



MEDIA ALERT

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Illinois Task Force Recommends Legislators, Governor Enact Retroactive Sentencing Reform

January 24, 2023; Chicago, IL. - [A task force is recommending](#) Illinois legislators create new pathways for people currently incarcerated to be resentenced. This marks the first time an Illinois government entity has recommended retroactive reform and acknowledged retroactive reform is both constitutional and overdue. It is clear: Sentencing reform must be applied to people already incarcerated under laws we have since determined to be outdated or wrong.

The Resentencing Task Force (RTF) released [the report](#) after a year-long study of ways to reduce Illinois's prison population; the report includes 16 recommendations for the Illinois General Assembly and governor. Created by [Public Act 102-0099](#), the RTF examined how to address the inequities produced by current sentencing laws and by those from previous punitive, punishment-based eras. The bipartisan task force included legislators, law enforcement leaders, retired judges, lawyers, and criminal legal reform and victims' advocates. The RTF received input from people who are incarcerated and their family members, victims of crime, and other members of the public in meetings and in writing. The Illinois Sentencing and Policy Advisory Council provided administrative and technical support for the task force.

"The Resentencing Task Force has moved Illinois one step closer to meaningful criminal justice reform. We ensured people representing all viewpoints had seats at the table. For more than a year, our members worked tirelessly to produce a framework for reducing Illinois' prison population with resentencing opportunities. I want to thank the task force members who volunteered their time and expertise," said the Task Force's chair, Hon. Marcus Salome, 1st District Appellate Court, Ret. "While Illinois' prison population has declined, more and more people entering correctional centers are serving mandatory sentences and in many cases cannot earn programming credits. With that in mind, the Task Force members developed recommendations to address the inequities in our current system and create a path to early release for those who currently have none. Personally, I am hopeful that comprehensive resentencing legislation will also provide a structure for the criminal justice system to keep abreast of the changes and demands of society, as well as advances in behavioral science."

"As we continue to create a more equitable justice system in our state, different facets will be reanalyzed and rectified for the better," said State Senator and Task Force Member Robert Peters (D-Chicago). "The Resentencing Task Force, as informed by countless meetings, letters and firsthand stories about incarceration, has several recommendations that we believe should be implemented to not only reduce the prison population, but give individuals a fair chance at reclaiming their lives. After decades of systemic public safety failure, we must take a new path forward. This is our path."

The [report's](#) primary recommendation is that legislators and the governor create both prospective and retroactive resentencing opportunities, allowing people who are currently in prison to have their cases reviewed. Sentencing reform in Illinois has almost always been prospective only – meaning these changes only apply to people sentenced after a bill's effective date and people already incarcerated do not see relief. The report outlines a process by which prosecutors, people who are incarcerated, and defense attorneys could initiate resentencing processes. The report argues a resentencing process must consider mitigating factors, such as the convicted person's age at the time of the crime,



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trauma history, substance abuse, and medical history. Further, the report highlights that people age out of crime and people who have served decades in prison rarely reoffend. Thus, resentencing must be considered for people serving lengthy sentences for serious crimes from decades ago.

Currently, people serving extreme sentences have few meaningful opportunities to have their cases reviewed. Illinois [abolished parole](#) in 1978 and enacted so-called “[truth-in sentencing](#)” in 1998, severely limiting early release opportunities. Twelve percent of people incarcerated in Illinois state prisons had already served more than 20 years, as of June 2021, and another 19% were projected to have more than 20 years remaining. Now, key stakeholders have formally recognized that many of these lengthy sentences do not promote safety or justice. The General Assembly and governor must create early release avenues for people who deserve to have their sentences reviewed.

“Retroactive reform is needed in Illinois because people deserve a chance to show what they have become. The punishment is going to prison, and the solution needs to be finding meaningful pathways for people who are incarcerated to come home,” said James Swansey, Restore Justice’s Policy Manager. Swansey originally received a life without parole sentence at the age of 17. He received a new sentence after U.S. Supreme Court decisions.

“There are hundreds of people serving decades, and many serving life, for things they did as children, before they could even vote. These people are mothers and fathers, children, siblings, loved ones, and friends. They are faith leaders, writers, artists, and mentors. They could be home making their communities better, rather than wasting away in prison cells. Their sentences do not make our communities safer – in fact, they deprive communities of people who could make a difference. Illinois’s elected officials must take action today to help people who can safely return home rejoin their families,” said Task Force member and Restore Justice Executive Director Jobi Cates.

Restore Justice, which comprises [Restore Justice Foundation](#) and [Restore Justice Illinois](#), works to address issues faced by those serving life or de-facto life sentences, their families, and their communities. Founded in 2015 by a dedicated group of advocates that included the late former Congressman, Federal Judge, and White House Counsel Abner Mikva, Restore Justice trains and supports advocates, conducts research, nurtures partnerships, and develops policy solutions that will roll back ineffective, punishment-based policies of the past, replacing them with compassionate, smart, and safe policies for the future.