



Rep. Rita Mayfield

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10400HB4258ham002

LRB104 16940 RLC 36811 a

1 AMENDMENT TO HOUSE BILL 4258

2 AMENDMENT NO. _____. Amend House Bill 4258 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 families 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 so as to prevent long-term involvement in the
15 criminal justice system and the psychological damage caused by
16 carceral settings. This policy is grounded in balanced
17 restorative justice values and practices that seek to improve
18 community safety by considering the welfare of the emerging
19 adult with a focus on connecting emerging adults to supports
20 that address underlying root causes of behavior instead of
21 punitive measures.

22 Section 10. Definitions. In this Act:

23 "Emerging adult" means an individual who is at least 18
24 years of age but under 26 years of age at the time of the
25 commission of the offense, has been convicted of a crime that

1 is non-probationable, and is eligible for confinement in a
2 penal institution.

3 "Individualized service plan" means the written details of
4 the developmentally appropriate supports, activities, and
5 resources required for the individual to achieve personal
6 goals, which could include workforce development, mental
7 health counseling, substance abuse counseling, educational
8 classes, financial literacy classes, and restorative justice
9 programming that a defendant will receive during the term of
10 the person's stay.

11 "Initial assessment" means a detailed evaluation of a
12 person's behavioral health used to diagnose conditions,
13 identify strengths and needs, and develop treatment plans such
14 as those provided through the use of standardized assessment
15 tools, such as the Illinois Medicaid Comprehensive Assessment
16 of Needs and Strengths.

17 "Mitigation report" means a report that outlines the
18 social and educational history of a person, which also
19 includes employment history, mental health diagnosis and
20 individualized service plans, history of or current substance
21 use and treatment, criminal history, and character references.

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

24 "Residential workforce development center" means a
25 nonprofit organization that provides transitional housing and
26 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 "Restorative justice programming" means practices or
9 programming designed to contribute to the emotional
10 development of a defendant and foster meaningful connections
11 to 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, and shall have
2 and maintain the appropriate certifications, licenses, and
3 accreditations for all provided services, which shall be
4 provided to the adult probation department and included in the
5 mitigation report submitted to the court.

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

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

14 Section 20. Eligible persons.

15 (a) Notwithstanding the provisions set forth in Section
16 5-5-3 of the Unified Code of Corrections, this Act applies to
17 persons ages 18 through 25 at the time of the commission of the
18 offense who are convicted of the following felony offenses in
19 which a period of incarceration must be imposed, other than a
20 sentence of natural life:

- 21 (1) any non-violent felony offense in which a period
22 of incarceration must be imposed upon conviction;
23 (2) aggravated unlawful possession of a weapon;
24 (3) unlawful possession of weapons by felons;
25 (4) residential burglary; and

1 (5) probationable felony offenses in which a period of
2 incarceration other than natural life must be imposed upon
3 conviction based upon the criminal history of the
4 defendant, except sex offenses as defined in Section 2 of
5 the Sex Offender Registration Act.

6 (b) Prior criminal history may be considered but shall not
7 automatically preclude eligibility for sentencing under this
8 Act.

9 Section 25. Sentencing.

10 (a) Upon a conviction by way of plea or other finding of
11 guilt, and with the express agreement of the State's Attorney
12 and the defendant, the court may sentence a defendant who
13 meets the eligibility requirements under this Act to a term of
14 probation to be served at a community-based residential
15 workforce development center for a period of not less than one
16 year and not more than 3 years in lieu of incarceration in the
17 Department of Corrections. The defendant shall be monitored by
18 the adult probation department. The conditions of probation
19 are that the defendant:

20 (1) not violate any criminal statute of this State or
21 any other jurisdiction;

22 (2) refrain from possessing a firearm or any other
23 dangerous weapon; and

24 (3) attend and participate in any program activities
25 as detailed in the individualized service plan.

1 All fines, fees, and costs shall be waived for any
2 defendant sentenced to a community-based residential workforce
3 development center under this Act.

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

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

14 (1) the age, immaturity, or limited mental capacity of
15 the defendant;

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

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

22 (4) whether the defendant suffers from trauma, as
23 supported by documentation or evaluation by a licensed
24 professional; and

25 (5) the potential risk to public safety.

26 (d) The court shall make a detailed record of its findings

1 when imposing or declining to impose sentencing under this Act
2 for any eligible persons.

3 (e) Upon successful fulfillment of the terms and
4 conditions of probation, the court shall discharge the
5 defendant from probation. Upon a motion, the court may vacate
6 the judgment of conviction and dismiss the criminal
7 proceedings against him or her unless, having considered the
8 nature and circumstances of the offense and the history,
9 character, and condition of the individual, the court finds
10 that the motion should not be granted. Unless good cause is
11 shown, the motion to vacate must be filed at any time from the
12 date of entry of the judgment to a date that is not more than
13 60 days after the discharge from probation.

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

18 (1) 90 days after initial sentencing;

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

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

23 Section 35. Violation, modification, and revocation of
24 probation.

1 (a) Upon violation of a term or condition of the program,
2 the court may enter a judgment on its original finding of guilt
3 and proceed as otherwise provided by law.

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

7 Section 40. Applicability. This Act only applies to
8 defendants residing in Cook and Lake Counties at the time of
9 sentencing.

10
11 Section 99. Effective date. This Act takes effect upon
12 becoming law.".