CHAPTER FIVE: CRIMES AND PUNISHMENT

By Gino L. Divito, Retired Justice, Illinois Appellate Court, Partner, Quinlan & Crisham, Ltd.; Chicago

Introduction

In Illinois, criminal offenses are defined by the "Criminal Code of 1961" (120 ILCS 5/1-1 *et seq.*). That Code provides the names of offenses and the elements that must be proved to establish guilt. The "Code of Criminal Procedure of 1963" (725 ILCS 5/100-1 *et seq.*) provides the various procedural requirements and options applicable to criminal proceedings.

The statute that governs sentencing procedures and the disposition of criminal cases in Illinois, the subject of this article, is the "Unified Code of Corrections" (730 ILCS 5/1-1-1 *et seq.*). The stated purposes of that Code are to "(a) prescribe sanctions proportionate to the seriousness of the offenses and permit the recognition of differences in rehabilitation possibilities among individual offenders; (b) forbid and prevent the commission of offenses; (c) prevent arbitrary or oppressive treatment of persons adjudicated offenders or delinquents; and (d) restore offenders to useful citizenship." 730 ILCS 5/1-1-2.

The Unified Code of Corrections explains the classification of crimes in Illinois and describes the various sentencing options available to the courts. Crimes are called "offenses" and are arranged in "classes" according to seriousness. A person convicted "upon a plea of guilty or upon a verdict or finding of guilty of an offense" is sentenced to one or more of the "authorized dispositions" for that class of offense. This article addresses the classification of offenses, the authorized dispositions for

those offenses, and sentencing procedures and options.

Classification of Offenses

There are three types of criminal offenses in Illinois: felonies, misdemeanors and petty offenses, which include business offenses. For petty and business offenses a fine is the usual sentence, although supervision can be given or conditional discharge for up to six months may be imposed or restitution may be required. The maximum fine for petty offenses is $1,000 or the amount specified in the statute defining the offense, whichever is less. Most minor traffic offenses, such as speeding, are petty offenses. The possible fine for business offenses exceeds $1,000 and is provided by the statute defining the offense.

Misdemeanors are offenses for which a sentence of imprisonment in a jail other than a penitentiary for less than one year may be imposed. Examples are assault, battery, a first-time theft of property not exceeding $300 in value and minor cannabis offenses. Misdemeanors are divided into three classes, A, B, and C. A Class A misdemeanor is punishable by any term less than one year in the county jail; a Class B misdemeanor is punishable by not more than six months in jail; a Class C misdemeanor is punishable by not more than 30 days in jail. A Class A misdemeanor carries a potential fine of up to $2,500 or the amount specified in the statute defining the offense; Class B and C misdemeanors are subject to potential fines of up to $1,500.

A felony is an offense for which a sentence to death or to imprisonment in a penitentiary for one year or more is provided. Felonies are divided into six classes. First-degree murder is a separate class of felony and carries the greatest potential sentence. The others, in descending order of

seriousness, are designated Class X and Classes 1 through 4. Examples of Class X offenses include aggravated criminal sexual assault, aggravated kidnapping, armed robbery, home invasion, and the most serious drug offenses. Second-degree murder, criminal sexual assault, and residential burglary are examples of Class 1 felonies. Kidnapping, robbery, burglary, and arson are examples of Class 2 felonies. Aggravated battery and perjury are examples of Class 3 felonies. Stalking is an example of a Class 4 felony. (The sentencing range for felony offenses is provided in the "Imprisonment" section of this article.) An attempt to commit a felony offense is punishable by the sentence for the offense one class lower than the offense attempted, except for Class 3 felonies that carry the sentence for a Class A misdemeanor. That means the sentence for attempted first degree murder is the sentence for a Class X felony; the sentence for an attempted Class X felony is the sentence for a Class 1 felony; for an attempted Class 2 felony it is the sentence for a Class 3 felony; and attempted Class 3 and 4 felonies are sentenced as Class A misdemeanors.

Authorized Dispositions

Illinois statutes set forth a number of authorized dispositions that may be used alone or in combination in imposing a sentence. The most common are supervision, probation, conditional discharge, periodic imprisonment, imprisonment, a fine and restitution. Supervision is not an authorized disposition in a felony case. A fine or an order to pay restitution may be imposed as the sole punishment in a misdemeanor case; however, they may be imposed in a felony case only in conjunction with another disposition - they cannot be the sole sentence for a felony offense.

