



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4040

Introduced 4/10/2025, by Rep. Rita Mayfield

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Emerging Adult Sentencing Act. Provides that upon a conviction by way of plea or otherwise finding of guilt, and with the express agreement of the State's Attorney and the defendant, the court may sentence a person who meets the eligibility requirements under the Act to a term of probation to be performed at a community-based residential workforce development center for a period of not less than one year and not more than 3 years in lieu of incarceration in the Illinois Department of Corrections. Provides that the defendant shall be monitored by the adult probation department. Provides that the defendant shall: (1) not violate any criminal statute of the State or any other jurisdiction; (2) refrain from possessing a firearm or any other dangerous weapon; and (3) attend and participate in any program activities as detailed in the individualized service plan. Provides that a defendant is eligible for the program if the person is between the ages 18 through 25, at the time of the commission of the offense, and is convicted of specified felony offenses in which a period of incarceration must be imposed, other than a sentence of natural life. Provides that prior criminal history shall not preclude eligibility for sentencing under the Act. Provides that upon successful fulfillment of the terms and conditions of probation, the court shall discharge the person from probation. Provides that if the person has not previously been granted a vacation of judgment, upon motion, the court shall vacate the judgment of conviction and dismiss the criminal proceedings against him or her unless, having considered the nature and circumstances of the offense and the history, character and condition of the individual, the court finds that the motion should not be granted. Effective immediately.

LRB104 13097 RLC 25120 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 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  
17 services in a community setting continue educational pursuits,  
18 successfully enter the workforce, and are less likely to  
19 reoffend, thus increasing the welfare of the young adult and  
20 the community, rather than those who are incarcerated. This  
21 Act recognizes that the qualities that distinguish juveniles  
22 from adults do not disappear when an individual turns 18. They  
23 remain vulnerable to negative influences and outside peer

1 pressures, including from their families and peers, and they  
2 have limited control over their own environment. Because the  
3 characters of emerging adults are still being formed, their  
4 traits are less fixed and their actions are less likely to be  
5 evidence of a lack of rehabilitative potential. Accordingly,  
6 emerging adults are worthy of special care, investment, and  
7 consideration so as to prevent long-term involvement in the  
8 criminal justice system and the psychological damage caused by  
9 carceral settings. This policy is grounded in balanced  
10 restorative justice values and practices, that seek to improve  
11 community safety by considering the welfare of the emerging  
12 adult with a focus on connecting emerging adults to supports  
13 that address underlying root causes of behavior instead of  
14 punitive measures.

15 Section 10. Definitions. In this Act:

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

21 "Individualized service plan" means the written details of  
22 the developmentally appropriate supports, activities, and  
23 resources required for the individual to achieve personal  
24 goals, which could include workforce development, mental  
25 health counseling, substance abuse counseling, educational

1 classes, financial literacy classes, and restorative justice  
2 programming that a person will receive during the term of the  
3 person's stay.

4 "Initial assessment" means a detailed evaluation of a  
5 person's behavioral health used to diagnose conditions,  
6 identify strengths and needs, and develop treatment plans such  
7 as provided through the use of standardized assessment tools  
8 such as the Illinois Medicaid Comprehensive Assessment of  
9 Needs and Strengths.

10 "Mitigation report" means a report that outlines the  
11 social and educational history of a person, which also  
12 includes employment history, mental health diagnosis and  
13 individualized service plans, history of or current substance  
14 use and treatment, criminal history, and character references.

15 "Penal institution" has the meaning ascribed to the term  
16 in Section 2-14 of the Criminal Code of 2012.

17 "Residential workforce development center" means a  
18 nonprofit organization that provides transitional housing and  
19 on-site facilitation of workforce development services  
20 including employment and vocational training, financial  
21 counseling, education, social and mental health services,  
22 substance abuse counseling, individual and family counseling,  
23 restorative justice programming, assistance in locating  
24 permanent residential placement and obtaining suitable  
25 employment or educational pursuits upon release, and any other  
26 services as appropriate to emerging adults.

1 "Restorative justice programming" means practices or  
2 programming designed to contribute to the emotional  
3 development of a person and foster meaningful connections to  
4 the community.

5 "Transitional housing" means single occupancy housing in a  
6 facility not otherwise open to and accessible by the public  
7 that is equipped with video monitoring, residential managers,  
8 24-hour on-site staffing and monitoring, visitation  
9 restrictions, and a curfew; and that provides residents with  
10 on-site meals, laundry services, basic living necessities  
11 including personal care items, and health and wellness  
12 facilities and services.

13 Section 15. Establishment of emerging adult sentencing.

14 (a) Community-based residential workforce development  
15 centers shall offer transitional housing and developmentally  
16 appropriate services including, but not limited to, workforce  
17 training and certification, mental health counseling,  
18 financial literacy classes, and restorative justice  
19 programming in alignment with State guidelines, and shall have  
20 and maintain the appropriate certifications, licenses, and  
21 accreditations for all provided services, which shall be  
22 provided to the adult probation department and included in the  
23 mitigation packet submitted to the court.

24 (b) The program shall be subject to judicial discretion,  
25 allowing sentencing judges to assign eligible individuals to

1 community-based residential workforce development centers  
2 while on a period of probation in lieu of a period of  
3 incarceration at the Department of Corrections.

4 (c) Community-based residential workforce development  
5 centers shall provide annual reports to the adult probation  
6 department detailing aggregate performance and impact metrics.

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 the  
11 offense who are convicted of the following felony offenses in  
12 which a period of incarceration must be imposed, other than a  
13 sentence of natural life:

14 (1) any non-violent felony offense in which a period  
15 of 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 in which 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 preclude 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. The  
15 person shall be monitored by the adult probation department.  
16 The conditions of probation are that the defendant:

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

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

21 (3) attend and participate 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's sentence has not been vacated  
3 under this Section, upon motion, the court shall vacate the  
4 judgment of conviction and dismiss the criminal proceedings  
5 against him or her unless, having considered the nature and  
6 circumstances of the offense and the history, character, and  
7 condition of the individual, the court finds that the motion  
8 should not be granted. Unless good cause is shown, the motion  
9 to vacate must be filed at any time from the date of entry of  
10 the judgment to a date that is not more than 60 days after the  
11 discharge from 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.