

Law designed to clear confusion over sentencing

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SPRINGFIELD — A spruced up version of the state's criminal sentencing laws will hit the books in July under a measure the governor signed into law late last week.

While Senate Bill 100 does not make any sweeping changes to the Illinois Code of Corrections, members of Criminal Law Edit, Alignment and Reform (CLEAR) Commission say the new law will provide a code that is more organized and easier to understand.

"This makes the sentencing code much easier for everyone to understand and use, and will reduce the confusion that seemed to result each time the legislature created a new criminal classification or a court ruling changed the interpretation of a statute," James R. Thompson said in a news release. "By making the sentencing laws clear today, judges can have more confidence in the validity of sentences they impose, and legislators will have a better understanding of the impact of any proposed changes in the future."

Thompson is one of the co-chairs of the CLEAR Commission, a group of judges, attorneys, lawmakers and law enforcement officials that began meeting in 2005 with the task of rewriting the Illinois Criminal Code of 1961.

In addition to the Criminal Code, the commission also addressed the state's sentencing laws in the Code of Corrections, which members have dubbed as disorganized and confusing.

The new law will create a code that allows readers to match a criminal offense with potential sentences without having to search through several statutes. The sentencing laws will be updated with current case law, a move that commissioners believe will help reduce appeals based on sentencing discrepancies.

"Confusion surrounding the Code of Corrections has led to too many sentences later overturned on appeal," said Gino L. DiVito, who also co-chairs the Commission. "Some mistakes are inevitable in any system, but our sentencing code had become so confusing that mistakes happened much too often. Court delays, lengthy appeals and new sentencing hearings are time consuming and costly to taxpayers."

Senate President John J. Cullerton, who sponsored the legislation with Rep. Arthur L. Turner, said the commission's "thorough review produced a sentencing code that will make the judicial system more fair, and reduce the number of appeals that increase costs to all involved."

Public Act 95-1052, which Gov. Patrick J. Quinn approved on Friday, can be viewed at the Illinois General Assembly Web site.

The rewrite of the Illinois Criminal Code, which is intended to eliminate redundancies, inconsistencies and sections that have been deemed unconstitutional since it was written in 1961, is in the drafting process.

Peter G. Baroni, director of the CLEAR Commission, said he hopes the rewrite will be signed into law by this time next year. That rewrite is slated to cut the code's size by about one-third and is currently being drafted in phases.