Supervision

Supervision is closely related to probation and conditional discharge, but it is not a conviction or a "sentence" imposed after an adjudication of guilt. It therefore does not constitute a judgment of guilt. An order granting supervision merely defers further proceedings while placing certain conditions on the defendant during the supervisory period. If the defendant successfully complies with the conditions of supervision, the court dismisses the charge and the defendant has no conviction record. Only if the supervision order is revoked does the court formally sentence the defendant. Supervision is not a possible disposition in felony cases and in some specified misdemeanor offenses.

Probation and Conditional Discharge

Probation is a sentence of conditional release for a period of time during which the offender is under the supervision of a probation officer. Conditional discharge is also a sentence of conditional release under terms fixed by the court but without probationary supervision. There is a statutory presumption in Illinois requiring that eligible offenders be sentenced to probation or conditional discharge. The statute says, "the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstances of the offense, and to the history, character and condition of the offender, the court is of the opinion that (1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or (2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice." (730 ILCS 5/5-6-1(a)). This means that, unless probation or conditional discharge is not a possible sentence or aggravating factors are present,

probation or conditional discharge is the preferred disposition.

Probation and conditional discharge are not available for first-degree murder, Class X offenses, criminal sexual assault, residential burglary and other offenses specified by statute. The maximum period of probation or conditional discharge that may be imposed varies with the classification of the offense. For a Class 1 or 2 felony, the maximum period is four years; for a Class 3 or 4 felony, the maximum period is 30 months; for a misdemeanor it is two years; and for a petty offense it is six months. There are mandatory conditions placed upon any offender sentenced to probation or conditional discharge. For example, the offender must not violate any criminal statute, must report or appear in person as directed, must not possess a firearm or dangerous weapon and must not leave the state without permission. Discretionary conditions that the court may impose include imprisonment for not more than six months; home confinement with or without a monitoring device; restrictions concerning geographical areas or contacts with specified persons; payment of a fine, costs and restitution; involvement with work or school; periodic imprisonment; and public or community service work.

Public or community service work is provided by statute as a condition of probation or conditional discharge. When an offender is a suitable candidate he is placed with an agency or institution for a specified number of hours to work without compensation. Placement is usually at the direction of the probation officer assigned to supervise the defendant. An offender may work for a city streets department or a local park district or a public facility in general maintenance work. Placement may be at neighborhood centers, nursing homes, and such organizations as the YMCA, Boy's Club or the Salvation Army. In this way, a defendant is required to make a positive contribution to society. Some courts use this program as a positive way to restore offenders to useful

citizenship in lieu of a jail sentence.

Probation and conditional discharge are actual sentences. Failure to comply with the conditions imposed by the court may result in revocation of the sentence and imposition of a new and harsher sentence. The State may file a petition to revoke probation or conditional discharge at any time before expiration of its term. When a petition for revocation is filed, notice is given to the defendant and an evidentiary hearing is held to determine whether the defendant is in violation. The State must prove the violation by a preponderance of the evidence, not beyond a reasonable doubt. At the hearing, just as at trial, the defendant has the right to counsel and of confrontation. If the court determines that a term of probation or conditional discharge has been violated, that sentence may be revoked and all the other authorized dispositions are available for use by the court, including a modified order for probation or conditional discharge; an additional jail sentence; an extension of the term for the payment of fines, costs and restitution; or a sentence to imprisonment.

Periodic Imprisonment

A sentence to periodic imprisonment allows the defendant to be released at specified times for purposes of work, education, medical treatment or other purposes. For example, the court may require the offender to spend nights or weekends in jail but allow him to be released during certain periods of the day to work. The term of periodic imprisonment is based upon its duration rather than the actual days spent in custody. A term of periodic imprisonment for a Class 1 felony is a definite term of from three to four years. A term of 18 to 30 months may be imposed for a Class 2 felony. All other offenses are subject to a maximum term of 18 months or the longest sentence of imprisonment that could be imposed for the offense, whichever is less. Periodic imprisonment

usually is served in the county jail rather than in an institution under the control of the Illinois Department of Corrections. As in the case of probation and conditional discharge, periodic imprisonment is not available for first-degree murder, Class X felonies, criminal sexual assault, residential burglary and other offenses specified by statute. A sentence to periodic imprisonment may be modified or revoked if the defendant commits another offense or violates any specified condition of his sentence or a rule of the institution to which he is committed. The procedure for modification or revocation of periodic imprisonment is similar to that for probation and conditional discharge.

