SB2129 Enrolled

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 adding Section 123 as follows:

6 (725 ILCS 5/123 new)

7 <u>Sec. 123. Motion to resentence by the People.</u>

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

14 (b) At any time upon the recommendation of the State's Attorney of the county in which the defendant was sentenced, 15 16 the State's Attorney may petition the sentencing court or the sentencing court's successor to resentence the offender if the 17 original sentence no longer advances the interests of justice. 18 19 The sentencing court or the sentencing court's successor may 20 resentence the offender if it finds that the original sentence 21 no longer advances the interests of justice.

22 (c) Upon the receipt of a petition for resentencing, the 23 court may resentence the defendant in the same manner as if the

	SB2129 Enrolled - 2 - LRB102 16629 KMF 22029 b
1	offender had not previously been sentenced; however, the new
2	sentence, if any, may not be greater than the initial
3	sentence.
4	(d) The court may consider postconviction factors,
5	including, but not limited to, the inmate's disciplinary
6	record and record of rehabilitation while incarcerated;
7	evidence that reflects whether age, time served, and
8	diminished physical condition, if any, have reduced the
9	inmate's risk for future violence; and evidence that reflects
10	changed circumstances since the inmate's original sentencing
11	such that the inmate's continued incarceration no longer
12	serves the interests of justice. Credit shall be given for
13	time served.
14	(e) Victims shall be afforded all rights as outlined in
15	the Rights of Crime Victims and Witnesses Act.
16	(f) A resentencing under this Section shall not reopen the
17	defendant's conviction to challenges that would otherwise be
18	barred.
19	(g) Nothing in this Section shall be construed to limit
20	the power of the Governor under the Constitution to grant a
21	reprieve, commutation of sentence, or pardon.