



# PENALTIES FOR CRIMES IN ILLINOIS

<i>Category of crime</i>	<i>Usual prison or jail term<sup>1</sup></i>	<i>Possible extended term<sup>2</sup></i>	<i>Probation in lieu of confinement<sup>3</sup></i>	<i>Mandatory supervised release time<sup>4</sup></i>	<i>Maximum fine<sup>5</sup></i>
<b>MURDER</b>					
First-degree	Life, no parole <sup>6</sup> 20-60 years <sup>7</sup>	— 60-100 years	Not allowed	— 3 years	\$25,000*
Second-degree	4-20 years	15-30 years	Up to 4 years	1 year	
<b>HABITUAL CRIMINAL<sup>8</sup></b>	Life, no parole	—	Not allowed	—	—
<b>FELONY</b>					
Class X	6-30 years	30-60 years	Not allowed	1½ years	\$25,000* (more if specified; \$50,000* if a corporation)
1	4-15 years <sup>9</sup>	15-30 years <sup>9</sup>	Up to 4 years <sup>10</sup>	1 year	
2	3-7 years <sup>9</sup>	7-14 years <sup>9</sup>	Up to 4 years	1 year	
3	2-5 years	5-10 years	Up to 2½ years	—	
4	1-3 years	3-6 years	Up to 2½ years	—	
<b>MISDEMEANOR</b>					
Class A	Under 1 year	—	Up to 2 years	—	\$2,500*
B	Up to 6 months	—	Up to 2 years	—	1,500*
C	Up to 30 days	—	Up to 2 years	—	1,500*
<b>PETTY OFFENSE</b>	—	—	Up to 6 months	—	Amount specified; limited to \$1,000*
<b>BUSINESS OFFENSE</b>	—	—	—	—	Amount specified*
<b>TRAFFIC VIOLATION</b>	—	—	—	—	Varied amounts <sup>5</sup>

\* Most fines are subject to additional “assessments.” See Note 5 on the reverse side.

Note: This summary of Illinois’ complex sentencing laws lists normal penalties by class of crime. The statute defining a crime should be consulted for variations on penalties. See also numbered notes on the reverse side.

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- PRISON OR JAIL TERMS.** Terms set during sentencing may be shortened for good behavior and other actions, such as work or study, in confinement. A person who was under 21 when committing a crime, except predatory criminal sexual assault of a child, can seek parole from the Prisoner Review Board after 10 or 20 years depending on the crime.
- EXTENDED TERM.** The court may impose an extended term in lieu of the usual term on a person convicted of any of a number of crimes (or of crimes committed in types of circumstances) listed in 730 ILCS 5/5-5-3.2. An extended term may also be imposed if an aggravating factor described in Note 6 below was present.
- PROBATION.** Except for the most serious crimes, an offender can be sentenced to a term of probation in lieu of confinement. The “Probation in lieu of confinement” column lists normal maximum probation terms by class of crime. A probationer may not have a weapon or leave the state without permission, and must pay a \$50 monthly fee and any fees for court-ordered treatment, in addition to other conditions imposed by law or the court. See Note 10 on felonies ineligible for probation.
- MANDATORY SUPERVISED RELEASE (MSR).** This is a period of parole following a prison term. For some crimes, MSR (or a longer MSR term than shown in this table) is mandatory. A person convicted of one of the more serious sex crimes (mostly involving child victims or child pornography) must serve MSR of 3 years to natural life. A person convicted of some crimes, including felony or aggravated domestic battery, stalking or aggravated stalking, or a felony violation of an order of protection, must serve 4 years of MSR; a person convicted of a repeat offense of aggravated or felony criminal sexual abuse of a person under 18 must serve 4 years of MSR, with at least the first 2 in electronic monitoring or home detention. The Prisoner Review Board may shorten an MSR term for earning a high school diploma during MSR, and may discharge from MSR a person it considers likely to avoid further crimes.
- FINES.** For some felonies involving theft or deceptive practices, or felonies against local governments or school districts, fines can be up to twice or three times the value taken or damaged. Under provisions in effect through 2023, assessments are added to fines, based on 14 “schedules” by class and severity. An assessment can be as high as \$2,215 for a drug felony or \$1,381 for misdemeanor DUI or a similar offense. “Conditional assessments” are additionally required for some crimes. For traffic offenses, assessments (in lieu of fines) start at \$164 for a minor violation such as exceeding the speed limit by a small amount. Fines are higher for speeding in specially protected areas. Surcharges on fines are also authorized for specific kinds of crimes.
- LIFE IN PRISON.** Life in prison without parole is mandatory for any first-degree murderer who, when at least 18 years old, killed (a) anyone after an earlier conviction for first-degree murder; (b) more than one person; or (c) a peace officer, firefighter, emergency management worker, correctional employee, emergency medical worker, or community policing volunteer who was performing those duties, or to prevent or retaliate for such performance. Life without parole is also mandatory for anyone who, when at least 18 years old, committed a serious sex offense after an earlier conviction of a serious sex offense, or committed predatory criminal sexual assault of a child against two victims. A first-degree murderer *may* be sentenced to life without parole if the killing was done with “. . . wanton cruelty,” as may a person who was at least 18 and committed first-degree murder by killing: (1) any of the following kinds of persons who were performing their duties, or to prevent or retaliate for such performance: a peace officer; participant in a criminal investigation, prosecution, or trial; prison or jail employee; physician, psychologist, nurse, or physician assistant;