Imprisonment

Offenders sentenced to imprisonment for less than one year (those sentenced for misdemeanors and those incarcerated for up to six months as a condition of probation or conditional discharge for a felony offense) are incarcerated in a county jail. A sentence to imprisonment for a felony requires the commitment of the defendant to the custody of the Department of Corrections (the penitentiary).

Illinois adopted a system of determinate sentencing for felonies effective February 1, 1978. Under the current system, a defendant convicted of a felony is sentenced to serve an exact number of years, rather than an indeterminate term of a minimum to a maximum number of years as under the prior system. If imprisoned, a defendant is sentenced to serve a fixed term from the range of possible sentences for the class of offense committed. For example, if a person convicted of burglary (a Class 2 felony) were sentenced to imprisonment, he or she would be sentenced to a fixed term from three to seven years because that is the range of sentences for a Class 2 felony. Possible sentences of

imprisonment for each class of felony is as follows: first degree murder, 20-60 years; Class X felony, 6-30 years; Class 1 felony, 4-15 years; Class 2 felony, 3-7 years; Class 3 felony, 2-5 years; Class 4 felony, 1-3 years. Under some circumstances (for example, when a defendant has been convicted of the same or higher class felony within the last 10 years, excluding time in custody, or when a felony offense is "accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty"), a defendant may be sentenced to an "extended term," which for first degree murder is 60-100 years and for all other classes of felony is a fixed term of years from the maximum term up to twice the normal maximum (*e.g.*, for a Class 2 felony, 7-14 years). In certain first-degree murder cases, the death penalty is possible. (See the final section of this article.) In some cases where the death penalty is not imposed for first-degree murder, a life sentence must be imposed; in others, it may be imposed. Also, if a defendant is found to be a habitual criminal (a current conviction for first degree murder, criminal sexual assault, or a Class X felony, combined with two previous and separate convictions of any combination of first degree murder, a Class X felony, criminal sexual assault, and aggravated kidnapping), a term of natural life imprisonment must be imposed.

Concurrent and Consecutive Sentencing

The general rule is that multiple sentences of imprisonment imposed upon a defendant for "offenses that were committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective" must run concurrently (at the same time) and not consecutively (one after another). However, the court *must* impose consecutive sentences if one of the offenses for which a defendant is convicted was first degree murder or a Class X or a Class 1 felony and the defendant inflicted severe bodily injury; or where one of the convictions is for

aggravated criminal sexual assault, criminal sexual assault, or predatory criminal sexual assault; or where one of the convictions is for armed violence predicated on various enumerated offenses. In cases where the offenses were *not* committed as part of a single course of conduct during which there was no substantial change in the nature of the criminal objective, the court may not impose consecutive sentences for the offenses unless, "having regard to the nature and circumstances of the offense and the history and character of the defendant," it determines that consecutive sentences are required to protect the public from further criminal conduct by the defendant. However, in those cases as well, the court *must* impose consecutive sentences for convictions for the offenses listed above that trigger consecutive sentencing for offenses that were committed during a single course of conduct. Also, when one of the convictions is for bail jumping or for the commission of another felony while on bond or in custody for a felony, consecutive sentencing is required. Where consecutive sentences are imposed for offenses arising from the same course of conduct, the aggregate sentence may not exceed the sum of the maximum extended term of the two most serious felonies involved; where the offenses do not arise from the same course of conduct, that limitation does not apply. A defendant sentenced only for misdemeanor offenses may not be consecutively sentenced to more than the maximum for one Class A misdemeanor (one year).

Good Time Credit on Imprisonment Sentences

Those who are confined to a county jail, except for certain offenses specified by statute, are eligible for a day-for-day good behavior allowance. The effect of the allowance is freedom for inmates after serving one-half of the sentence imposed. Some of the offenses for which the allowance is not allowed include when the defendant inflicted bodily harm on a victim; when a

statute requires a certain minimum sentence that would not be served if the allowance were granted; when a person is sentenced to a county impact incarceration program; when periodic imprisonment is a condition of probation or conditional discharge for a felony charge; and when a person is jailed for civil contempt.

