ENSURE REAL ACCOUNTABILITY

Let’s punish people for their actual involvement in a crime.

Currently, accountability theory in Illinois:
- Criminalizes survivors of gender-based violence and holds them responsible for the actions of their abusive partners, even when they face threats.
- Disproportionately affects young people because they are more likely to act in groups and are more susceptible to peer pressure.
- Ensnares people with intellectual disabilities who are at a higher risk of being taken advantage of.

Problem
Under Illinois’ accountability theory, you can be charged with and convicted of a crime you did not plan, agree to, participate in, or intend to commit, even if:
- You weren’t present.
- You didn’t know the crime would happen.
- The primary person responsible was acquitted or never charged.

Example

Mark and Ann are in a relationship. Mark abuses Ann. Mark sells drugs out of their apartment; Ann assists him.

A person arrives at their home to buy 2 grams of cocaine. Mark tells Ann to escort the buyer inside and stand in the hallway as lookout.

Ann remains outside. While she is in the hallway, shots ring out from the apartment and the buyer is killed.

Mark is charged with first degree murder with a gun enhancement, and possession with intent to deliver. How should Ann be charged for her involvement?

Before SB 3400

Ann is charged with first degree murder and possession with intent to deliver.

Possible sentence: 20-60 years + 4-15 years

After SB 3400

Ann is charged with possession with intent to deliver, which more accurately reflects her role and intent.

Possible sentence: 4-15 years

Solution
SB 3400 would ensure people convicted under accountability are charged and sentenced based on their actual involvement in the crime. This bill:
1. Requires specific intent so a person is held responsible for their intended actions.
2. Ensures that the possible punishment matches the person’s actual involvement.

For more information, contact Lindsey Hammond at 312-900-7686
lhammond@restorejustice.org