

# RETROACTIVITY IS POSSIBLE: ILLINOIS TASK FORCE RECOMMENDS A PATH FOR PEOPLE CURRENTLY INCARCERATED TO BE RESENTENCED

**The bipartisan Resentencing Task Force (RTF) is the first government entity in Illinois to recommend retroactive sentencing reform.**

In 2021, Public Act 102-0099 created the **Resentencing Task Force** (RTF) to study ways to address the inequities produced by our current sentencing laws. The bipartisan task force was made up of a diverse group of stakeholders. The RTF's final report and recommendations, intended for the Illinois General Assembly and governor, result from a year-long study and analysis of resentencing and pathways to reduce the Illinois prison population.

## **The Primary Recommendation is for Illinois to Enact Retroactive Reform.**

- The task force's first recommendation is for the General Assembly to create pathways for **prospective and retroactive** resentencing opportunities.
- **Retroactive reform is possible**; nothing in the Illinois Constitution prevents retroactive changes. Retroactive resentencing means incarcerated people serving long sentences who currently have no meaningful way to earn early release would have the **opportunity** to petition the court for another look at their sentences.
- Traditionally, criminal legal system reform in Illinois has been prospective only, which **leaves behind** people currently incarcerated under laws we have since determined to be outdated or wrong.

## **We Need to Provide a Mechanism for Early Release.**

- The RTF recommends courts consider mitigating factors related to a person's conviction, requiring an **individualized consideration** of the circumstances and characteristics that may have been foundational, such as age, trauma, substance use, and medical history.
- The RTF did not provide specific eligibility criteria, so it is hard to say how many people will benefit from the recommendations. Thousands of people are serving 20-year and longer sentences in Illinois.

## **Illinois Has Some of the Most Limited Early Release Opportunities in the U.S.**

- Illinois is among the states with the **fewest opportunities** for people to earn early release.
- In 1978, Illinois abolished parole, making it one of 16 states *not* to provide most people with parole opportunities.
- Illinois passed a so-called "truth-in-sentencing" law in 1998, severely restricting the opportunity to earn "good time" and early release.