



# PUNISHED FOR ANOTHER'S CRIME: THE FELONY-MURDER RULE

## What is the Problem?

We can't reduce the prison population, control costs, or limit legal battles related to overcrowding in prisons if we do not address "violent offenders." One simple place to start is by looking at so-called violent offenders who have not actually done violence. Currently **47 percent of the Illinois prison population is classified as violent**, but under state law, not all of these individuals have actually done the violence for which they are incarcerated.

In Illinois, a person can be charged and convicted of first-degree murder—a conviction that carries a minimum sentence of twenty years and, under certain circumstances, a maximum sentence of natural life—*even if they did not actually kill the victim or intend to commit the murder*.

Youthful offenders are disproportionately impacted by the felony-murder rule, as they are more likely to act in groups (or "co-offend")<sup>1</sup> and are more susceptible to peer pressure. According to research in California, women can also be disproportionately impacted.

## What Is the Solution?

HB 1615 would **bring Illinois into alignment with the majority of states** that have a felony murder statute. The bill:

- Ensures that **only defendants that the felony-murder rule was designed to hold accountable are actually charged** with and found guilty of murder;
- Ensures individuals **who do not personally inflict an injury during the course of an underlying felony** would not be charged with or found guilty of first-degree murder; and,
- Ensures someone is truly culpable for murder if they are to be given our state's harshest possible punishment.

## How Many People Does This Impact?

At this time, we have no way to know. Our criminal justice data systems do not differentiate between who was convicted of first-degree murder for actually committing a murder and who was a co-defendant convicted under the felony-murder rule.

## What Do Other States Do?

Illinois has one of the broadest felony-murder statutes in the country. Only 19 use a law similar to Illinois.

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<sup>1</sup> Co-Offending with Peers ([Weerman, 2003](#))