

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered February 26, 2019.

(Deleted material is struck through, and new material is underscored.)

Effective March 1, 2019, Illinois Supreme Court Rules 452, 472, 557, and 558 are adopted, as follows.

New Rule 452

Rule 452. Preparation of Sentencing Orders.

At the time of sentencing in a criminal case, the court shall enter a written order imposing the sentence and all applicable fines, fees, assessments, and costs against the defendant and specifying applicable credits. The State shall draft such order and present the order for review by defendant or, if defendant is represented, by defense counsel, before submitting it to the court.

Adopted Feb. 26, 2019, eff. March 1, 2019.

Rules ~~452~~453-470. Reserved

New Rule 472

Rule 472. Reserved. Correction of Certain Errors in Sentencing.

(a) In criminal cases, the circuit court retains jurisdiction to correct the following sentencing errors at any time following judgment and after notice to the parties, including during the pendency of an appeal, on the court's own motion, or on motion of any party:

- (1) Errors in the imposition or calculation of fines, fees, assessments, or costs;
- (2) Errors in the application of *per diem* credit against fines;
- (3) Errors in the calculation of presentence custody credit; and

(4) Clerical errors in the written sentencing order or other part of the record resulting in a discrepancy between the record and the actual judgment of the court.

(b) Where a circuit court's judgment pursuant to this Rule is entered more than 30 days after the final judgment, the judgment constitutes a final judgment on a justiciable matter and is

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subject to appeal in accordance with Supreme Court Rule 303.

(c) No appeal may be taken by a party from a judgment of conviction on the ground of any sentencing error specified above unless such alleged error has first been raised in the circuit court. When a post-judgment motion has been filed by a party pursuant to this rule, any claim of error not raised in that motion shall be deemed forfeited.

(d) If a motion is filed or judgment pursuant to this rule is entered after a prior notice of appeal has been filed, and said appeal remains pending, the pending appeal shall not be stayed. Any appeal from a judgment entered pursuant to this rule shall be consolidated with the pending appeal.

Adopted Feb. 26, 2019, eff. March 1, 2019.

Rules 472-500. Reserved

New Rule 557

Rule 557. Preparation of Sentencing Orders.

At the time of sentencing in a traffic case, conservation case, or ordinance violation cases, the court shall enter a written order imposing the sentence and all applicable fines, fees, assessments, and costs against the defendant and specifying applicable credits. The prosecuting entity shall draft such order and present the order for review by defendant or, if defendant is represented, by defense counsel, before submitting it to the court.

Adopted Feb. 26, 2019, eff. March 1, 2019.

New Rule 558

Rule 558. Correction of Certain Errors in Sentencing.

(a) In traffic cases, conservation cases, or ordinance violation cases, the circuit court retains jurisdiction to correct the following sentencing errors at any time following judgment after notice to the parties, including during the pendency of an appeal, on the court's own motion, or on motion of any party:

- (1) Errors in the imposition or calculation of fines, fees, assessments, or costs;
- (2) Errors in the application of *per diem* credit against fines;
- (3) Errors in the calculation of presentence custody credit; and
- (4) Clerical errors in the written sentencing order or other part of the record resulting in a discrepancy between the record and the actual judgment of the court.

(b) Where a circuit court's judgment pursuant to this rule is entered more than 30 days after the final judgment, the judgment constitutes a final judgment on a justiciable matter and is subject to appeal in accordance with Supreme Court Rule 303.

(c) No appeal may be taken by a party from a judgment of conviction on the ground of any sentencing error specified above unless such alleged error has first been raised in the circuit court. When a post-judgment motion has been filed by a party pursuant to this rule, any claim of error not raised in that motion shall be deemed forfeited.

(d) If a motion is filed or judgment pursuant to this Rule is entered after a prior notice of appeal has been filed, and said appeal remains pending, the pending appeal shall not be stayed. Any appeal from a judgment entered pursuant to this rule shall be consolidated with the pending appeal.

Adopted Feb. 26, 2019, eff. March 1, 2019.

Rules 559557 to 569 . Reserved