



ILLINOIS STATE COMMISSION  
ON CRIMINAL JUSTICE AND SENTENCING REFORM

Regular Meeting Minutes  
Tuesday December 6, 2016  
1:00 pm

ICJIA  
300 W. Adams  
Chicago, Illinois

Commissioners present: Rodger Heaton (Chairman), Jerry Butler, Andy Leipold, John Maki, Dave Olson, Honorable Elizabeth Robb, Gladys Taylor, Senator Kwame Raoul, Kathryn Bocanegra, Kathy Saltmarsh, Pam Rodriguez, Greg Sullivan, Representative Elgie Sims, John Baldwin, Representative John Cabello, Lisa Desai, Jennifer Paswater, Ben McCauley

Conference Call - Commissioners: Representative Brian Stewart, Erin Johnson

Call to Order: Chairman Rodger Heaton called the meeting to order at 1:00 pm. A quorum was determined to be present as indicated above. A special thanks to John Maki and the staff of ICJIA for hosting the meeting.

Approval of the Minutes

Motion to adopt meeting minutes from September 29, 2016 Commission meeting

Motion to adopt: Representative John Cabello

Seconded: Pam Rodriguez

Motion Carried

Chairman Heaton stated potential reforms were forwarded for review prior to the meeting and will be displayed on the screen to help guide the discussion and to provide the ability to understand what is being voted upon. Modifications can be done as we proceed, providing final reform language for a vote.

Potential Reforms Language

1. Reduce the crime of possession of a stolen motor vehicle from a Class 2 felony to a Class 3 felony.  
Make conforming change to statute on conspiracy to possess stolen vehicles by lowering the classification from a Class 2 to a Class 3 felony.  
Statutes: 625 ILCS 5/4-103 and 5/4-103.1

Motion to accept: Andrew Leipold

Seconded: Elizabeth Robb

Motion Carried.

2. Raise the threshold dollar amounts for theft not from a person and for retail theft from their current level to \$2,000. Limit the automatic enhancement from misdemeanor theft to felony theft to cases where there has been a prior felony theft conviction.

Offense	Value of Goods (Current)	Offense Class	Value of Goods Proposed	Offense Class	Proposed Change
<b>Theft*</b>	Less than \$500	Class A misdemean.	Less than \$2,000	Class A misdemean.	
• From school / gov't	Less than \$500	Class 4	Less than \$2,000	Class 4	
• w/ prior theft conviction	Less than \$500	Class 4	Less than \$2,000	Class 4	w/ prior <u>felony</u> theft conviction
<b>Theft*</b>	More than \$500	Class 3	More than \$2,000	Class 3	
• From school / gov't	More than \$500	Class 2	More than \$2,000	Class 2	
<b>Retail Theft</b>	Less than \$300	Class A misdemean.	Less than \$2,000	Class A misdemean.	
• w/ prior theft conviction	Less than \$300	Class 4	Less than \$2,000	Class 4	w/ prior <u>felony</u> theft conviction
<b>Retail Theft</b>	More than \$300	Class 3	More than \$2,000	Class 3	

\*Theft not from a person – Statutes: 720 ILCS 5/16-1 and 720 ILCS 5/16-25

Motion to accept: Pam Rodriguez  
 Seconded: Elena Quintana  
 Motion Carried.

3. Allow inmates who are required to serve at least 75% of their sentence or more to earn programming credit and supplemental sentence credit for good conduct that could reduce their sentence below the currently-required percentage from:

- 100% to no less than 90%
- 85% to no less than 75%
- 75% to no less than 60%

This would be applied to those inmates currently incarcerated from the point of adoption.

Motion to accept: Stephen Sawyer  
 Seconded: John Baldwin  
 Motion Carried

4. Reduce the minimum sentence authorized for each felony class.

- Amend the sentencing statutes to reduce the minimum sentence for each felony class as follows:

<u>Felony Class</u>	<u>Current Minimum(Yrs)</u>	<u>New Minimum(Yrs)</u>
Murder	20	15
Class X	6	4
Class 1	4	2
Class 2	3	1
Class 3	2	1
Class 4	1	1

Statutes: 730 ILCS 5/5-4.5-20 to 45

Motion to accept: Pam Rodriguez  
 Seconded: Elena Quintana  
 Motion Carried

5. Reduce the sentencing classification for felony drug crimes set forth in the Controlled Substances Act, the Methamphetamine Control and Community Protection Act, and the Cannabis Control Act \* by one class.

