Give People Sentenced as Children a Chance to Submit a Petition Based on Today's Brain Science

Today, in Illinois, judges must consider a person's age during sentencing, yet many people are serving life without parole sentences for youthful convictions because they were sentenced before changes in the law.

Background:
In 2012, the US Supreme Court created a new constitutional rule requiring states to consider youth and relevant characteristics (peer and familial pressure, family history, history of abuse, potential for rehabilitation, level of participation in the crime, etc.) when sentencing young people (*Miller v. Alabama*).

In 2014, the Illinois General Assembly adopted these factors into state law with the bipartisan Public Act 99-0069. Illinois courts now must consider those factors when sentencing people 18 and younger in adult court. The Illinois Supreme Court later extended the *Miller* factors to 18-20 year-olds (*People v. Harris*).

Problem:
The adoption of the "*Miller* factors" has been made retroactive. Children and young adults sentenced to life without parole before *Miller* can cite the factors if they are filing their first post-conviction petition.

The problem is Illinois' law makes it extremely difficult for a person to file more than one post-conviction petition, and the Illinois Supreme Court ruled that *Miller* isn't a sufficient reason for a person to be able to file a second petition. So, people who filed petitions before the *Miller* factors and before we had extensive research about brain development aren't allowed to refile.

Solution:
HB 3375 would create a narrow exception to the Post-Conviction Hearing Act. The bill would eliminate the "cause" requirement for people sentenced before they turned 21 who want to file new petitions citing their youth.

The bill does not give people the right to counsel or the right to an evidentiary hearing. **HB 3375 simply allows a person to file a second petition saying their original sentencing failed to consider their youth.**