



Rep. Rita Mayfield

Filed: 3/14/2025

10400HB0044ham003

LRB104 03575 RLC 23730 a

1 AMENDMENT TO HOUSE BILL 44

2 AMENDMENT NO. _____. Amend House Bill 44 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Emerging Adult Sentencing Act.

6 Section 5. Purpose. The purpose of this Act is to create a
7 transformative post-conviction model that reduces reliance on
8 traditional incarceration for emerging adults by fostering
9 partnerships between adult probation departments and
10 nonprofit, community-based residential workforce development
11 centers to implement restorative justice practices, workforce
12 training, and mental health support. This Act recognizes that
13 young adults aged 18 through 25 are more likely to be justice
14 involved due to poverty, instability, trauma, and a lack of
15 social and emotional services and support. Young adults who
16 receive holistic, developmentally appropriate supports and

1 services in a community setting continue educational pursuits,
2 successfully enter the workforce, and are less likely to
3 reoffend, thus increasing the welfare of the young adult and
4 the community, rather than those who are incarcerated. This
5 Act recognizes that the qualities that distinguish juveniles
6 from adults do not disappear when an individual turns 18. They
7 remain vulnerable to negative influences and outside peer
8 pressures, including from their family and peers, and they
9 have limited control over their own environment. Because the
10 characters of emerging adults are still being formed, their
11 traits are less fixed and their actions are less likely to be
12 evidence of a lack of rehabilitative potential. Accordingly,
13 emerging adults are worthy of special care, investment, and
14 consideration to prevent long-term involvement in the criminal
15 justice system and the psychological damage caused by carceral
16 settings. This policy is grounded in balanced restorative
17 justice values and practices, that seek to improve community
18 safety by considering the welfare of the emerging adult with a
19 focus on connecting emerging adults to supports that address
20 underlying root causes of behavior instead of punitive
21 measures.

22 Section 10. Definitions. In this Act:

23 "Residential Workforce Development Center" means a
24 nonprofit organization that provides transitional housing and
25 on-site facilitation of workforce development services

1 including employment and vocational training, financial
2 counseling, education, social and mental health services,
3 substance abuse counseling, individual and family counseling,
4 restorative justice programming, assistance in locating
5 permanent residential placement and obtaining suitable
6 employment or educational pursuits upon release, and any other
7 services as appropriate to emerging adults.

8 "Emerging adult" means an individual who is at least 18
9 years of age but under 26 years of age, at the time of the
10 commission of the offense, who has been convicted of a crime
11 that is non-probationable and is eligible for confinement in a
12 penal institution.

13 "Individualized service plan" means the written details of
14 the developmentally appropriate supports, activities, and
15 resources required for the individual to achieve personal
16 goals, which could include workforce development, mental
17 health counseling, substance abuse counseling, educational
18 classes, financial literacy classes, and restorative justice
19 programming that a person will receive during the term of the
20 person's stay.

21 "Initial assessment" means a detailed evaluation of a
22 person's behavioral health used to diagnose conditions,
23 identify strengths and needs, and develop treatment plans such
24 as provided through the use of standardized assessment tools
25 such as the Illinois Medicaid Comprehensive Assessment of
26 Needs and Strengths.

1 "Mitigation report" means a report that outlines the
2 social and educational history of a person, which also
3 includes employment history, mental health diagnosis and
4 individualized service plans, history of or current substance
5 use and treatment, criminal history, and character references.

6 "Penal institution" has the meaning ascribed to that term
7 in Section 2-14 of the Criminal Code of 2012.

8 "Restorative justice programming" means practices or
9 programming designed to contribute to the emotional
10 development of a person and foster meaningful connections to
11 the community.

12 "Transitional housing" means single occupancy housing in a
13 facility not otherwise open to and accessible by the public
14 that is equipped with video monitoring, residential managers,
15 24 hour on-site staffing and monitoring, visitation
16 restrictions, and a curfew; and that provides residents with
17 on-site meals, laundry services, basic living necessities
18 including personal care items, and health and wellness
19 facilities and services.

20 Section 15. Establishment of emerging adult sentencing.

21 (a) Community-based residential workforce development
22 centers shall offer transitional housing and developmentally
23 appropriate services including, but not limited to, workforce
24 training and certification, mental health counseling,
25 financial literacy classes, and restorative justice

1 programming in alignment with State guidelines.

2 (b) The program shall be subject to judicial discretion,
3 allowing sentencing judges to assign eligible individuals to
4 community-based residential workforce development centers
5 while on a period of probation in lieu of a period of
6 incarceration at the Department of Corrections.

