

THE RESENTENCING TASK FORCE (RTF)
REGULAR MEETING MINUTES
August 26, 2022, 9:00 a.m. – 1:00 p.m.

THIS MEETING WAS HELD VIRTUALLY ON ZOOM

Members Present: Bob Berlin, Rep. Kelly Cassidy, Jobi Cates, Lisa Daniels, Chief Mitchell Davis, Orlando Mayorga (Yaacov Delaney), Latoya Hughes, Hon. Cheyrl Ingram, Ari Jones, Shobha Mahadev, Scott Main, Sharone Mitchell, Sen. Robert Peters, Hon. Marcus Salone.

Members Absent: Sen. Darren Bailey, Hon. Steve Sawyer, and Rep. Ryan Spain.

Non-Members Present: Jim Jacobs, Jen Paswater, Alissa Rivera, Beth Gillespie, James Swansey, John Armdor, Kayla Posley, Maurice Hughes, Sarah Staudt, Susan Lloyd, Lisa Schneider-Fabes, Lindsey Hammond, William Nissen, Kathy Saltmarsh, Mark Powers, John Specker, Ryan Kennedy, and Abigail Drumm.

Approval of Meeting Minutes: July Task Force meeting – Jobi Cates moved; Kelly Cassidy seconded. The minutes were approved unanimously by roll call vote, with the minor edit to spell Hon. Cheyrl Ingram's first name correctly.

Overview:

Susan Lloyd began with an overview of the meeting, which will be coming to agreement on the remaining draft principles we did not finalize at the June meeting. Then we will be taking on the issue of retroactivity, specifically, can a resentencing provision be available for those currently incarcerated. Following that discussion, we will begin considering eligibility criteria and the time frame for subsequent motions.

Principles to Guide Resentencing Recommendations Continued:

Following the overview, Chairperson Marc Salone presented the second draft of the remaining guiding principles the task force plans to use as a framework for developing recommendations after incorporating member feedback. The second draft principles presented to the members for approval, with the opportunity for more discussion and edits, before voting on their finalization:

- *Principle 7: Victims shall be notified of the resentencing proceeding. Authorize the judicial decisionmaker to consider any victim impact evidence offered in the original sentencing, afford the victims an opportunity to submit supplemental impact statements, limited to changed circumstances since the original sentencing. The victims shall also be informed of any restorative justice process that can be made available to them.*

VOTE: Lisa Daniels moved; Kelly Cassidy seconded. Principle 7 was approved unanimously by roll call vote.

- *Principle 10: Provide a fair mechanism for the review of resentencing decisions.*

VOTE: Chief Mitchell Davis moved; Lisa Daniels seconded. Principle 10 was approved by a vote of 10-2-0, with Rep. Kelly Cassidy and Ari Jones not voting.

- *Principle 11: The prospective or retroactive application of the resentencing procedure should be clearly resolved in the legislative language.*

VOTE: Jobi Cates moved; Sen. Robert Peters seconded. Principle 11 was approved by a vote of 12-1-0, with member Hon. Cheyrl Ingram not voting.

- *Principle 12: A process should be established for the collection and reporting of data to support analysis of the process and outcomes of the resentencing process, including providing copies of the court's orders to the Sentencing Policy Advisory Council.*

VOTE: Hon. Cheyrl Ingram moved; Lisa Daniels seconded. Principle 12 was approved unanimously by roll call vote.

Draft Recommendation – Retroactivity:

- *The Task Force recommends the Illinois General Assembly pass legislation to create prospective and retroactive resentencing opportunities.*

Background Research:

- a. Analysis of prison population from first meeting:
 - i. No population reduction benefit will be realized for 20 years or more if the process is prospective only.
- b. The public safety risk is minimal with people over the age of 55.
- c. Retroactivity is squarely in the purview of the legislature, but retroactive application must be clearly stated in the legislative language. Legislation must be drafted carefully to avoid constitutional issues such as infringing on the Governor's clemency power, or an individual's due process rights.

VOTE: Sen. Robert Peters moved; Jobi Cates seconded. Draft recommendation on Retroactivity was approved by a vote of 13-1-0.

Draft Recommendation – Eligibility Criteria:

Kathy Saltmarsh, Executive Director of SPAC, gave an overview of enabling legislation, questions, interests to be considered, and current knowledge on public safety impact of extreme sentences and early release. All of which the task force needs and should be considering within the process and procedures when drafting the eligibility recommendations.

- *The General Assembly should establish eligibility criteria for sentence modification, including but not limited to:*
 - *(1) The petitioner is serving a sentence for any criminal offense for which the statutory penalty has been subsequently reduced or altered; or*
 - *(2) The petitioner makes a showing their sentence no longer advances the interest of justice or the promotion of public safety.*

Background Research:

- a. This is the gatekeeper, for filing nothing more.
- b. From the prison population analysis from meeting 1, 8,412 people in the population as of June 30, 2021, had sentences of 20+ years.
- c. Other factors that were touched on in earlier discussions were age at arrest and age at time of filing.
- d. The issue of whether someone should get relief is where questions such as the contract issue and mandatory minimums could be addressed.

VOTE: Rep. Kelly Cassidy moved; Lisa Daniels seconded. Draft recommendation on Eligibility Criteria was approved by a vote of 10-3-0, with Latoya Hughes not voting.

Draft Recommendation – Procedural Criteria:

- *The legislature shall recommend parties who may initiate a petition for resentencing including but not limited to the prosecuting attorney, the incarcerated individual, or defense counsel.*

Background Research:

- a. A fairness issue is created if access to this process is based on the where you got convicted.
- b. The goal of reducing the prison population is better served by broadening the category of people who can file motions for resentencing.

VOTE: Rep. Kelly Cassidy moved; Sen. Robert Peters seconded. Draft recommendation on Procedural Criteria #1 was approved by a vote of 13-1-0.

- *Where a petition for a reduction in a sentence has been denied, the petitioner shall be permitted to file a successive petition for resentencing within a time period to be designated by the General Assembly.*

Background Research:

- a. Pro arguments:
 - i. Prevents clogging the courts with frivolous petitions.
 - ii. Gives a reasonable amount of time in which a person can demonstrate more rehabilitative efforts, successes.
- b. Con arguments:
 - a. If there is a significant policy change a person should be able to come back to court sooner.
- c. As noted in the last meeting, the juvenile parole bill has a lifetime limit of three petitions.

VOTE: Rep. Kelly Cassidy moved; Jobi Cates seconded. Draft recommendation on Procedural Criteria #2 was approved by a vote of 9-5-0.

Public Comment: There was no public comment offered at the meeting.

Meeting Adjourned: Rep. Kelly Cassidy, moved to adjourn the fifth Resentencing Task Force meeting, seconded by Chief Mitchell Davis. The fifth Resentencing Task Force meeting was adjourned at 12:50 p.m. by unanimous voice vote.