firefighter; emergency medical worker employed by government; or community policing volunteer; (2) a prisoner or other person authorized to be in a prison or jail; (3) two or more persons, at the same or different times, if done with separate intent or in separate acts; (4) as a result of a hijacking of a public conveyance; (5) for hire, or by hiring another; (6) intentionally, acting either alone or with another, in the course of another “inherently violent” felony; (7) a person under age 12, or at least 60, with “. . . wanton cruelty;” (8) intentionally as part of a drug crime, or by causing another person to kill as part of such a crime; (9) while in prison and in the course of committing or conspiring to commit another felony; (10) in a “cold, calculated, and premeditated manner” as part of a scheme to take a life illegally; (11) as a leader of a criminal drug conspiracy who caused the victim to be killed; (12) intentionally in a manner that involved torture; (13) in a drive-by shooting; (14) a person with a disability; (15) a person who had an order of protection against the murderer; (16) a teacher or other school employee, in or near a school; (17) as part of a terrorist act; or (18) against a person participating in religious activities at a place of worship. A person who, before age 18, committed first-degree murder against a person described in item (c) above in this note must be sentenced to at least 40 years in prison.

- The range of possible prison sentences for first-degree murder is 20 to 60 years unless a fact justifying life in prison is present. If the murderer was at least 18 and carried a firearm, the term is to be increased by 15 years; if it was fired, by 20 years; or if its firing caused great bodily harm, permanent disability or disfigurement, or death, by 25 years to life.
- HABITUAL CRIMINALITY.** This is not a crime, but an adjudication of a person who, after turning 21, twice committed and was convicted in U.S. courts of any crime(s) containing the same elements as first-degree murder, a Class X felony, aggravated kidnapping, and/or criminal sexual assault; and after being out of custody less than 20 years for the first such crime commits a third such crime, except aggravated kidnapping. Such a person is to be sentenced to life in prison without parole.
- A person who, after January 1978 and after turning 21, twice committed and was convicted in U.S. courts of any crime(s) containing the same elements as forcible Class 2 or worse felonies, and then commits a forcible Class 1 or 2 felony, is to be sentenced as a Class X felon.
- Probation is not ordinarily allowed for a Class 1 or worse felony committed within 10 years after being convicted of a Class 1 or worse felony. Probation is prohibited for numerous other kinds of crimes or situations listed in 730 ILCS 5/5-5-3(c)(2).

Sources: This table and its notes are based principally on the following sections of Illinois law in effect as of early 2022: 705 ILCS 135/1-1 ff.; 720 ILCS 5/9-1 and 5/9-2; and 730 ILCS 5/3-3-3, 5/3-3-8, 5/3-6-3, 5/5-4.5-10 to 5/5-4.5-80, 5/5-4.5-95, 5/5-4.5-105, 5/5-4.5-115, 5/5-5-3, 5/5-5-3.2, 5/5-6-1 ff., 5/5-8-1, 5/5-8-2, and 5/5-9-1 ff.

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