

## **Resentencing Task Force Adopted Principles**

*(The principles listed below were the basis for developing the final task force recommendations)*

1. Provide for judicial determination of whether the purposes of sentencing embodied in the Illinois Constitution and the state would be better served by a modified sentence than the individual's completion of the original sentence based on the current circumstances of the individual and the crime victim, as well as changes in law, policy, and scientific knowledge.
2. Authorize a fair, consistent, and proportionate mechanism for judicial review and specify the criteria for eligibility and identify the people or entities that can file petitions for resentencing.
3. Specify the parameters under which the right to reapply after initial eligibility shall recur.
4. Specify how individuals who are incarcerated shall be notified of the right to file petitions.
5. Provide for screening and dismissal of applications that lack merit on their face.
6. Provide authority to the judicial decisionmaker to modify any aspect of the original sentence. The time to be served pursuant to the modified sentence cannot exceed the unserved remainder of the original sentence.
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.
8. The prosecuting authority shall be properly served with the motion for resentencing and be given a reasonable time in which to respond.
9. An adequate record of the proceedings shall be maintained, and the judicial decisionmaker shall be required to state the reasons for its decision in the orders granting or denying relief.
10. Provide a fair mechanism for the review of resentencing decisions.
11. The prospective or retroactive application of the resentencing procedure should be clearly resolved in legislative language.
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.