7 Section 20. Eligible persons.

8 (a) Notwithstanding the provisions set forth in Section
9 5-5-3 of the Unified Code of Corrections, this Act applies to
10 persons ages 18 through 25, at the time of the commission of
11 the offense, convicted of the following felony offenses where
12 a period of incarceration must be imposed, other than a
13 sentence of natural life:

14 (1) any non-violent felony offense where a period of
15 incarceration must be imposed upon conviction;

16 (2) aggravated unlawful possession of a weapon;

17 (3) unlawful possession of weapons by felons;

18 (4) residential burglary;

19 (5) probationable felony offenses in which a period of
20 incarceration other than natural life must be imposed upon
21 conviction based upon the criminal history of the
22 defendant, except sex offenses as defined in Section 2 of
23 the Sex Offender Registration Act; and

24 (6) any felony offense where the court finds
25 exceptional circumstances exist for purposes of sentencing

1 under this Act, except for first degree murder and sex
2 offenses as defined in Section 2 of the Sex Offender
3 Registration Act.

4 (b) Prior criminal history shall not exclude eligibility
5 for sentencing under this Act.

6 Section 25. Sentencing.

7 (a) Upon a conviction by way of plea or otherwise finding
8 of guilt, and with the express agreement of the State's
9 Attorney and the defendant, the court may sentence a person
10 who meets the eligibility requirements under this Act to a
11 term of probation to be performed at a community-based
12 residential workforce development center for a period of not
13 less than one year and not more than 3 years in lieu of
14 incarceration in the Illinois Department of Corrections, which
15 shall be monitored by the adult probation department, if the
16 defendant:

17 (1) does not violate any criminal statute of this
18 State or any other jurisdiction;

19 (2) refrains from possessing a firearm or any other
20 dangerous weapon; and

21 (3) attends and participates in any program activities
22 as detailed in the individualized service plan.

23 All fines, fees, and costs shall be waived for any person
24 sentenced to a community-based residential workforce
25 development center under this Act.

1 (b) Prior to imposing a sentence of probation under this
2 Act, the defendant shall submit a mitigation report to the
3 court and the court may, upon its own order, also obtain a
4 Presentence Investigation Report. The defendant must also
5 obtain and provide proof of acceptance to a community-based
6 workforce development center and submit an individualized
7 service plan to the court based upon an initial assessment
8 provided by a licensed professional.

9 (c) In determining whether to impose a sentence under this
10 Act, the court shall take into consideration the following:

11 (1) the age, immaturity, or limited mental capacity of
12 the defendant;

13 (2) the nature and circumstances of the offense;

14 (3) whether sentencing under this Act is in the
15 interest of the defendant's rehabilitation, including any
16 employment or involvement in community, educational,
17 training, or vocational programs as detailed in the
18 individualized service plan;

19 (4) whether the defendant suffers from trauma, as
20 supported by documentation or evaluation by a licensed
21 professional; and

22 (5) the potential risk to public safety.

23 (d) The court shall make a detailed record of its findings
24 when imposing or declining to impose sentencing under this Act
25 for any eligible persons.

26 (e) Upon successful fulfillment of the terms and

1 conditions of probation, the court shall discharge the person
2 from probation. If the person has not previously been granted
3 a vacation of judgment under this Section, upon motion, the
4 court shall vacate the judgment of conviction and dismiss the
5 criminal proceedings against him or her unless, having
6 considered the nature and circumstances of the offense and the
7 history, character, and condition of the individual, the court
8 finds that the motion should not be granted. Unless good cause
9 is shown, such motion to vacate must be filed at any time from
10 the date of entry of the judgment to a date that is not more
11 than 60 days after the discharge of probation.

12 Section 30. Progress reports. The adult probation
13 department shall submit a written status report to the court,
14 to the State, and to the defense, detailing the progress of the
15 defendant:

16 (1) 90 days after initial sentencing;

17 (2) upon completion of the probation period or the
18 fulfillment of the terms of the individualized service
19 plan; or

20 (3) any time upon request of the court.

21 Section 35. Violation, modification, and revocation of
22 probation.

23 (a) Upon violation of a term or condition of the program,
24 the court may enter a judgment on its original finding of guilt

1 and proceed as otherwise provided by law.

2 (b) The court shall consider least restrictive
3 alternatives prior to imposing a sentence of incarceration
4 upon a revocation of the sentence of probation.

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