In many felony cases, although an exact number of years are imposed by the judge's sentence, an offender is released after serving less time. Until June 19, 1998, all persons sentenced as felons, except those who received life sentences, were eligible for release after serving one half of their sentence. This was so because early release statutes provided that prisoners should receive one day of good conduct credit for each day served except for sentences of natural life, and that this day-for-day good time credit be given unless the prisoner is penalized for misbehavior by the Department of Corrections, subject to review by the Prisoner Review Board where more than 30 days credit is being revoked. Effective June 19, 1998, however, a "truth in sentencing" law was enacted (more properly, reenacted to replace an improperly enacted version). Under that law, a person sentenced for first degree murder must serve all of the sentence imposed; and persons convicted of certain enumerated offenses (including, for example, attempt first degree murder, criminal sexual assault, and aggravated criminal sexual assault) and persons convicted of certain enumerated offenses (including, for example, armed robbery and home invasion) where the court determines that the offense caused great bodily harm to a victim, receive 4.5 days of good time credit each month (meaning they must serve 85% of their sentence). In all other felony cases, except when the sentence is life, day-for-day good time credit is given to the sentenced person.

Effective September 10, 1990, the day-for-day good time credit described above was increased by a factor of 1.25 for inmates participating in designated educational programs. The

increased credit, however, was not available to those sentenced for first or second degree murder or Class X felonies. On August 11, 1993, the day-for-day good time credit was increased by a factor of 1.50 for inmates employed in substance abuse programs, correctional industry assignments, or educational programs. This increased credit was not available to those convicted of first-degree murder, Class X felonies, or other specified offenses. In addition to those increased time credits, the Director of the Department of Corrections is empowered to award up to 180 days' credit for meritorious service to inmates except for those serving a sentence for certain enumerated offenses. Those not eligible for the 180 days' credit are eligible for up to 90 days' credit. Since the truth-in-sentencing legislation, however, neither the 180 days' credit nor the 90 days' credit may be given to those convicted of first-degree murder or to those who must serve 85% of their sentences. The truth-in-sentencing law further restricts the type of offenses for which "program" and "meritorious service" credits may be awarded. All good conduct credits may be revoked, suspended or reduced by the Department of Corrections in appropriate cases according to statutory and Department procedures.

Mandatory Release Term

Upon release from the penitentiary, an offender must serve a period of mandatory supervised release, formerly known as parole, subject to certain terms and conditions and under the supervision of a parole officer. Every felony sentence to the penitentiary has a mandatory supervised release term automatically included within it. For first-degree murder and Class X felonies, the term is three years; for Class 1 and 2 felonies, two years; and for Class 3 and 4 felonies, one year.

Fines

A fine may be imposed as the only sentence in most misdemeanor cases. In felony cases, however, it may not be the sole sentence; in such cases it can be imposed in addition to a sentence of probation, conditional discharge, periodic imprisonment, or imprisonment. The court must consider the financial resources and future ability of the offender to pay and whether the fine will prevent the offender from making restitution to the victim of the offense. The court may require payment by a specified time or in installments. A fine may be imposed subject to the following maximum limitations: felonies, $25,000 or the amount specified by statute; Class A misdemeanor, $2,500 or the amount specified by statute; Class B and C misdemeanors, $1,500; petty offense, $1,000. Business offenses, some felonies (*e.g.*, most drug offenses) and some misdemeanors contain their own specified fines.

Restitution

Restitution may be the sole disposition in a misdemeanor case, but in a felony case it can be imposed only in conjunction with another authorized disposition. The court is required to impose restitution in some cases (for example, where the defendant causes personal injury or real or personal property damage). In those cases where restitution is not mandated, the court is required to consider its appropriateness. An offender may be ordered to pay the victim of the offense for an amount equal to the actual loss to the victim caused by the offender's conduct; the court, however, cannot order reimbursement for law enforcement officers' expenditures on investigations or to compensate victims for money spent for security purposes after the offense. Restitution can be ordered to be paid without regard to the defendant's ability to pay, but that ability must be considered when the court

considers sanctions for failure to pay restitution. The court may order restitution to be paid during a time period not to exceed five years, excluding time that the defendant is incarcerated, and the court may extend that time by not more than two years.

