

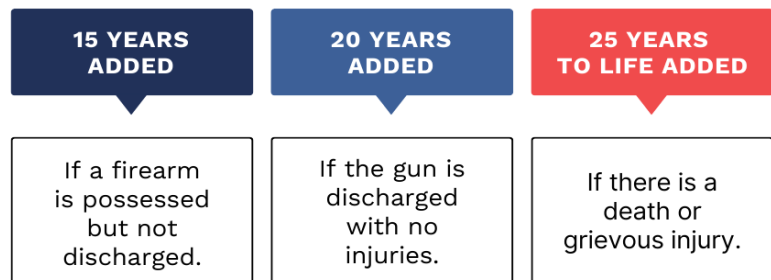
INCLUDE 18, 19, & 20 YEAR OLDS IN YOUTH FIREARM SENTENCING LAW

In 2015, the Senate unanimously passed the Youth Firearm Sentencing Law (Public Act 99-096). This made firearm enhancements discretionary for people younger than 18 and established a framework for sentencing youth in adult courts.

Background

Illinois law adds a mandatory 15, 20, or 25 years to prison sentences for people who had firearms during the commission of certain felonies.

A bipartisan 2015 law made those enhancements discretionary for people 17 and younger.



People aged 18 to 20 should receive the same judicial discretion as people 17 and younger.

- The Illinois General Assembly has recognized this age group in Youthful Parole and sentencing of Habitual Offenders by including people 20 and younger.
- People 20 and younger cannot purchase alcohol or cigarettes, drive a commercial vehicle across state lines, or rent a car.

Firearm enhancements do not reduce gun crime.

- Public safety benefits of longer prison sentences diminish during the latter years because of documented reduced criminal behavior due to age (Council on Criminal Justice, 2022).
- There is no evidence long Illinois prison sentences for gun crimes reduce recidivism (Loyola University's Center for Criminal Justice Research, Policy & Practice, 2021)

The base mandatory minimum sentences for applicable felonies are already long.

Solution

HB 5 would expand the Youth Firearm Sentencing Law to 18, 19, and 20-year-olds, building on the years-long success of the 2015 law.

Judges would be able to decide whether enhancements make sense on a case-by-case basis using the existing nine-point guidelines and could apply the additional years to a sentence if appropriate.

People 21 and older at the time of the crime would still be subject to mandatory enhancements.