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has been prospective only, which leaves behind people currently incarcerated under laws we have since determined to be outdated or wrong.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.