

THE THREAT TO LIFE SENTENCES IN ILLINOIS

All sentencing in the criminal justice system was changed in Illinois in 1978 to determinate sentencing. Approximately 270 are left of those "C Numbered" prisoners. Experts consider these remaining "the worst of the worst". Now, all sentences that are not murder can earn up to half off only for their good behavior - a day off for a day good. The exceptions: murder cases where Life means Life without Parole (LWOP). There are about 1200 serving sentences of LWOP out of the total 48,000 prisoners in IDOC. The details of many of these murder cases are excruciating in their violence. Those leftover from before 1978 are reviewed annually - it is very costly, agonizing on victims and at this point, no longer necessary according to many prosecutors who point to the fact that they will not likely ever meet criteria for release. In addition, some aspects of the Prisoner Review Board (PRB) are controversial and not appeal-able to anyone. And taxpayers and victims will continue to pay for their costly annual reviews. Those advocating ending LWOP in Illinois are currently trying to ease the system for release of all indeterminately sentenced prisoners by the PRB through a scorecard system and reducing the number of votes required for release. The Long Term Prisoner Study Committee (HJR 80) is considering that issue now. Representative Tom Cross appointed a murder victim's father to that study.

HB 1695 - Sponsor Rep Robert Molaro

- Would end the Life Sentence retroactively for those tried as adults but under 18 at the time they committed multiple or aggravated murders - "Juvenile Life" – 103 cases
- The original proposal was to allow them to petition annually for release before the Prisoner Review Board (PRB), effectively turning them all into "C number" or indeterminately sentenced prisoners.
- This forces prosecutors and law enforcement, as well as victims' families to re-engage in-depth with the killers each year for the rest of their lives in order to prevent their release.
- To retroactively change life without parole sentences raises Constitutional issues with the Victims Rights Amendment, who are guaranteed fair treatment and full notice in their cases. These families were told the killers could never be let out.
- A significant legal issue is that in many cases there is not the ability to get the records needed to fight the potential release - they were discarded because the sentence was understood to be permanent.

HB 4154 - Sponsor Eddie Washington

- Turns all prisoners serving long term sentences into "C number" or indeterminately sentenced prisoners with annual reviews before the PRB – "geriatric earned release"
- Eligibility at the age of 50 and after they have served only 20 years of a life without parole sentence.
- This bill effectively means that the life without parole sentence would not exist in Illinois.

GOAL: End the legislative threats to the Life Without Parole sentence in Illinois

- Victims families and the families of police killed in the line of duty will be forced to mount a significant campaign to flood Springfield with calls, letters and visits if these bills continue.
- These bills are NOT going to pass the legislature, with gubernatorial signature even less likely. To undo life without parole and determinate sentencing in this state would be political suicide as well as poor public policy.
- Parole and indeterminate sentencing is very discriminatory and a hugely costly bureaucracy.
- Remedies, such as Executive Clemency, exist in the system to deal with any miscarriages of justice. The entire appeals process assesses cases. And there are helpful proposals now for an Innocence Commission to deal with any other cases of merit.
- To retroactively change the Life Without Parole sentence to an indeterminate sentence with regular reviews is to put the public at risk and to force a life sentence instead upon the victims' families.
- The National Crime Victims Law Institute has studied these Illinois bills and authored a brief that they are a violation of the Illinois Constitution Victims Rights Amendment, i.e., failure to fully inform.
- The Illinois public will not likely tolerate allowing life-sentenced prisoners out early.

For more information, go to www.IllinoisVictims.org.