



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5890

by Rep. Mark Batinick

SYNOPSIS AS INTRODUCED:

New Act

Creates the Gun Crime Charging and Sentencing Accountability and Transparency Act. Provides that in a criminal case, if a defendant is charged with an offense involving the illegal use or possession of a firearm and subsequently enters into a plea agreement in which in the charge will be reduced to a lesser offense or a non-weapons offense in exchange for a plea of guilty, at or before the time of sentencing, the State's Attorney shall file with the court a written statement of his or her reasons in support of the plea agreement, which reasons shall specifically explain why the offense or offenses of conviction that result from the plea agreement do not include the originally charged weapons offense. Provides that the written statement shall be part of the court record in the case, and a copy shall be provided to any person upon request. Provides that in a criminal case in which the original charge is or was for an offense involving the illegal use or possession of a firearm, if a defendant pleads guilty or is found guilty of the original charge or a lesser offense or a non-weapons offense, in imposing sentence the judge shall set forth in a written sentencing order his or her reasons for imposing the sentence or accepting the plea agreement. Provides that a copy of the written sentencing order shall be provided to any person upon request. Effective immediately.

LRB100 22094 RLC 40377 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Gun
5 Crime Charging and Sentencing Accountability and Transparency
6 Act.

7 Section 5. Plea agreement; State's Attorney. In a criminal
8 case, if a defendant is charged with an offense involving the
9 illegal use or possession of a firearm and subsequently enters
10 into a plea agreement in which in the charge will be reduced to
11 a lesser offense or a non-weapons offense in exchange for a
12 plea of guilty, at or before the time of sentencing, the
13 State's Attorney shall file with the court a written statement
14 of his or her reasons in support of the plea agreement, which
15 reasons shall specifically explain why the offense or offenses
16 of conviction that result from the plea agreement do not
17 include the originally charged weapons offense. The written
18 statement shall be part of the court record in the case, and a
19 copy shall be provided to any person upon request.

20 Section 10. Sentencing; judge. In a criminal case in which
21 the original charge is or was for an offense involving the
22 illegal use or possession of a firearm, if a defendant pleads

1 guilty or is found guilty of the original charge or a lesser
2 offense or a non-weapons offense, in imposing sentence the
3 judge shall set forth in a written sentencing order his or her
4 reasons for imposing the sentence or accepting the plea
5 agreement. A copy of the written sentencing order shall be
6 provided to any person upon request.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.