Current Classification

Class X felony  
Class 1 felony  
Class 2 felony  
Class 3 felony  
Class 4 felony

New Classification

Class 1 felony  
Class 2 felony  
Class 3 felony  
Class 4 felony  
Class A misdemeanor

\*Exclude offenses that have been subject to recent statutory amendments that reduced the classification for some crimes under the Cannabis Control Act.

Motion to accept: Rep. John Cabello  
Seconded: Greg Sullivan  
Motion carried.

6. Change the mandatory classification increase for drug crimes committed near a protected area.
- (a) Conviction for delivery, or possession with intent to deliver, certain drugs within 1,000 feet of a school, park, church, or senior citizen facility results in an automatic increase of the seriousness of the offense by one felony class. Reduce the size of the protected area from 1,000 feet to 500 feet.
  - (b) Require the prosecutor to establish a nexus – an effect or a likely effect of the crime on the protected area – between the location and the drug offense before an offense is increased by one felony class.
  - (c) Remove public housing from the current statute as a protected area.

Statutes: 720 ILCS 570/407(b), 720 ILCS 550/5.2, and 720 ILCS 646/15(b)

Motion to accept: Senator Kwame Raoul  
Seconded: Michael Pelletier  
Motion carried.

7. Limit the maximum term of Mandatory Supervised Release to 18 months for Class X, Class 1 and Class 2 felonies. Require the Prisoner Review Board, based on a risk and needs assessment, to discharge low risk and needs offenders from MSR.

Statutes: 730 ILCS 5/5-8-1, 730 ILCS 5/3-3-8(b)

Motion to accept: Rep. Elgie Sims  
Seconded: Senator Karen McConnaughay  
Motion carried.

8. Recommendation to examine enhancement  
Tabled (no vote)

9. Limit the automatic sentence enhancement for a third or subsequent Class 1 or Class 2 felony conviction to cases where both the current and the two prior convictions involve forcible felonies.

Motion to accept: Brendan Kelly  
Seconded: Elena Quintana  
Motion carries.

10. Implement a Gender-Responsive Approach for Female Offenders.
  - Implement a Gender Responsive Risk Assessment Tool.
  - Implement the Women Offender Case Management Model or similar evidence based gender-responsive model.
  - Adopt Model Disciplinary Policies tailored to female inmates.
  - Implement Gender Responsive Trauma-informed treatment.

Motion to accept: Pam Rodriguez

Seconded: Gladyse Taylor

Motion carried.

11. Restore the halfway back program as an alternative to incarceration for parole revocation, and require the use of evidence-informed practices.

Motion to accept: Pam Rodriguez

Seconded: Gladyse Taylor

Motion Carried

12. Increase rehabilitative service and treatment capacity in high-need communities. Give the highest priority to behavioral health/trauma services, housing, and work force development with transportation support.

- Establish trauma recovery services in underserved communities that have disproportionate rates of crime and incarceration.
- Relax restrictions in state housing programs that prohibit renting to people with criminal records.
- Provide sufficient reimbursement to service providers that will allow them to expand their capacity.

Motion to accept: Rep. Scott Drury

Seconded: Rep. John Cabello

Motion carried.

13. Require periodic training on recognizing implicit racial and ethnic bias for individuals working in the criminal justice system, including but not limited to law enforcement officers, prosecutors, public defenders, probation officers, judges, and correctional staff.

Motion to accept: Brendan Kelly

Seconded: Senator Karen McConnaughay

Motion Carried.

14. Collect and report data on race and ethnicity at every point in the criminal justice system to allow a systematic assessment of disproportionate minority impact.

Motion to accept: Elena Quintana

Seconded: Elgie Sims

Motion Carried.

## Public Comment

Cook County Public Defender's Office addressed the group. Criminal law is designed to identify acts criminal in nature and performed with criminal intent. Criminal liability should be proportionate to the serious nature of the offense; the greater the offense the greater the sentence. When the law of accountability is applied to the felony murder law and is compounded with truth in sentencing the end result defies logic. Accountability in Illinois is one of the broadest; anyone sharing a common criminal design is criminally responsible for all actors even if unaware of the intent. Assistant Public Defender offered examples and asks consideration of the following:

- Limit accountability
- Limit Felony Murder Rule

Representative from Inner City Youth and Adult Foundation follow up

- State ID.
- Anger management and Coping with grief classes.
- Would like the list of incentives for early parole. Believes it encourages a good response.
- Manufacturer's serial number on bullets for tracing purposes.

## Adjournment

The meeting of the Illinois State Commission on Criminal Justice and Sentencing adjourned 5:30 pm.