



ILLINOIS GENERAL ASSEMBLY
LEGISLATIVE RESEARCH UNIT



PENALTIES FOR CRIMES IN ILLINOIS

Category of crime	Usual prison or jail term	Possible extended term ¹	Probation in lieu of confinement ²	Mandatory supervised release term ³	Maximum fine ⁴
MURDER					
First-degree	Life, no parole ⁵ 20-60 years ⁶	— 60-100 years	Not allowed Not allowed	— 3 years	\$25,000*
Second-degree	4-20 years	15-30 years	4 years	2 years	
HABITUAL CRIMINAL⁷	Life, no parole	—	Not allowed	—	—
FELONY					
Class X	6-30 years	30-60 years	Not allowed	3 years	\$25,000* (or more if specified; \$50,000* if a corporation)
1	4-15 years	15-30 years ⁸	Up to 4 years ⁹	2 years	
2	3-7 years	7-14 years ⁸	Up to 4 years ⁹	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	
MISDEMEANOR					
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*
PETTY OFFENSE	—	—	Up to 6 months	—	Amount specified; limited to \$1,000*
BUSINESS OFFENSE	—	—	—	—	Amount specified
TRAFFIC VIOLATION	—	—	—	—	Varied amounts ¹⁰

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

Note: This summary of Illinois' complex sentencing provisions lists the normal penalties for each class of crime. Laws defining some crimes set higher penalties than the normal penalties for their classes. Numbered notes are on the 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) listed in 730 ILCS 5/5-5-3.2(a) to (e). An extended term can also be imposed if an aggravating factor described in note 5 below was present.
 - 2. PROBATION.** Except for the most serious crimes, an offender can be sentenced to a term of probation in lieu of jail or prison. The “Probation term in lieu of confinement” column lists 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 fee and any fees for court-ordered treatment, in addition to other conditions imposed by law or the court. See note 9 below on felonies not subject to probation.
 - 3. MANDATORY SUPERVISED RELEASE (MSR).** This is a period of parole that automatically follows a prison term for a felony. Persons convicted of some of the more serious sex crimes (mostly involving children or child pornography) must serve from 3 years to as long as natural life of MSR. A person convicted of 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 victim under 18 must serve 4 years of MSR, with at least the first 2 under electronic home detention. The Prisoner Review Board can release from MSR a person whom it considers likely to avoid additional crimes.
 - 4. FINES.** If a fine is imposed, other than for a nonmoving traffic offense or a pedestrian offense, there is added to it a penalty of \$10 per \$40 or fraction of \$40. Thus the fines listed must be increased by one-fourth to approximate maximum base fines. Separate surcharges of \$100 for a felony, \$75 for a misdemeanor (except a conservation offense), and \$50 for many Vehicle Code offenses also apply. Other surcharges on fines for specific kinds of crimes are authorized, principally in 730 ILCS 5/5-9-1.1 to 5/5-9-1.20.
 - 5. LIFE IN PRISON.** A first-degree murderer *may* be sentenced to life in prison without possibility of parole if the killing was done with “. . . wanton cruelty.” A person who was at least 18 when committing first-degree murder *may* be so sentenced if he or she killed: (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; (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 way that involved torture; (13) in a drive-by shooting; (14) a disabled person; (15) a person who had an order of protection against the murderer; (16) a teacher or other school employee, in or near a school; or (17) as part of a terrorist act. The court *must* impose a sentence of life in prison without parole on any first-degree murderer who killed (a) after being earlier convicted of first-degree murder anywhere in the U.S.; (b) a person under age 12, if the murderer was at least 17; (c) in the course of a criminal sexual assault, aggravated criminal sexual assault, or aggravated kidnapping of a person under age 12 even though the murderer was not yet 17; or (d) a peace officer, firefighter, emergency medical or emergency management worker, or correctional employee performing those duties, or to prevent or retaliate for such performance.
 - 6.** The range of possible prison sentences for first-degree murder is 20 to 60 years, unless a fact justifying life in prison is present. But if the murderer carried a firearm, the term is automatically increased by 15 years; if he or she fired it, by 20 years; or if the firing caused great bodily harm, permanent disability or disfigurement, or death, by 25 years to life.
 - 7. HABITUAL CRIMINALITY.** This is not a crime, but an adjudication of a person who has twice been 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 for the first such crime for less than 20 years, commits a third such crime (other than aggravated kidnapping).
 - 8.** A person who, twice after January 1978, committed and was convicted in any U.S. courts of any crime(s) containing the same elements as Class 2 or worse felonies, and while over age 21 commits a Class 1 or 2 felony, is to be sentenced as a Class X felon.
 - 9.** Probation is not ordinarily allowed for a Class 2 or worse felony committed within 10 years after conviction of another Class 2 or worse felony. Probation is prohibited for numerous other kinds of crimes or situations listed in 730 ILCS 5/5-5-3(c)(2).
 - 10.** Fines for common traffic violations such as speeding are typically paid by posting bail as provided by Supreme Court Rule 526 and allowing it to be forfeited under Rule 529. Fines for exceeding speed limits in school, construction, and park and recreation zones are specified in 625 ILCS 5/11-605 to 5/11-605.3. Other statutory provisions prescribe fines for various other Vehicle Code violations.
- Sources: This chart is based principally on the following sections of Illinois law in effect as of early 2014: 720 ILCS 5/9-1 and 5/9-2; 725 ILCS 240/10; 730 ILCS 5/3-3-3, 5/3-3-8, 5/5-4.5-10 to 5/5-4.5-80 and 5/5-4.5-95, 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.

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