



Rep. Kelly M. Cassidy

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10200HB3443ham001

LRB102 12812 KMF 25012 a

1 AMENDMENT TO HOUSE BILL 3443

2 AMENDMENT NO. _____. Amend House Bill 3443 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Code of Criminal Procedure of 1963 is
5 amended by adding Section 123 as follows:

6 (725 ILCS 5/123 new)

7 Sec. 123. 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) At any time upon the recommendation of the State's
15 Attorney of the county in which the defendant was sentenced,
16 the State's Attorney may petition the sentencing court or the

1 sentencing court's successor to resentence the offender if the
2 original sentence no longer advances the interests of justice.
3 The sentencing court or the sentencing court's successor may
4 resentence the offender if it finds that the original sentence
5 no longer advances the interests of justice.

6 (c) Upon the receipt of a petition for resentencing, the
7 court may resentence the defendant in the same manner as if the
8 offender had not previously been sentenced; however, the new
9 sentence, if any, may not be greater than the initial
10 sentence.

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

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

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

26 (g) Nothing in this Section shall be construed to limit

1 the power of the Governor under the Constitution to grant a
2 reprieve, commutation of sentence, or pardon.".