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Review of state sentencing policies to begin

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SPRINGFIELD — A newly formed group of lawyers, lawmakers and judges is getting ready to start a massive review of the state's sentencing policies.

Created by law last year, the Sentencing Policy Advisory Council was borne out of the Criminal Law Edit, Alignment and Reform, or CLEAR, Commission, which has been meeting since 2005 to review and reform the Illinois Criminal Code of 1961 and Code of Corrections.

The advisory council is charged with analyzing data, conducting correctional population projections and producing fiscal impact statements for the Illinois General Assembly with the goal of cutting costs and increasing efficiency within the state's criminal justice system.

[Gino L. DiVito](#), a partner with Tabet, DiVito & Rothstein LLC in Chicago and a former 1st District Appellate Court Justice, is the acting chair of the 18-member group. He said today that all 18 vacancies were filled earlier this month at the SPAC's first meeting. Members are scheduled to meet again in March, when DiVito said he expects the group to get down to business.

"We have a limited time with in which to get the work done," DiVito said, referring to a sunset clause in Public Act 96-0711 that terminates the SPAC in December 2012.

The advisory council represents a bi-partisan mix of all three branches of state government. The legislative appointees are Rep. [James B. Durkin](#), R-Western Springs; Rep William D. Burns, D-Chicago; Sen. [Kwame Y. Raoul](#), D-Chicago; and Sen. John J. Millner, R-Schaumburg.

In addition to the executive appointments, which include designees of the attorney general, governor and Cook County state's attorney and public defender among others, DiVito said he will represent the judicial branch alongside [Thomas E. Callum](#), a former 2nd District Appellate Court justice, and [Warren D. Wolfson](#), a former 1st District Appellate Court justice who now serves as DePaul University College of Law's interim dean.

"I think I can speak for the other members in saying that everyone is looking forward to our work and we hope we can do some significant things within the criminal justice system," DiVito

said. "Hopefully, we'll have a staff so we can work on this full time."

Though a staff would help with what he expects will be labor-intensive research, DiVito said it would require funding from the state or other sources of revenue as members of the council serve on a voluntary basis.

According to the CLEAR Commission's Web site, there are 22 active sentencing commissions throughout the nation. Some of these commissions are run through the judiciary while others are located under the executive or legislative branches. The majority of these groups have a staff, as well as budgets that range from \$50,000 to more than \$2 million.

Along with DiVito, who serves as co-chair of the CLEAR Commission, Callum and Durkin are also involved with the group that is working to make the state's criminal laws more clear in what will be the first rewrite of the Criminal Code in more than four decades.

[Peter G. Baroni](#), the commission's director, said along with the law that created the Sentencing Policy Advisory Council, the group was able to get Senate Bill 1300 and Senate Bill 1325 signed into law last year. Those measures account for the commission's rewrite of the first nine articles of the Criminal Code, as well as the section on forfeiture.

This legislative session, Baroni said, the commission hopes it will be able to move forward on legislation that revamps portions of the code dealing with bodily harm, deception and fraud and theft. When the rewrite is complete, the Criminal Code is slated to be cut by about one-third.

The Illinois House of Representatives is scheduled to return to Springfield on Wednesday while the Senate is set to return next week.

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