

**HOUSE BILL 1615**  
 720 ILCS 5/9-1(a)(1), 5/9-1(a)(2), & 5/9-1(a)(3)  
 CHANGES TO FELONY MURDER

**INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS**

House Bill 1615 ([HB1615](#)) amends the first-degree murder statute to separate felony murder into cases where the person causes death while committing a forcible felony other than second degree murder, (a)(3), and cases where the other parties to the forcible felony cause the death, (a)(4).<sup>1</sup> Consistent with the current laws, both primary and accountable defendants would face first-degree murder sentencing.

SPAC could not determine the impact of HB1615, as it is creating a new category of felony murder. The following analysis provides a full description of the potentially eligible population and current sentencing practices under first-degree murder. Table 1 provides the number of admissions to the Illinois Department of Corrections over the last three fiscal years (FY2016-2018).

**Table 1: Number of Admissions FY2016-2018**

Statute	Number of Admissions
720 ILCS 5/9-1(a)(1)	458
720 ILCS 5/9-1(a)(2)	86
720 ILCS 5/9-1(a)(3)	39
720 ILCS 5/9-1(a) - generic <sup>2</sup>	15
<b>Grand Total</b>	<b>598</b>

Table 2 below charts the changes proposed in HB1615, and the remaining tables provide sentence terms, demographic and geographic detail of the population currently serving prison terms for felony murder.

<sup>1</sup> Additional technical changes are made to 9-1(a)(1) and (a)(2).

<sup>2</sup> Some convictions do not specify the exact subsection that applies. For the rest of this analysis, these 15 are excluded.

**Table 2: Current Law and Proposed Changes**

720 ILCS 5/	Current Law	HB 1615
9-1(a)	A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:	A person who kills an individual without lawful justification commits first degree murder if:
9-1(a)(1)	he either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another	in performing the acts which cause the death, he <u>or she</u> either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another
9-1(a)(2)	he knows that such acts create a strong probability of death or great bodily harm to that individual or another	in performing the acts which cause the death, he <u>or she</u> knows that such acts create a strong probability of death or great bodily harm to that individual or another
9-1(a)(3)	he is attempting or committing a forcible felony other than second degree murder	he <u>or she, acting alone, commits or attempts to commit a forcible felony other than second degree murder and, in the course of and in furtherance of the crime, he or she personally causes the death of an individual;</u>
<p><b>9-1(a)(4)</b>  <b>-- NEW --</b></p>	<p>-- N/A --</p>	<p>he <u>or she, when acting with one or more participants, commits or attempts to commit a forcible felony other than second degree murder, and in the course of and in furtherance of the offense, another participant in the offense causes the death of an individual, and he or she knew that the other participant would engage in conduct that would result in death or great bodily harm.</u></p>

The sentences imposed for first-degree murder range from 20 years to life in prison. The most common sentence for individuals convicted of first-degree murder is between 20 and 30 years. The average sentence, excluding natural life, is 42 years. In the last three fiscal years, 9% of the individuals sentenced for first-degree murder received life sentences. Table 3 breaks down the sentence terms imposed:

**Table 3: Sentence Length Imposed for all First-Degree Murder Admissions 2016-2018**

	<b>All First-Degree Murder</b>		<b>720 ILCS 5/9-1(a)(1)</b>	
Average non-life sentence imposed	42.0 years		42.4 years	
Sentence Category	Number of Admissions	Percent of Total	Number of Admissions	Percent of Total
20-29	136	23%	99	22%
30-39	119	20%	87	19%
40-49	104	17%	77	17%
50-59	96	16%	76	17%
>60 years	92	15%	75	16%
Life Sentence	51	9%	44	10%
<b>Total</b>	<b>598</b>	<b>100%</b>	<b>458</b>	<b>100%</b>
	<b>720 ILCS 5/9-1(a)(2)</b>		<b>720 ILCS 5/9-1(a)(3)</b>	
Average non-life sentence imposed	38.9 years		38.4 years	
Sentence Category	Number of Admissions	Percent of Total	Number of Admissions	Percent of Total
20-29	22	26%	13	33%
30-39	19	22%	9	23%
40-49	17	20%	7	18%
50-59	16	19%	3	8%
>60 years	8	9%	5	13%
Life Sentence	4	5%	2	5%
<b>Total</b>	<b>86</b>	<b>100%</b>	<b>39</b>	<b>100%</b>

Table 4 shows the race, gender, and region of offenders admitted to IDOC. Race is self-identified upon admission to prison. The “Other” includes self-identified Hispanic, Asian/Island Pacific, Native American, and Unknown races. Table 5 shows the counties from which the commitments to IDOC originate.

**Table 4: First-Degree Murder Admissions by Race, Gender, and Region over Past Three Years**

Race	720 ILCS 5/9-1(a)(1)		720 ILCS 5/9-1(a)(2)		720 ILCS 5/9-1(a)(3)	
	Number	Percent	Number	Percent	Number	Percent
Black	306	67%	52	60%	31	79%
White	70	15%	23	27%	6	15%
Hispanic	76	17%	11	13%	2	5%
Other	7	2%	--	--	--	--
Gender	720 ILCS 5/9-1(a)(1)		720 ILCS 5/9-1(a)(2)		720 ILCS 5/9-1(a)(3)	
	Number	Percent	Number	Percent	Number	Percent
Male	437	95%	77	89%	38	97%
Female	22	5%	9	11%	1	3%
Region	720 ILCS 5/9-1(a)(1)		720 ILCS 5/9-1(a)(2)		720 ILCS 5/9-1(a)(3)	
	Number	Percent	Number	Percent	Number	Percent
Cook	310	68%	31	36%	14	36%
Collar	32	7%	19	22%	1	3%
Urban	85	19%	32	37%	14	36%
Rural	30	7%	4	5%	10	26%
Out of State	2	0%	--	--	--	--
<b>Total</b>	<b>459</b>	<b>100%</b>	<b>86</b>	<b>100%</b>	<b>39</b>	<b>100%</b>

**Table 5: First-Degree Murder Admissions by Top 10 Committing Counties over Past Three Years**

720 ILCS 5/9-1(a)(1)			720 ILCS 5/9-1(a)(2)			720 ILCS 5/9-1(a)(3)		
County	Number of Admissions	Percent	County	Admissions	Percent	County	Admissions	Percent
Cook	310	68%	Cook	31	36%	Cook	14	36%
St. Clair	25	5%	Will	8	9%	Kankakee	3	8%
Madison	16	4%	Peoria	7	8%	Rock Island	3	8%
Will	9	2%	Madison	6	7%	Champaign	2	5%
Winnebago	9	2%	Lake	4	5%	Jackson	2	5%
Du Page	7	2%	Champaign	3	4%	Jefferson	2	5%
Kane	7	2%	Kane	3	4%	Knox	2	5%
Lake	7	2%	McHenry	3	4%	Peoria	2	5%
Peoria	7	2%	Rock Island	3	4%	Stephenson	2	5%
Champaign	6	1%	Sangamon	3	4%	Other	7	18%
Other	56	12%	Other	15	17%			
<b>Total</b>	<b>459</b>	<b>100%</b>	<b>Total</b>	<b>86</b>	<b>100%</b>	<b>Total</b>	<b>39</b>	<b>100%</b>

*Note: The Sentencing Policy Advisory Council (SPAC) is a statutorily created council that does not support or oppose legislation. Data analysis and research is conducted by SPAC’s research staff. The analysis presented here is not intended to reflect the opinions or judgments of SPAC’s member organizations.*