

Rules of Procedure for the Resentencing RTF



Adopted February 4, 2022

The Resentencing RESENTENCING TASK FORCE operates pursuant to the authority of Public Act 102-0099 (HB3587), effective July 15, 2021.

AN ACT concerning criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Resentencing Task Force Act.

Section 5. Purpose; findings. The State is committed to ensuring that sentences of imprisonment continue to advance the interest of justice and promote public safety. The Resentencing Task Force is created by recognizing that in this State, once a person is sentenced, there are few meaningful opportunities for release.

Section 10. Resentencing Task Force; creation. There is created the Resentencing Task Force. The Resentencing Task Force shall study innovative ways to reduce the prison population in Illinois from initiations of resentencing motions filed by incarcerated individuals, State's Attorneys, the Illinois Department of Corrections and the judicial branch.

Section 15. Resentencing Task Force Members. (a) The Resentencing Task Force shall consist of the following members:

- (1) a member of the House of Representatives appointed by the Speaker of House;
- (2) a member of the House of Representatives appointed by the Minority Leader of the House;
- (3) a member of the Senate appointed by the President of the Senate;
- (4) a member of the Senate appointed by the Minority Leader of the Senate;
- (5) a member appointed by a statewide agency that represents State's Attorneys and is elected to a county of under one million people or his or her designee;
- (6) a member appointed by a statewide agency that represents State's Attorneys;
- (7) a member appointed by the Office of the State Appellate Defender;
- (8) a member appointed by an organization that advocates for victims' rights;
- (9) a member appointed by an organization that advocates for sentencing reform;
- (10) a member appointed by the Illinois Sentencing Policy Advisory Council;
- (11) 3 retired judges appointed by the Governor, each from a different judicial circuit or judicial district;
- (12) a member of law enforcement appointed by an association representing law enforcement;
- (13) a member representing the private criminal defense bar;
- (14) a member appointed by the Public Defender's Association; and
- (15) a member appointed by the Department of Corrections.

(b) The Resentencing Task Force shall meet no less than 4 times and shall provide recommendations for legislation to the General Assembly and the Governor's Office on or before July 1, 2022.

(c) The members of the Resentencing Task Force shall serve without compensation.

(d) The Illinois Sentencing Policy Advisory Council shall provide administrative and technical support for the Resentencing Task Force and are responsible for appointing a chairperson and ensuring the requirements of the Resentencing Task Force are met.

Section 99. Effective date. This Act takes effect upon becoming law.

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Section I—Declaration and Purpose

- Section 1.1 The Resentencing Task Force, (RTF), in order to fulfill its statutory purpose and responsibilities under P.A. 102-0099 and to serve the citizens of Illinois, hereby establishes Rules of Procedure to direct its operations. It is the purpose of these Rules of Procedure to clarify the means by which the RTF will perform its functions, delegate authority without avoiding responsibility, and respond to the requirements of its legislative mandate.
- Section 1.2 Pursuant to P.A. 102-0099, the RTF is created to study innovative ways to reduce the prison population in Illinois from initiations of resentencing motions filed by incarcerated individuals, State's Attorneys, the Illinois Department of Corrections and the judicial branch.

Section II—Membership and Officers

- Section 2.1
- Section 2.2 Members of the RTF are selected pursuant to the appointment specifications noted in P.A. 102-0099.
- Section 2.3 Vacancies in membership will be filled in accordance with the appointment authority detailed in P.A. 102-0099.
- Section 2.4 The Chairperson shall be a member of the RTF and shall be appointed by SPAC.
- The Vice-Chairperson shall be a member of the RTF and shall be elected by the RTF. The Vice-Chairperson shall fulfill the Chairperson's duties when the Chairperson is unable to attend meetings.

Section III—Meetings

- Section 3.1 All meetings of the RTF, including committee meetings and public hearings, shall be open to the public and comply with the Open Meetings Act.
- Section 3.2 Regular meetings of the RTF shall be held at a time and location determined by the Chairperson in consultation with designated staff from the Sentencing Policy Advisory Council (SPAC). The Chairperson, at his/her discretion, may cancel or reschedule any regular meeting by written notice within a reasonable time prior to the scheduled meeting date. The time and place of all such meetings scheduled or rescheduled shall be given to the RTF members at least seven calendar days prior to this meeting date.
- Section 3.3 Special meetings of the RTF may be called at the discretion of the Chairperson in consultation with the Board or by request of a majority of RTF members. An Agenda, together with a notice of the time and place of any such meeting, must be provided to the RTF members at least five calendar days prior thereto. Only matters contained in the Agenda shall be discussed at any special meeting. The Chairperson may cancel a special meeting at his or her discretion, provided that a meeting called by the RTF members may be canceled only by the consent of a majority of the Council members.
- Section 3.4 The Chairperson shall prepare an Agenda of business scheduled for deliberation prior to each regular meeting. The approval of Minutes from the previous meeting and a public comment opportunity shall be included on each Agenda. The Agenda shall be distributed to the members of the RTF at least four calendar days prior to a scheduled meeting. Any member may have an item placed on the Agenda by notifying the Chairperson in writing at least seven days prior to the RTF meeting. Such notification should also include a copy of any written materials that the member wishes to distribute to the RTF. In addition, there shall always be a category titled “New Business” for the initiation of emergent matters on every Agenda, except on a special meeting.

