room - you don't even know that it exists," said CLEAR Initiative director Peter Baroni.

This is more than a boring, academic exercise or mere bookkeeping for lawmakers and legal scholars. When the criminal code is messed up, it translates to real-world problems. From the cop on the street battling a bottomless code to the defense attorney basing appeals on the unnecessary confusion, a bloated, badly organized, archaic criminal code negatively affects the general public.

Next up, a far more politically sensitive but very important task - a revision of Illinois' Byzantine sentencing laws - truly some of the worst in the nation. But first let's get these bills passed.

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