

SENATE BILL 2292
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

Senate Bill 2292 ([SB2292](#)) 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).¹ Consistent with the current laws, both primary and accountable defendants would face first-degree murder sentencing.

SPAC could not determine the impact of SB2292, as it creates a new category of felony murder and retains the same sentencing provisions. 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 (FY2017-2019).

Table 1: Number of Admissions for Past Three Years – FY2017-2019

Statute	Number of Admissions
720 ILCS 5/9-1(a)(1)	437
720 ILCS 5/9-1(a)(2)	81
720 ILCS 5/9-1(a)(3)	43
720 ILCS 5/9-1(a) - generic ²	17
Total	578

Table 2 below charts the changes proposed in SB2292, and the remaining tables provide sentence terms, demographic and geographic detail of the population currently serving prison terms for felony murder.

¹ The “in performing the acts which cause the death” clause is moved into each subsection in 9-1(a)(1) and (a)(2).

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

Table 2: Current Law and Proposed Changes

720 ILCS 5/	Current Law	SB 2292
9-1(a)	A person who kills an individual without lawful justification commits first degree murder if, <i>in performing the acts which cause the death:</i>	A person who kills an individual without lawful justification commits first degree murder if:
9-1(a)(1)	he or she 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	<i>in performing the acts which cause the death,</i> he or she 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 or she knows that such acts create a strong probability of death or great bodily harm to that individual or another	<i>in performing the acts which cause the death,</i> he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another
9-1(a)(3)	he or she is attempting or committing a forcible felony other than second degree murder	he or she, <u>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>9-1(a)(4) -- NEW --</p>	<p>-- N/A --</p>	<p>he or she, <u>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, but the majority of sentences are above that range. The average sentence, excluding natural life, is 42 years. In the last three fiscal years, 7% 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 2017-2019

	All First-Degree Murder		720 ILCS 5/9-1(a)(1)	
Average non-life sentence imposed	41.8 years		42.0 years	
Sentence Category	Number of Admissions	Percent of Total	Number of Admissions	Percent of Total
20-29	147	25%	106	24%
30-39	97	17%	71	16%
40-49	107	19%	83	19%
50-59	89	15%	68	16%
>60 years	95	16%	72	16%
Life Sentence	43	7%	37	8%
Total	578	100%	437	100%
	720 ILCS 5/9-1(a)(2)		720 ILCS 5/9-1(a)(3)	
Average non-life sentence imposed	38.7 years		40.0 years	
Sentence Category	Number of Admissions	Percent of Total	Number of Admissions	Percent of Total
20-29	24	30%	14	33%
30-39	14	17%	10	23%
40-49	17	21%	6	14%
50-59	13	16%	6	14%
>60 years	10	12%	7	16%
Life Sentence	3	4%	0	0%
Total	81	100%	43	100%

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	295	68%	44	54%	30	70%
White	64	15%	27	33%	8	19%
Hispanic	73	17%	8	10%	5	12%
Other	5	1%	2	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	420	96%	72	89%	42	98%
Female	17	4%	9	11%	1	2%
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	297	68%	31	38%	13	30%
Collar	31	7%	19	23%	2	5%
Urban	79	18%	22	27%	17	40%
Rural	30	7%	9	11%	11	26%
Total	437	100%	81	100%	43	100%

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	297	68%	Cook	31	38%	Cook	13	32%
St. Clair	18	4%	Will	6	7%	Peoria	6	15%
Madison	17	4%	Sangamon	5	6%	Sangamon	3	7%
Winnebago	11	3%	Madison	5	6%	Knox	2	5%
DuPage	8	2%	Peoria	5	6%	Stephenson	2	5%
Will	7	2%	McHenry	4	5%	Coles	2	5%
Kane	7	2%	Lake	4	5%	Jefferson	2	5%
Champaign	6	1%	Kane	3	4%	Jackson	2	5%
Sangamon	6	1%	Jersey	2	2%	Champaign	2	5%
Peoria	6	1%	DuPage	2	2%	St. Clair	1	2%
Other	54	12%	Other	14	17%	Other	8	103%
Total	437	100%	Total	81	100%	Total	41	100%

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.