Alternative Dispositions

In addition to the authorized dispositions already discussed, Illinois law authorizes numerous alternative dispositions that have the effect of greatly reducing sanctions or avoiding convictions altogether. Supervision, which has already been discussed, is an example of a disposition that allows deferral of judgment in non-felony cases, and which, if successfully completed, results in an acquittal. "Section 10 Probation" (under Section 10 of the Cannabis Control Act) does the same for first-time offenders charged with certain cannabis offenses; "Section 410 Probation" (under Section 410 of the Illinois Controlled Substances Act) does the same for first-time offenders charged with certain controlled substances offenses. Impact incarceration, commonly referred to as "boot camp," makes it possible for youthful offenders (17 to 35 years of age) to complete a 120- to 180-day boot-camp-type experience in lieu of an up-to-eight-year prison term for a felony. Defendants convicted of first- or second-degree murder, Class X felonies, and several other felony offenses are excluded from this alternative disposition. Finally, "Article 40 Treatment" (under sections 40-5 and 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act) is a disposition that permits "probation" placement of certain eligible addicts and alcoholics for treatment purposes. Although a judgment of conviction is necessary to qualify for this treatment alternative to incarceration, if the conditions of the disposition are satisfied, the judgment can be vacated.

The Sentence Hearing

After a defendant has been convicted, a hearing must be held before a sentence is imposed. This sentencing hearing has several purposes: to consider the evidence from the trial (or, in the case of a plea of guilty, the stipulated evidence), to consider a presentence report, to consider any evidence offered in aggravation and mitigation, to consider victim impact statements, to hear arguments as to sentencing alternatives and to allow the defendant to make a statement in his own behalf. It is the court's responsibility to sentence the defendant based upon its independent assessment of all of those matters as well as any agreement as to sentence negotiated between the state's attorney and the defendant. Where there is a negotiated plea, the court may accept or reject the parties' agreement as to disposition.

Aggravation and Mitigation

At a sentencing hearing, the State is given an opportunity to present evidence in aggravation or reasons for imposition of a more severe sentence. The defendant has an opportunity to present evidence in mitigation or reasons for imposition of a lesser sentence. Each side has an opportunity to make recommendations to the judge regarding an appropriate sentence and the defendant himself is given an opportunity to address the court in his own behalf. Statutes sets forth factors that may be considered by the court in aggravation and mitigation. Factors in aggravation include actual or threatened bodily harm, receipt of compensation for committing the crime, use of a defendant's public office or reputation in committing the offense and the defendant's prior delinquency or criminal record. Mitigating factors include the absence of physical harm, the presence of strong

provocation or inducement to commit the offense, victim compensation, the defendant's medical condition, positive character traits and attitudes of the defendant and lack of any prior delinquency or criminal record.

Pre-sentence Investigation and Report

A pre-sentence investigation and report must be ordered and considered by the court prior to sentencing for a felony conviction, unless the sentence is agreed to by the State and the defendant and the court makes a finding of the defendant's history of delinquency or criminality. After a plea of guilty to a felony offense when there is no agreement as to the sentence, the court must order and consider a pre-sentence report. In non-felony cases a pre-sentence investigation is not required but it may be ordered. The pre-sentence report sets forth the defendant's history of delinquency and/or criminality, his physical and mental condition, his family situation and background, his economic status, education, occupation and personal habits. The report contains information about special resources in the community that are available to assist in the defendant's rehabilitation. It also contains information about the effect the offense has had upon the victim and the defendant's status since arrest. The report may set forth a plan as an alternative to incarceration based upon the adjustment needs of the defendant. The report is confidential and is disclosed only to the judge, state's attorney, defense attorney, appellate court, institution or agency to which the defendant is committed, authorized probation department, or to any person as ordered by the court.

The Death Penalty

When a defendant is convicted of or pleads guilty to the offense of first-degree murder, the state's attorney may seek the death penalty. There are numerous aggravating factors any one of

which, if proved beyond a reasonable doubt, may justify imposition of the death penalty. When the death penalty is sought by the State, a separate "eligibility" proceeding must be held to determine the existence of any aggravating factor provided by statute. This proceeding usually is held before the jury that determined the defendant's guilt. The defendant, however, may waive a jury for this proceeding, or a special jury may be impaneled for this proceeding if the defendant pleaded guilty or was convicted after a trial by the court sitting without a jury (bench trial) or if the court for good cause discharges the original jury.

