

Preface to the 2025-2026 Edition

The criminal justice system, at its best, is not a system of revenge or of retribution. Rather, the ideal of justice is the concept of balance and of restoration. Those judges, prosecuting attorneys, and defense attorneys who are intimately involved in the sentencing of criminal offenders are faced with the challenge of achieving this balance between society's need for protection, victims' cries for punishment, and the offenders' pleas for mercy.

It is not surprising that the law in this area is constantly changing. In 2002, an especially significant shift occurred as six pilot sites in the State of Illinois were selected to implement programs of Evidence Based Sentencing Practices. Evidence Based Practices (EBP) is the objective, balanced, and responsible use of current research and the best available data to guide policy and practice decisions to improve outcomes. EBP is now the standard for sentencing throughout Illinois. More information on this sentencing initiative can be found at www.nicic.org; www.cjlinstitute.org; and www.ncsconline.org.

This treatise is designed as a resource to better understand the changing sentencing laws in the State of Illinois and the judicial decisions interpreting those laws. It is not designed as a substitute to an individual judge's or prosecutor's independent evaluation of the facts of a particular case. Rather, the goal of this volume is to ensure that the evaluator of those facts is able to efficiently determine which facts are relevant, what sentences may be legally imposed, and what conditions should be created. It is through this independent assessment of the facts of each individual case that justice is best achieved.

This treatise is not concerned with the trial of a criminal case. Likewise, issues relating to homicide cases and sentencing are not considered. These important areas are discussed in the *Trial Handbook for Illinois Lawyers—Criminal* and in the *Trial Handbook for Illinois Lawyers—Homicide*. Ad-

ditionally, while there is a brief discussion of various post-trial procedures, this treatise does not cover pre-trial or appellate procedure.

This 2025-2026 Edition replaces the 2024-2025 Edition of this treatise and includes the following highlights (partial list):

- Many updates to primary law.
- New case citations and discussion added covering topics such as (partial list): Factors improperly considered in sentencing; Sentencing in violation of the Proportionate Penalties Clause of the Illinois Constitution; Imposition of excessive sentences; Extended term based on previous conviction; and Sentencing a juvenile.

The authors of this treatise have been involved in sentencing thousands of criminal defendants as public defender, prosecutor and judge. While our experience in this area is extensive, we continue to urge members of the bench and bar to communicate suggestions for making this volume more useful.

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