

Description of SB 1342 as Altered by Amendments 3 and 5

Aggravated UUW (720 ILCS 5/24-1.6)

- Imposes a new mandatory 1-year minimum prison sentence for first offense of unlicensed possession of an unloaded weapon (if ammunition is immediately accessible)
 - Amendment 5 preserves the new mandatory minimum sentence, but excludes application of the 85% truth-in-sentencing provision
 - The new mandatory minimum sentence strips eligibility for probation, weekend jail, conditional discharge [see 730 ILCS 5/5-5-3(c)(2)(F-5)], and for existing Redeploy Illinois programs
- Increases mandatory prison for second weapon/offense from 3-7 to 4-10

UUW by a person previously convicted of any felony or confined in a penal institution (720 ILCS 5/24-1.1)

- Increases all mandatory minimum sentences by one year
 - E.g. First offense, unloaded weapon, no ammo: 2-10 years increased to 3-10
- Removes option of boot camp/county impact incarceration

UUW – Street Gang Member (720 ILCS 5/24-1.8)

- Creates new mandatory minimum of 4-10 (up from 3-10)
- Applies longer sentence to “members” with no prior criminal background
- Removes eligibility for probation, weekend jail, conditional discharge, boot camp/county impact incarceration, and existing Redeploy Illinois programs

85% “Truth in Sentencing” provision (730 ILCS 5/3-6-3)

- Applies to all Agg UUW sentences except for first-time offenders
- Includes first-time possession by individuals previously convicted of any felony, or street gang members

Related Information

Decades of research show no reliable evidence that mandatory sentences, regardless of length, deter crime. New York’s dramatic murder rate drop was not caused by mandatory minimums.

The national trend (on the federal and state level) is to move away from mandatory prison sentences:

“As a former prosecutor, I understand that criminals must be held accountable, and that long sentences are sometimes necessary to keep violent criminals off the street. I have come to believe, however, that our reliance on mandatory minimums has been a great mistake . . . It does not make us safer.”- Senator Patrick Leahy, 2013

Studies show that incarceration increases the likelihood of recidivism and violent crime and decreases public safety.

The bill does not target repeat, violent offenders. The definition of a “felon” is extremely broad. It includes individuals convicted of decades-old, nonviolent offenses such as shoplifting or possession of drugs for personal use. Incarceration increases the likelihood of recidivism for low-level offenders.

A university study of the original, broader bill estimated at most a 0.6% reduction in violent crime.

Targeted, local interventions, including focused policing, have been proven to successfully reduce gun violence at lower costs.

Over 300 community organizations and individuals slipped in opposition to Amendment 3.

Mandatory minimums disproportionately impact individuals and communities of color.

Illinois prisons are dangerously overcrowded. Further strain on the system threatens the safety of guards and inmates, increases recidivism, and raises the threat of federal litigation.