Two mandatory eligibility requirements for imposition of the death penalty are that the defendant be at least 18 years old at the time of the offense and that he be convicted of first-degree murder. In addition to those eligibility requirements, Illinois currently provides aggravating factors contained in 20 subsections of the death penalty statute, at least one of which must be proved beyond a reasonable doubt to qualify a person for the death penalty. In summary form, a person is eligible for the death penalty in situations where (1) the victim was a peace officer or a fireman killed in the course of his official duties and the defendant knew or should have known the victim's status; (2) the victim was an employee or inmate of the Department of Corrections performing his official duties or was a person lawfully present within a Department facility; (3) the defendant was convicted of the first degree murder of two or more individuals, in one or more acts; (4) the murder occurred as a result of the hijacking of an airplane or other public conveyance; (5) the murder was committed by contract or agreement under which the defendant was to receive or pay compensation; (6) the victim was killed during the commission of armed robbery, armed violence, robbery, predatory criminal sexual assault, criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, forcible detention, arson, aggravated arson, aggravated

stalking, burglary, residential burglary, home invasion, calculated criminal drug conspiracy, streetgang criminal drug conspiracy or the attempt to commit any of them, if (a) the victim was actually killed by the defendant, or (b) the defendant inflicted contemporaneous physical injuries on the victim with the intent to kill or knowing that his acts created a strong probability of death or great bodily harm on the victim; (7) the victim was under 12 years of age and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; (8) the victim was killed to prevent him from being a witness against the defendant or another in any prosecution or investigation or because he had been such a witness; (9) the victim was intentionally killed during certain drug offenses by the defendant or pursuant to the defendant's procurement; (10) the victim was intentionally killed by the defendant or by his procurement, while the defendant was in the custody of the Department of Corrections and while the defendant was engaged in committing a felony; (11) the murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan; (12) the victim was providing emergency medical care during the performance of his official duties; (13) the defendant, who caused or procured the intentional killing of the victim, was the leader of a calculated criminal drug conspiracy; (14) the murder was intentional and involved the infliction of torture; (15) the defendant intentionally discharged a firearm from inside a motor vehicle, killing a victim outside the motor vehicle; (16) the victim was 60 years old or older and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; (17) the victim was disabled (incapable of adequately providing for his or her own health or personal care) and the defendant knew or should have known that the victim was disabled; (18) the murder was because of a person's activities as a community policing volunteer or to prevent a person from engaging in such activity; (19) the victim was protected by an order of protection issued against the

defendant; or (20) the victim was a teacher or other school employee and known by the defendant to be a such an employee, and the victim was in or adjacent to a school building.

If none of the aggravating factors listed above is found to exist, the court must sentence the defendant to a term of imprisonment. If one or more of the aggravating factors listed above is found to exist beyond a reasonable doubt, the defendant is deemed eligible for the death penalty. At that point, another proceeding occurs during which the jury (or judge if a jury has been waived) considers aggravating and mitigating factors presented by the parties. Aggravating factors include all the factors listed above, proof of the defendant's prior criminal activity and other aggravating factors provided by statute. Mitigating factors include that the defendant has no significant criminal record, that he was suffering from extreme mental or emotional disturbance, that the victim was a participant in the defendant's conduct, that the defendant had been threatened with the immediate infliction of death or great bodily harm, that the defendant was not physically present at the time of the murder and other mitigating factors provided by statute. If, after consideration of all the evidence presented, the jury determines that there are no mitigating factors sufficient to preclude the sentence of death, the court will sentence the defendant to death. Otherwise, the defendant must be sentenced to a term of imprisonment. All decisions of a jury must be unanimous. All death sentences in Illinois are automatically reviewed by the Illinois Supreme Court on direct appeal.

Filename:	CHAPTER FIVE- Crimes and Punishment.doc
Directory:	C:\My Documents
Template:	C:\WINDOWS\Application Data\Microsoft\Templates\Normal.dot
Title:	CHAPTER 5: CRIMES AND PUNISHMENT
Subject:	
Author:	Kristin Rehg
Keywords:	
Comments:	
Creation Date:	5/30/01 11:31 AM
Change Number:	2
Last Saved On:	5/30/01 11:31 AM
Last Saved By:	Preferred Customer
Total Editing Time:	3 Minutes
Last Printed On:	7/10/01 8:24 AM

As of Last Complete Printing

Number of Pages:	18
Number of Words:	5,251 (approx.)
Number of Characters:	27,310 (approx.)