

**McLean County Bar Association**  
**“A New Approach to Felony Murder in Illinois”**

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**Approved for 1 Hour General CLE Credit**

In August of 2019, six teenagers drove to a rural area of Lake County, Illinois, in a stolen vehicle with the intention of burglarizing vehicles. Startled, the homeowner retrieved his gun, went out on the porch, and observed one of the teens approaching him, with what the homeowner determined to be a weapon. The homeowner fired his gun and killed one of the teens. The remaining five teens were charged with felony murder. At the time of this incident, Illinois applied the “proximate-cause theory” to felony murder. In response, the General Assembly amended the felony-murder rule with the intent to create an “agency theory.” However, the current version does not make this clear. It is possible that the proximate-cause theory would still apply and remain the most logical application of the law. Regardless, rather than attempting to abolish the proximate-cause theory, public concerns could have been addressed through amended sentencing provisions.

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- I. BACKGROUND: LAKE COUNTY FIVE
- II. HISTORY OF FELONY MURDER IN AMERICA
  - A. PROXIMATE CAUSE V. AGENCY
- III. FELONY MURDER IN ILLINOIS
- IV. PROPOSED ILLINOIS LEGISLATIVE BILLS
- V. ALABAMA’S FELONY-MURDER STATUTE
- VI. ARGUMENT
  - A. INTERPRETATION OF “CAUSES”
  - B. ACCOUNTABILITY
  - C. ALABAMA V. ILLINOIS FELONY MURDER
  - D. PROXIMATE CAUSE PROVIDES ACCOUNTABILITY
  - E. DETERRENCE
  - F. CHANGES IN SENTENCING WITHOUT ABOLISHING PROXIMATE CAUSE
  - G. DOWNGRADE THE OFFENSE WITHOUT ABOLISHING PROXIMATE CAUSE
- VII. CONCLUSION

Objectives:

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1. Understanding the difference between the proximate cause and agency theories applied to the felony murder rule.
  2. An overview and brief history of felony murder in America and Illinois.
  3. Understanding the various drafts of the bill.
  4. Review of Alabama’s felony-murder rule.
  5. Presentation and discussion of alternatives to the application of the felony murder rule in Illinois.
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**Presented by: Professor Jason Ciesli, JD**

**Wednesday, September 7  
12:00 p.m. – 1:00 p.m.**

**Law & Justice Center  
104 E. Front Street  
Bloomington, IL 61701**

Program Schedule

11.45 am – Bar Announcements and Sign In

12.00 pm – 1.00 pm Presentation