

**PENALTIES FOR CRIMES IN ILLINOIS**

Classification of crime	Usual prison or jail term	Possible extended term <sup>1</sup>	Probation term instead <sup>2</sup>	Mandatory supervised release term <sup>3</sup>	Maximum fine* <sup>4</sup>
<b>MURDER</b>					
1st degree	(Death) <sup>5</sup> Life, no parole <sup>6</sup> 20-60 years <sup>7</sup>	— — 60-100 years	Not allowed Not allowed Not allowed	— 3 years 3 years	\$25,000
2nd degree	4-20 years	15-30 years	4 years	2 years	
<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	3 years	\$25,000, or more if specified
1	4-15 years	15-30 years <sup>9</sup>	Up to 4 years <sup>10</sup>	2 years	
2	3-7 years	7-14 years <sup>9</sup>	Up to 4 years <sup>10</sup>	2 years	
3	2-5 years	5-10 years	Up to 2½ years	1 year	
4	1-3 years	3-6 years	Up to 2½ years	1 year	
<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 stated up to \$1,000
<b>BUSINESS OFFENSE</b>	—	—	—	—	Amount stated

\* Most fines are subject to mandatory surcharges of at least one-eighth the amount fined. Note 4 on the reverse side gives details.

Note: This is only a summary of Illinois' complex sentencing provisions. The laws defining some crimes set higher penalties than usually apply to crimes of their class.

See also the numbered notes on reverse side.

# PENALTIES FOR CRIMES IN ILLINOIS

- 1. 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, that are listed in 730 ILCS 5/5-5-3.2(b) to (d). An extended term can also be imposed on a person who committed a murder with “. . . wanton cruelty” or committed any felony with an aggravating factor described in note 5 below present.
- 2. PROBATION.** Except for the most serious crimes, an offender can be sentenced to a term of probation in lieu of prison. Maximum probation terms for each class of crime are listed in the column marked with this footnote. Among numerous other statutory conditions, a person on probation is forbidden to possess a firearm or other dangerous weapon, or to leave the state without permission, and must pay a \$50 monthly probation fee and any fees for court-ordered treatment if able. Courts may add other conditions. Note 10 below describes situations in which probation is not allowed as an alternative to prison.
- 3. MANDATORY SUPERVISED RELEASE (MSR).** This is a period of parole that automatically follows a prison term for a felony. A person convicted of a repeat sex crime involving force or threat of force, against a victim under 18, must serve 4 or 5 years of MSR, with the first 2 being in electronic home detention. The Prisoner Review Board can discharge from MSR a person whom it considers likely to obey the criminal laws.
- 4. FINES.** Whenever a fine is imposed, except for a nonmoving traffic offense or a pedestrian offense, there is added to it a penalty of \$5 for each \$40 or fraction of \$40. Thus the amounts shown must be increased by one-eighth to approximate maximum base fines. In addition, surcharges on fines are required for several specific kinds of crimes, listed principally in 730 ILCS 5/5-9-1.4 to 5/5-9-1.12.
- 5. DEATH PENALTY.** A person who was at least 18 at the time may be sentenced to death for committing first-degree murder by killing: (1) a peace officer or fireman who was performing official duties, or to prevent or retaliate for such performance; (2) an employee, prisoner, or other authorized person in a prison or jail; (3) more than one person (at either the same or different times), if done with separate intent or by separate acts; (4) as a result of a hijacking; (5) for hire, or by hiring another person; (6) intentionally, either alone or in concert with another, and in the course of an “inherently violent” felony; (7) a person under age 12 with “. . . wanton cruelty;” (8) to prevent or retaliate for the victim’s participation in or aiding a criminal investigation or prosecution; (9) intentionally as part of a drug crime, or by causing another person to kill as part of such a crime; (10) while in prison for a felony and in the course of committing or conspiring to commit another felony; (11) in a “cold, calculated, and premeditated manner” as part of a scheme to take a human life illegally; (12) an emergency medical worker employed by government, while performing or to prevent or retaliate for performance of duties; (13) as the kingpin in a criminal drug conspiracy who caused the victim to be killed; (14) intentionally in a way that involved torture; (15) in a drive-by shooting; (16) a person 60 or older, with “. . . wanton cruelty;” (17) a disabled person; (18) because the victim was a community policing volunteer or to deter service as such a volunteer; (19) a person protected by an order of protection issued against the murderer; (20) a teacher or other school employee, in or near a school; or (21) as a result of a terrorist act.
- 6. LIFE IN PRISON.** A first-degree murderer may be sentenced to life in prison without possibility of parole if (a) the killing was done with “. . . wanton cruelty” or (b) any factor listed in note 5 above was present. Unless death is imposed, the court *must* sentence to life in prison without parole any first-degree murderer who killed (1) after being earlier convicted of first-degree murder in any U.S. jurisdiction; (2) more than one person, or a person under age 12 if the murderer was at least 17; (3) a peace officer or fireman who was performing official duties, or to prevent or retaliate for such performance; (4) an employee of a prison or jail who was performing official duties, or to prevent or retaliate for such performance; (5) an emergency medical worker employed by a government, who was performing official duties or to prevent or retaliate for such performance; (6) a person under 12 during an aggravated criminal sexual assault, criminal sexual assault, or aggravated kidnapping, if the murderer was under 17; or (7) because the victim was a community policing volunteer or to prevent such service.
- 7.** The range of possible prison sentences for first-degree murder is 20 to 60 years unless a fact justifying life in prison or death is present. But if the murderer was armed with a firearm, the term is automatically increased by 15 years; if the murderer fired it during the crime, by 20 years; and if the firing caused great bodily harm, permanent disability or disfigurement, or death, by 25 years to life.
- 8. HABITUAL CRIMINALITY.** This is not an offense, but an adjudication of a person who, twice in succession, has committed and been convicted in U.S. courts of first-degree murder, a Class X felony, aggravated kidnapping, or criminal sexual assault; and who, less than 20 years after release from custody for the first offense, again commits and is convicted of any of those crimes (except aggravated kidnapping).
- 9.** A person who, on two separate occasions after January 1978, committed and was convicted of Class 2 or more serious felonies, and when over age 21 commits a third such felony, is to be sentenced as a Class X felon.
- 10.** Probation is not ordinarily allowed for a Class 2 or more serious felony committed within 10 years after conviction of another Class 2 or more serious felony. Probation is also barred for numerous other kinds of crimes or conditions listed in 730 ILCS 5/5-5-3(c)(2). But if the offender is addicted; the crime was nonviolent; and none of several excluding conditions apply, the court can allow the offender to choose probation under the supervision of a drug-treatment program approved by the Department of Human Services.

Sources: This chart is based principally on the following sections of Illinois law in effect as of December 2004: 720 ILCS 5/9-1 and 5/33B-1 ff.; 730 ILCS 5/3-3-3, 5/3-3-8, 5/5-5-1, 5/5-5-3, 5/5-5-3.2, 5/5-6-1 ff., 5/5-8-1 ff., and 5/5-9-1 ff.; and 20 ILCS 301/40-5 ff.