

LWVIL Issues Briefing 2016: Criminal Justice

Janet Kittlaus, Issue Specialist

Criminal Justice

With so much attention focused on criminal justice reform, there is hope for real progress toward the downsizing of our prisons by diverting people from prison, shortening the time they are there, and taking steps toward ensuring a successful return to society. These efforts will lead, as well, to a more just criminal justice system. Overcoming the “tough on crime” attitudes will be the main roadblock.

Legislative activity in 2015:

Touted as a national model for law enforcement reform, an omnibus police reform bill creates statewide guidelines for police body-worn cameras, implements policies to end stop and frisk discriminatory practices, introduces bias-free policing, and demands more data collection on arrests (PA99-0352). The eligibility for Certificates of Good Conduct was expanded to include people who have committed non-sex-related forcible felonies (PA99-0381). Those who earn a vocational certification, GED, HS Diploma or some other degree may petition to have eligible convictions sealed prior to the statutorily required 4 year waiting period (PA99-0378). A pilot program in Cook County will allow, as in all other Illinois counties, field testing to determine whether a recovered substance is illegal cannabis, cocaine, or heroin, thus avoiding unnecessary incarceration while awaiting lab analysis (PA99-0425). The clerk of the court in counties with a population of 3,000,000 or more may not retain as bail bond costs more than \$100. (PA99-0412)

The League submitted witness slips supporting, and sent TFAs regarding, the legislation that became PA99-0378 and PA99-0381.

Witness slips were submitted regarding these bills which failed to become law: **HB3322** would allow people to petition the courts to be re-sentenced if the penalty for their offense were modified later by the General Assembly. **HB2569** would insure that defendants are properly educated on the consequences of pleading guilty to a crime, specifically, the impact of a conviction upon their ability to retain or obtain housing, to acquire loans, to retain or obtain employment, etc.

A witness slip was submitted and a TFA was sent regarding **HB494** which would remove lifetime bars to employment in schools for certain offenders.

A promising development was the creation by the Governor of The Illinois State Commission on Criminal Justice and Sentencing Reform (CJSR), charged with developing comprehensive, evidence-based strategies to meet the goal of reducing Illinois’ prison population 25 percent by 2025. CJSR issued Part I of its final report dated December, 2015 which include fourteen recommendations to: (1) Ensure the Validity of Sentencing and Programming, (2) Reduce Prison Admissions (3) Reduce the Length of Prison Stays and (4) Reduce Recidivism by Increasing the Chances of Successful Reentry.

Looking Ahead to 2016

HB494 received an amendatory veto in 2015 but is back in 2016 (HB4360) and prospects are good for passage.

The final report of the CJSR is due March 31 and may offer recommendations on these topics: truth in sentencing laws, the racial impact of sentencing, sentences for drug law violations, sentencing ranges, sentence enhancements, problem solving courts, and community corrections, including probation and

mandatory supervised release. The League endorsed, with other advocates, the Illinois Justice Project's five reentry recommendations to the CJSR.

Advocates would like to see legislation that will: repeal the law that allows the state to collect the costs of incarceration from offenders; expand sealing laws to include more offenders; lift lifetime barriers to employment in healthcare, schools, etc.; ban the box for higher education employment, end solitary confinement, ensure that offenders know the consequences of guilty pleas, and expand earned release.