



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5665

by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

725 ILCS 5/116-2.2 new

Amends the Code of Criminal Procedure of 1963. Provides that the trial court, upon petition by the defendant after 30 days from sentencing if certain conditions are met, may order resentencing if the penalties for the offense are reduced or altered since the defendant's conviction in a manner that includes, but is not limited to: (1) reducing the minimum or maximum sentence for the offense; (2) granting the court more discretion over the range of penalties available for the offense; or (3) changing the penalties associated with the offense or conduct underlying the offense in any way. Provides that the petition shall not be granted if the State's Attorney or other prosecuting attorney files a response objecting to the petition and the defendant's request for resentencing.

LRB101 20484 RLC 70063 b

1 AN ACT concerning criminal law.

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

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. Petition to resentence; statutory penalty
8 reduction.

9 (a) Upon verified petition for resentencing by the
10 defendant, the trial court that entered the judgment of
11 conviction in a defendant's case may order resentencing at any
12 time after 30 days have passed following the imposition of a
13 sentence under a guilty verdict or a finding of guilt for any
14 criminal offense under the Criminal Code of 1961 or the
15 Criminal Code of 2012 or a similar local ordinance provided:

16 (1) the State's Attorney or other prosecuting attorney
17 is given at least 30 day notice of the filing of the
18 petition seeking resentencing;

19 (2) the State's Attorney or other prosecuting attorney
20 does not file a response objecting to the petition and the
21 defendant's request for resentencing; and

22 (3) the petition clearly states the statutory penalty
23 for the offense for which the defendant was found guilty or

1 convicted has, since his or her plea of guilty or
2 conviction, been subsequently reduced or altered in a
3 manner that includes, but is not limited to:

4 (A) reducing the minimum or maximum sentence for
5 the offense;

6 (B) granting the court more discretion over the
7 range of penalties available for the offense; or

8 (C) changing the penalties associated with the
9 offense or conduct underlying the offense in any way.

10 (b) If the court grants a petition under this Section, the
11 court must resentence the defendant in a manner that is
12 consistent with the penalty the defendant would have received
13 if the current law was in effect on the date when the offense
14 was committed or the original sentence was imposed and the
15 court may take any additional action it deems appropriate under
16 the circumstances.