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Rewrite of code gets approval



BY [JOSH WEINHOLD](#)
LAW BULLETIN STAFF WRITER

SPRINGFIELD — A pair of signatures this week from Gov. [Patrick J. Quinn](#) capped a nearly eight-year effort to consolidate and reorganize the state's criminal code.

Two bills signed Monday put the finishing touches on a project that reduced the Criminal Code of 1961 in size by about one-third. When the legislation takes effect Jan. 1, the laws will be called the Criminal Code of 2012.

The event marked the end of a long road for [Peter G. Baroni](#), director of the Criminal Law Edit, Alignment and Reform (CLEAR) Initiative.

While private foundations initially funded the project, Baroni worked pro bono for the last four years, shepherding the various rewrite bills through the Illinois General Assembly.

"I wanted to finish what we started," said Baroni, a partner at Leinenweber, Baroni & Daffada LLC. "You need an usher marching the thing through the legislature. It just doesn't pass itself."

Baroni said CLEAR commissioners hoped their large set of recommendations could get approved at once, but lawmakers decided to spread them across 11 bills.

That meant the process took longer, he said, but it also ensured the legislature could thoroughly assess the proposed changes.

"When you've got hundreds, thousands of pages of bills that deal with this sometimes lightning rod issue of criminal law, you've really got to spend some time and effort reviewing, analyzing and debating changes," Baroni said.

The massive undertaking began with the formation of CLEAR in late 2004. Staffers soon began going line-by-line through the criminal code, looking for redundancies, unconstitutional provisions and other problems.

[Gino L. DiVito](#), who co-chaired the CLEAR Commission with former Gov. [James](#)

AUGUST 31, 2012



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R. Thompson, said staff members came to each meeting with notebooks filled with recommendations for members to review.

The commission featured a wide range of perspectives, DiVito said, including prosecutors, defense attorneys, judges, legislators and law enforcement officials.

The group worked well, he said, because members understood that no "dreams would be realized" — meaning neither prosecutors nor defense counsel should push for changes in penalties to crimes.

"Everyone went in with the mindset that we just need to reform this code," said DiVito, a partner at Tabet, DiVito & Rothstein LLC and a retired 1st District Appellate justice. "They rolled up their sleeves and got the job done."

Metropolis Strategies, a business-based civic organization, developed the initiative, handled the logistics and provided staff to the commission.

Senior Executive Paula Wolff said they aimed to avoid the failings of a previous criminal rewrite effort, which took a more academic approach to the process and didn't involve any lawmakers.

The influence of the commission can now be seen in the legislature, she said. Recent bills reflect the ideas and philosophy of CLEAR, she said, and the House and Senate set up subcommittees to review legislation and assess its compatibility with the new code.

Baroni's practical perspective on the project also proved key, Wolff said, as he tirelessly guided the changes through the legislature.

"If you're going down the wrong path, he'll tell you," she said. "He had this wonderfully dogged determination to work with the General Assembly to make sure the language was true to the recommendations."

Baroni, though, prefers to pass credit to a long list of people who helped draft the legislation — including many House and Senate staff attorneys and lawmakers.

Countless hours of work from many people, Baroni said, resulted in a cleaner code that should benefit practitioners and the public.

"Its an appropriate, valid, clear notice of what the laws are that govern criminal conduct," he said. "Without a clear notification to citizens of the state, you don't have a criminal justice system that treats people fairly."

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