



Criminal justice system

Criminal sentencing



The criminal justice system incorporates several governmental institutions to prevent and deter crime, and sanction those who violate laws with criminal penalties and rehabilitation efforts. This *Get the Facts* provides an overview of criminal sentencing including how sentences are determined and types of sentences.

What sentencing options exist in Illinois?

A variety of sentencing options exist in Illinois. Most commonly imposed sentences include court supervision, conditional discharge, probation, and incarceration. While sentencing ranges are in place, the conditions of each sentence may differ based on the type and severity of the offense, and age and criminal history of the offender.

How are sentences determined?

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, 1, 2, 3, and 4 felonies, and Class A, B, and C misdemeanors.

Felonies are punishable by one or more years in the state penitentiary. Misdemeanors are punishable by less than a year in a county jail. While most offenses are punishable by probation or another alternative to imprisonment, state law mandates imprisonment for first-degree murder, all Class X offenses, and certain Class 1 and 2 felonies.

What is court supervision?

Court supervision (also called supervision, judicial supervision, or deferred prosecution) suspends the judgment in a case for a specific period of time. If the offender complies with all conditions set by the court, the offender is released without a conviction on his record. This sentence can be given for most misdemeanor offenses.

What is conditional discharge?

An offender sentenced to conditional discharge must comply with specific conditions during an allotted time set by the court. Supervision by a probation officer may or may not be required by the court. If the offender complies with the set conditions, such as refraining from other criminal behavior, he will be discharged from the criminal justice system. An individual sentenced to conditional discharge will have a conviction on his record even if he successfully completes all sentencing conditions.





What is probation?

Probation is the most common sentence for felony offenders. Individuals on probation remain in the community with court-ordered conditions for a specified period of time. Their compliance with these conditions is monitored by probation officers. The period of probation for a misdemeanor may not be longer than two years. The length of probation for a Class 3 or 4 felony cannot exceed 30 months. The length of probation for a Class 1 or 2 felony cannot exceed four years. A person who pleads guilty to, or is found guilty of, a Class X felony is not eligible for probation.

Intensive probation supervision might be imposed for the first year of a multi-year probation sentence. Offenders under this type of supervision are required to meet more frequently with their probation officers than those on standard probation, both in the home and at the probation office.

All probationers may be required to abide by a curfew, perform community service, undergo drug testing, and obey any other conditions set by the courts.

What is incarceration?

Incarceration is the state of being imprisoned or confined. Jails and prisons are used to incarcerate people convicted of certain crimes. Offenders may be sentenced to incarceration in a jail for less than one year for misdemeanor offenses. Jails are usually operated by county sheriffs' departments. Felony offenders may be sentenced to a state correctional facility (prison) for one year or more.

In some cases, *periodic imprisonment* may be ordered by a judge. Periodic imprisonment requires an offender to report to a county jail or state correctional facility daily for a specific period of time. This allows the offender to remain employed or in school while serving a sentence.

What is truth-in-sentencing?

Truth-in-sentencing laws require that offenders serve a substantial portion of the prison sentence imposed by the court before being eligible for release. To encourage good behavior during incarceration, prisoners may earn credit against their sentences for good conduct and participation in certain types of programs. These credits may result in an offender serving only 50 percent of his original sentence. However, those imprisoned for murder must serve 100 percent of their sentences. In addition, those convicted of other serious violent offenses are limited in their ability to earn good conduct credits and are required to serve 85 percent of the sentence imposed.

Time served in jail while awaiting trial and sentencing may be credited to a prison sentence.

About *Get the Facts: Criminal Justice System*



The *Get the Facts: Criminal Justice System* series was created to answer common questions about the criminal justice system. Other topics in this series include victims' rights, the pretrial process, the courts, corrections, and criminal records.

