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.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft*</td>
<td>Less than $500</td>
<td>Class A misdem.</td>
<td>Less than $2,000</td>
<td>Class A misdem.</td>
<td></td>
</tr>
<tr>
<td>• From school / gov't</td>
<td>Less than $500</td>
<td>Class 4</td>
<td>Less than $2,000</td>
<td>Class 4</td>
<td></td>
</tr>
<tr>
<td>• w/ prior theft conviction</td>
<td>Less than $500</td>
<td>Class 4</td>
<td>Less than $2,000</td>
<td>Class 4</td>
<td>w/ prior felony theft conviction</td>
</tr>
<tr>
<td>Theft*</td>
<td>More than $500</td>
<td>Class 3</td>
<td>More than $2,000</td>
<td>Class 3</td>
<td></td>
</tr>
<tr>
<td>• From school / gov't</td>
<td>More than $500</td>
<td>Class 2</td>
<td>More than $2,000</td>
<td>Class 2</td>
<td></td>
</tr>
<tr>
<td>Retail Theft</td>
<td>Less than $300</td>
<td>Class A misdem.</td>
<td>Less than $2,000</td>
<td>Class A misdem.</td>
<td></td>
</tr>
<tr>
<td>• w/ prior theft conviction</td>
<td>Less than $300</td>
<td>Class 4</td>
<td>Less than $2,000</td>
<td>Class 4</td>
<td>w/ prior felony theft conviction</td>
</tr>
<tr>
<td>Retail Theft</td>
<td>More than $300</td>
<td>Class 3</td>
<td>More than $2,000</td>
<td>Class 3</td>
<td></td>
</tr>
</tbody>
</table>

*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:

<table>
<thead>
<tr>
<th>Felony Class</th>
<th>Current Minimum(Yrs)</th>
<th>New Minimum(Yrs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Class X</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Class 1</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Class 2</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Class 3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Class 4</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Current Classification</th>
<th>New Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class X felony</td>
<td>Class 1 felony</td>
</tr>
<tr>
<td>Class 1 felony</td>
<td>Class 2 felony</td>
</tr>
<tr>
<td>Class 2 felony</td>
<td>Class 3 felony</td>
</tr>
<tr>
<td>Class 3 felony</td>
<td>Class 4 felony</td>
</tr>
<tr>
<td>Class 4 felony</td>
<td>Class A misdemeanor</td>
</tr>
</tbody>
</table>

*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.