

## Illinois Resentencing Task Force Regular Meeting

### AGENDA

Friday, September 9, 2022

9:00 a.m. – 1:00 p.m.

**Please note that this meeting will be held by Zoom and will be video recorded.**

Members Link:

<https://us02web.zoom.us/j/82997479339?pwd=YnFORzZjKzFkaitMK3pYbTFzSHJGdz09>

Members of the Public may join the meeting via call-in:

+1 312 626 6799

Meeting ID: 829 9747 9339

Passcode: 113057

- |               |   |
|---------------|---|
| 9:05 – 9:10   | Welcome<br>Roll Call<br>Approval of Minutes<br><i>Chairman Marc Salone &amp; Kathy Saltmarsh</i>  |
| 9:10 – 9:15   | Preview of Agenda<br>Goals of the meeting<br>Update on public hearing<br>Review of editing process<br><i>Susan Lloyd</i>  |
| 9:15 – 10:45  | Discuss & Vote on Draft Recommendations – See attached list of for specific recommendations. The task force will consider and vote on as many recommendations as time allows. Any recommendations not considered in this meeting will be considered at the September 30 meeting.<br><i>Marc Salone, Chair</i> |
| 10:45 – 11:00 | Break   |
| 11:00 – 12:30 | Discuss & Vote on Draft Recommendations<br><i>Marc Salone, Chair</i>  |
| 12:30 – 12:40 | Public Comment – Please limit comments to 3 minutes and to the subject matter of meeting  |
| 12:40 – 12:50 | Closing Reflections<br><i>Lisa Schneider Fabes</i>  |

DRAFT RECOMMENDATIONS TO BE CONSIDERED AT THE  
SEPTEMBER 9 AND SEPTEMBER 30, 2022 MEETINGS OF THE RESENTENCING TASK FORCE

Recommendations 1 through 4 were adopted at the August 26<sup>th</sup> meeting.

**Procedure**

5. The General Assembly shall determine a process by which people serving extreme sentences can petition the court for a resentencing.
6. Any procedure adopted by the General Assembly shall provide adequate notice requirements. The Department of Corrections shall provide notice and adequate materials to inform individuals who are incarcerated of their rights.

**Right to Counsel**

7. A petitioner who is unable to afford counsel is entitled to have counsel appointed, at no cost to the defendant, to represent the defendant for the resentencing petition and proceedings.
8. A defendant who files a *pro se* petition and subsequently retains or is appointed counsel shall be entitled to amend such petition with the assistance of counsel.

**Hearing**

9. The court shall review petitions for resentencing and determine eligibility based on the factors established by the General Assembly.
10. Resentencing petitions shall be dismissed if they do not meet the eligibility criteria; such dismissal shall be a final order. The court shall set forth, either in open court or in writing, the reasons for granting or denying a petition.
11. Upon a determination of eligibility, the court shall conduct a resentencing hearing.
12. The sentencing court shall consider, but not be limited to, the following factors:
  - (1) The age of the petitioner at the time of the offense and the age of the petitioner at the time of the sentence modification petition;
  - (2) The nature and circumstances of the offense;
  - (3) The history and characteristics of the petitioner at the time of the petition for a reduction in sentence, including rehabilitation and maturity demonstrated by the petitioner;
  - (4) The petitioner's family and community circumstances, including any history of physical, emotional, or sexual abuse; substance abuse; trauma; or involvement in the child welfare system;

- (5) Any report from a physical, mental, or psychiatric examination of the defendant conducted by a licensed health care professional; validated risk assessment if available; and
  - (6) Any changes to the law governing criminal convictions, dispositions, or length of stay since the time of sentencing;
  - (7) Any other information the court determines is relevant to the decision of the court, including any statement by a victim of an offense or family member of the victim or the recommendation received from the State's Attorney.
13. In calculating the new term to be served by the petitioner, the court shall credit the petitioner for any jail time served toward the subject conviction as well as any period of incarceration credited toward the sentence originally imposed.
14. The court should be authorized to depart downward from any mandatory minimum or mandatory sentence enhancement. The new modified sentence term shall fall within the authorized range for the class of the offense of conviction.

#### **Victim's Rights**

15. All statutory and constitutional rights of victims shall apply to resentencing. The court shall not, in modifying a sentence, disturb any restitution awarded at the original sentencing.

#### **Right to an Appeal**

16. The petitioner may appeal a final order from a resentencing proceeding.

#### **Data Reporting**

17. Appropriate data must be collected and reported.