Section IV—Conduct of Business

- Section 4.1 In order to transact business, a simple majority of those appointed to the RTF must be present at the initial roll call at the commencement of any regular or special meeting to constitute a quorum. RTF members attending in person, by video teleconference, or by telephone, as permitted by the Open Meetings Act, shall be considered present for the purpose of establishing a quorum. If a quorum is not present at the scheduled time of the meeting, the Chairperson may continue a roll call for a reasonable time. Thereafter, if a quorum is not reached, the meeting may not continue. Official action may be taken if and when a quorum is subsequently reached.
- Section 4.2 A majority of those voting (defined as those who cast “yes” or “no” votes) on a motion shall be sufficient to pass and make it the official act of the RTF. Motions shall be made and seconded by RTF members before being called for a vote. A motion shall not be made and seconded by the same RTF member.
- Section 4.3 The Chairperson shall have the right to call for a vote by voice vote in all cases unless there is an objection by one member, in which case a roll call vote shall be taken. The Minutes shall reflect the results of each roll call.
- Section 4.4 In the event a member is unable to attend a meeting, their designee will count toward establishing quorum and may act in their stead at the meeting provided the member informs the Chairperson of the designation in writing prior to the start time of the meeting. A member may also provide the Chairperson with their proxy to cast any votes by informing the Chair in writing that they are unable to attend the meeting at least 24 hours in advance of the meeting.

Section 4.5 Minutes of each meeting shall be approved by the RTF as required by the Open Meetings Act. Copies of the approved Minutes shall be posted online within 10 calendar days after Council approval and made available to anyone who requests them in accordance with the Open Meetings Act.

Section 4.6 Members of the public may comment at each meeting subject to reasonable constraints. Participants are expected to follow these guidelines:

1. Address the RTF only at the appropriate time as indicated on the Agenda and when recognized by the Chairperson.
2. Identify oneself and be brief. Ordinarily, comments shall be limited to three minutes.
3. In the interest of time, the Chairperson may shorten public comment to give the maximum number of participants the opportunity to speak.
4. Conduct oneself with respect and civility toward others.
5. During the regular course of the meeting the Chairperson may exercise discretion to recognize a member of the public to speak, or answer a question submitted via Zoom chat but priority will be given to RTF members.

Section V—Committees

Section 5.1 The Chairperson may create committees in consultation with designated SPAC staff and shall appoint all committee members, chairpersons and vice-chairpersons, all of whom shall serve at his or her pleasure. Committee activities shall be consistent with the provisions of these Rules of Procedure and governed by the actions of the Chairperson and/or the RTF.

Section 5.2 Committees shall exercise those powers as are appropriate to their mission and responsibility. They also shall have such other powers and duties as designated by the Chairperson. Committee reports and recommendations shall be submitted to the Chairperson within the time prescribed by him or her and they shall be advisory only.

Section 5.3 Committee meetings shall be scheduled by the Chairperson or the committee chairperson in consultation with the Board and shall be subject to provisions of Section III of these Rules of Procedures.

Section 5.4 In order to transact business, a majority of those appointed to a committee must be present at the initial roll call at the commencement of any regular or special meeting. Committee members attending in person, by video teleconference, or by telephone, for purposes of establishing a quorum as permitted by the Open Meetings Act, shall be considered present. If a quorum is not present at the scheduled time of the meeting, the committee chairperson may continue a roll call for a reasonable time. Thereafter, if a quorum is not reached, the meeting may continue, provided no official action is taken. If a quorum is subsequently reached, official action may be taken at that time.

Section 5.5 The provisions of Sections 4.2 through 4.6 apply to committees of the RTF and the committee chairperson shall fulfill the role of Chairperson for committee meetings.

Section VI—Administrative Support

Section 6.1 Designated SPAC staff shall provide administrative support to the RTF.

Section 6.2 Designated SPAC staff shall create and maintain a website for the RTF that shall serve to inform the public about the RTF.

Section VII—Ethics and Sexual Harassment Training, Open Meetings Act Training, and Conflicts of Interest

- Section 7.1 All members of the RTF shall annually complete the mandatory ethics training for members of Illinois boards and commissions. A signed acknowledgment of completion of the training shall be submitted to designated SPAC staff and kept for each RTF member.
- Section 7.2 All members of the RTF shall annually complete the Open Meetings Act training available on the website of Illinois Attorney General. A certificate of completion shall be submitted to designated SPAC staff and kept for each RTF member.
- Section 7.3 No RTF member shall accept any stipend, fee, gratuity, or consideration of any kind or nature from any person, unit, agency, or organization for the purpose of influencing a vote, decision, or recommendation of a member on a matter before the RTF.
- Section 7.4 No RTF member shall receive any funds related to recommendations made by the RTF.
- Section 7.5 The decision of the Chairperson with respect to conflict of interest situations shall be final unless the situation involves the Chairperson, in which case the Vice-Chairperson's decision shall be final.

Section VIII—Robert's Rules of Order

- Section 8.1 All matters not covered by these Rules of Procedure shall be governed by the latest edition of Robert's Rules of Order.

Section IX—Adoption and Amendments to Rules of Procedure

- Section 9.1 Adoption or amendment of these Rules of Procedure shall require a majority vote of the RTF members voting at an official meeting that has been properly noticed as required by these Rules of Procedure. Amendments shall be proposed only by members during a regular meeting of the RTF and voted upon during the next regular meeting.
- Section 9.2 A complete electronic copy of these Rules of Procedure shall be posted on the website required by Section 6.2.