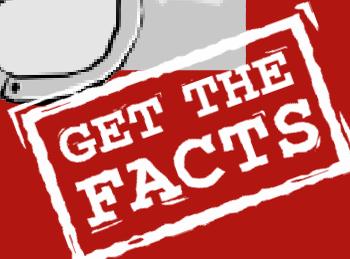


For additional copies of this or other brochures in the Criminal Justice Facts series, please contact the Illinois Criminal Justice Information Authority: 312-793-8550.

CRIMINAL SENTENCING



Questions and answers on the criminal justice system in Illinois

**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**

120 South Riverside Plaza, Suite 1016
Chicago, Illinois 60606-3997
312-793-8550
Fax: 312-793-8422
TDD: 312-793-4170
www.icjia.state.il.us

This project was supported by Grant #97-DB-MU-0017 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions contained in this document do not necessarily represent the official position or policies of the U.S. Department of Justice.

Printed on recycled paper by authority of the State of Illinois, April 2000. Printing order #00-095.5/ 50,000 copies.

MULTIPLE CHOICE

(Answers to the quiz are inside.)

- 1) Community-based sanctions are:
 - A) laws restricted by local boundaries.
 - B) crimes committed on community property.
 - C) alternatives to traditional imprisonment.

- 2) Who determines an offender's sentence?
 - A) the prosecutor
 - B) the judge or jury
 - C) public citizens

- 3) Restitution is:
 - A) financial compensation paid by offenders to victims and their families.
 - B) a reward for information leading to the arrest of an alleged offender.
 - C) legal representation.



QUESTIONS & ANSWERS

How are sentences determined?
While a prosecutor may seek a specific punishment for an offender, a judge will make the final decision in most cases. It is the judge's duty to determine probation and prison terms based on the conditions of each case. When the death penalty is sought in a jury trial, a jury may determine if the sentence should be imposed.

How are sentences imposed?

The seriousness of the crime and the defendant's criminal history are two of the strongest factors to influence a sentence. In Illinois, felony and misdemeanor crimes are classified by severity.

They include: first-degree murder; Class X felonies; Class 1, 2, 3, and 4 felonies; and Class A, B, and C misdemeanors. State law mandates imprisonment for first-degree murder; all Class X offenses from aggravated criminal sexual assault to armed robbery; and certain Class 1 and 2 felonies, including residential burglary, residential arson, and aggravated battery of a senior citizen. Felonies are punishable by one or more years in the penitentiary. Misdemeanors are punishable by less than a year in a county jail. Most offenses are punishable by probation or another alternative to imprisonment.

What sentencing options exist in Illinois?

While sentencing rules are in place to assist judges in appropriate sentencing, the conditions of each sentence may differ with respect to the type and severity of the offense, and age and



QUESTIONS & ANSWERS

criminal history of the offender. This means that two individuals convicted of the same offense could receive different sentences.

Any of the following sentences can be imposed, alone or in conjunction with another, for certain offenses in Illinois.

Death penalty. State law allows the death penalty under strictly defined circumstances. A sentence of death may be imposed upon an offender convicted of first-degree murder with one or more aggravating conditions. In addition, the offender must have been at least 18 when the crime was committed.

Incarceration. Offenders may be sentenced to a period of incarceration in a county jail or state correctional facility.

Impact incarceration. Also referred to as *boot camp*, impact incarceration is imposed on younger, nonviolent offenders and usually lasts between 120 and 180 days.

Probation. Offenders sentenced to probation are allowed to return to the community under court-ordered conditions, including supervision by a probation officer.

Intensive probation supervision. Intensive probation supervision usually lasts for the first year of a three- or four-year probation sentence. This option requires offenders to meet frequently with their probation officers both in the home and at the probation office. They also must abide by a curfew, perform community service, undergo drug testing, and obey any other conditions set by the courts.

Home confinement. Home confinement requires the offender to remain in his or her home for the time specified by the order of probation.

Offenders are supervised with home visits, telephone contact, and, at times, electronic monitoring devices.

Periodic imprisonment. Periodic imprisonment requires the offender to report to a correctional facility (usually a county jail) daily for a set time decided by the judge. This allows offenders to remain in school or be employed while serving their sentences.

Conditional discharge. Conditional discharge is a probation sentence requiring offenders to comply with conditions set by the court. Offenders sentenced to conditional discharge are not required to report to a probation officer.

Court supervision. This sentence can be given for most misdemeanor offenses. Court supervision suspends the judgment in a case. A guilty judgment will not be recorded if the offender complies with the conditions of court supervision for the duration of his or her sentence.

In addition, offenders often are required to pay fines and repair criminal damage to property while serving their sentences. Offenders also may be required to provide *restitution*, financial compensation paid by offenders to victims or their families for physical or financial losses suffered as a result of a crime.

What are community-based sanctions?

Community-based sanctions are probation alternatives to traditional prison sentences. Depending on the offense, these sentences can be used singularly or in combination, and, like prison terms, are determined by a judge and based on the severity of the offense. Community-based sanctions include intensive probation supervision (IPS), home confinement and electronic monitoring,

fines, court supervision, conditional discharge, and traditional probation.

What are the terms of probation?

Probation is the most commonly used sentencing option in Illinois, and throughout the nation. Offenders sentenced to probation are released into the community under court-ordered conditions, including supervision by a probation officer. Probation sentences, like prison sentences, vary depending on the seriousness of the crime and must fall within a statutorily defined range. While on probation the offender may be required by the court to:

- Refrain from possessing illegal drugs, firearms, or other dangerous weapons.
- Report to the court, probation officers, and social service agencies as directed by the court.
- Pay fines and costs.
- Work or pursue a course of study or vocational training.
- Obey orders of protection.
- Undergo medical, psychological, or psychiatric treatment, or treatment for drug addiction or alcoholism.
- Support dependents.
- Attend or reside in a facility established for the instruction or residence of defendants on probation.

In addition, a judge may order an offender to participate in specialized probation programs, such as those for sex offenders and drunk drivers.

If the court finds that the offender has not abided by court-ordered conditions, or has committed a

new criminal offense, his or her probation may be revoked in favor of imprisonment or other sentencing options.

What is "truth in sentencing"?

The truth-in-sentencing law limits the amount of time a prison sentence may be reduced by the Department of Corrections. For example, in Illinois 100 percent of a murder sentence and 85 percent of certain serious violent offense sentences must be served in prison. Judges must formally announce at sentencing the actual amount of time an offender will serve in prison.

ANSWERS TO QUIZ

- 1) C. Community-based sanctions are alternatives to traditional imprisonment such as probation, home confinement, and court supervision.
- 2) B. In most cases, a judge will determine an offender's punishment. However, in a jury trial, the jury must unanimously agree on the death penalty as punishment for a crime before the court can impose the sentence on an offender.
- 3) A. Restitution is financial compensation paid by offenders to victims or their families for physical or financial losses suffered as a result of a crime.