



Rep. Kelly M. Cassidy

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10000HB1804ham001

LRB100 09059 SLF 22699 a

1 AMENDMENT TO HOUSE BILL 1804

2 AMENDMENT NO. _____. Amend House Bill 1804 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Section 116-2.2 as follows:

6 (725 ILCS 5/116-2.2 new)

7 Sec. 116-2.2. Motion to resentence; statutory penalty
8 reduction.

9 (a) A motion may be filed with the trial court that entered
10 the judgment of conviction in a defendant's case at any time
11 following the entry of a guilty verdict or a finding of guilt
12 for any offense under the Criminal Code of 1961 or the Criminal
13 Code of 2012 or a similar local ordinance by the defendant
14 provided:

15 (1) the State is given at least 30 days notice of the
16 motion;

1 (2) the motion is not objected to by a non-moving
2 party; and

3 (3) the motion clearly states the statutory penalty for
4 the offense for which the defendant was found guilty or
5 convicted has, since his or her plea of guilty or
6 conviction, been subsequently reduced or altered in a
7 manner that includes but is not limited to:

8 (A) reducing the minimum or maximum sentence for
9 the offense;

10 (B) granting the court more discretion over the
11 range of penalties available for the offense;

12 (C) decriminalizing the underlying conduct
13 relating to the offense; or

14 (D) changing the penalties associated with the
15 offense or conduct underlying the offense in any way.

16 (b) If the court grants a motion under this Section, the
17 court must reduce the penalty imposed on the defendant so that
18 it is consistent with the penalty the defendant would have
19 received if the current law was in effect on the date when the
20 offense was committed and the court may take any additional
21 action it deems appropriate under the circumstances."