



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4325

Introduced 1/14/2026, by Rep. Anne Stava

SYNOPSIS AS INTRODUCED:

725 ILCS 5/122-9

Amends the Code of Criminal Procedure of 1963. Provides that an eligible offender or an eligible offender's attorney or an attorney associate of the attorney (rather than the State's Attorney of the county in which the defendant was sentenced) may petition the sentencing court or the sentencing court's successor to resentence the offender if the original sentence no longer advances the interests of justice. Provides that the court has 6 months from when a petition was filed to respond to the petition. Provides that the criteria for being an "eligible offender" are that the eligible offender: (1) must have been originally sentenced to 10 or more years in the Department of Corrections by a circuit court of this State; (2) must have been convicted for a crime that is not a violent crime for which the offender is seeking resentencing; (3) must have participated in educational programs, drug programs, or received earned credit through work programs; (4) must have served a minimum of 24 months in the Department of Corrections for the conviction in which the offender is seeking resentencing; (5) must not have violated serious rules or disciplinary standards within the Department of Corrections in the last 24 months prior the filing of the petition; and (6) must have remained in the least restrictive privilege level for privileges within the Department of Corrections for incarcerated persons, one year prior to the petition.

LRB104 16983 RLC 30397 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 changing Section 122-9 as follows:

6 (725 ILCS 5/122-9)

7 Sec. 122-9. Motion to resentence by the People.

8 (a) The purpose of sentencing is to advance public safety
9 through punishment, rehabilitation, and restorative justice.
10 By providing a means to reevaluate a sentence after some time
11 has passed, the General Assembly intends to provide the
12 State's Attorney and the court with another tool to ensure
13 that these purposes are achieved.

14 (b) An eligible offender, as defined in subsection (b-5),
15 or an eligible offender's attorney or an attorney associate of
16 the attorney ~~At any time upon the recommendation of the~~
17 ~~State's Attorney of the county in which the defendant was~~
18 ~~sentenced, the State's Attorney~~ may petition the sentencing
19 court or the sentencing court's successor to resentence the
20 offender if the original sentence no longer advances the
21 interests of justice. The sentencing court or the sentencing
22 court's successor may resentence the offender if it finds that
23 the original sentence no longer advances the interests of

1 justice.

2 (b-5) "Eligible offender" means a defendant who meets the
3 following requirements to petition the sentencing court. The
4 eligible offender:

5 (1) must have been originally sentenced to 10 or more
6 years in the Department of Corrections by a circuit court
7 of this State;

8 (2) must have been convicted for a crime that is not a
9 violent crime for which the offender is seeking
10 resentencing. In this paragraph (2), "violent crime" has
11 the meaning provided in subsection (c) of Section 3 of the
12 Rights of Crime Victims and Witnesses Act;

13 (3) must have participated in educational programs,
14 drug programs, or received earned credit through work
15 programs;

16 (4) must have served a minimum of 24 months in the
17 Department of Corrections for the conviction in which the
18 offender is seeking resentencing;

19 (5) must not have violated serious rules or
20 disciplinary standards within the Department of
21 Corrections in the last 24 months prior to the filing of
22 the petition; and

23 (6) must have remained in the least restrictive
24 privilege level for privileges within the Department of
25 Corrections for incarcerated persons, one year prior to
26 the petition.

1 (c) Upon the receipt of a petition for resentencing, the
2 court may resentence the defendant in the same manner as if the
3 offender had not previously been sentenced; however, the new
4 sentence, if any, may not be greater than the initial
5 sentence. The court has 6 months from when a petition was filed
6 to respond to the petition.

7 (d) The court may consider postconviction factors,
8 including, but not limited to, the inmate's disciplinary
9 record and record of rehabilitation while incarcerated;
10 evidence that reflects whether age, time served, and
11 diminished physical condition, if any, have reduced the
12 inmate's risk for future violence; and evidence that reflects
13 changed circumstances since the inmate's original sentencing
14 such that the inmate's continued incarceration no longer
15 serves the interests of justice. Credit shall be given for
16 time served.

17 (e) Victims shall be afforded all rights as outlined in
18 the Rights of Crime Victims and Witnesses Act.

19 (f) A resentencing under this Section shall not reopen the
20 defendant's conviction to challenges that would otherwise be
21 barred.

22 (g) Nothing in this Section shall be construed to limit
23 the power of the Governor under the Constitution to grant a
24 reprieve, commutation of sentence, or pardon.

25 (Source: P.A. 102-102, eff. 1-1-22; 102-813, eff. 5-13-22.)