

Gov. Pritzker Signs Landmark Legislation Advancing Rights Of Most Vulnerable In Illinois' Justice System

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CHICAGO — Surrounded by sponsoring lawmakers, criminal justice reform advocates and a victim of wrongful conviction, today Governor JB Pritzker signed a package of nation-leading legislation that puts Illinois at the forefront of the work to bring about true reform to the state's justice system.

“An essential tenet of good governance is recognizing the need to change the laws that have failed the people they serve. My administration has infused that value into everything we do,” said Governor JB Pritzker. “The four bills I’m signing today advance the rights of some of our most vulnerable in our justice system and put Illinois at the forefront of the work to bring about true reform. Together, these initiatives move us closer to a holistic criminal justice system, one that builds confidence and trust in a system that has done harm to too many people for far too long.”

The package of bills signed into law today include:

- Senate Bill 2122, which prohibits the use of deceptive tactics by all law enforcement when interrogating a minor. Sponsored by Senator Peters and Representative Slaughter, the bill takes effect January 1, 2022.
- Senate Bill 64, which encourages the use of restorative justice practices by providing that participation in such practices and anything said or done during the practice is privileged and may not be used in any future proceeding unless the privilege is waived by the informed consent of the party or parties covered by the privilege. Sponsored by Senator Peters and Representative Ammons, the bill takes effect immediately.
- Senate Bill 2129, which allows the State's Attorney of a county in which a defendant was sentenced to petition for resentencing of the offender if the original sentence no longer advances the interests of justice. Sponsored by Senator Peters and Representative Cassidy, the bill takes effect January 1, 2022.
- House Bill 3587, which creates the Resentencing Task Force Act to study ways to reduce Illinois' prison population via resentencing motions. Sponsored by Senator Peters and Representative Slaughter, the bill takes effect immediately.

“Here in Illinois, whether it’s paving the way for compassionate resentencing by recognizing the human potential for change or protecting our children by banning deceptive practices in police interrogations of minors, we are making it abundantly clear that justice can no longer be denied,” said Lt. Governor Juliana Stratton. “By bringing a restorative justice lens to policy making, we are transforming our justice system and serving as a model for the nation.”

“Today is about putting words into action as we continue to work to correct the wrongs of the past – wrongs inflicted by law enforcement, including prosecutors,” said Cook County State’s Attorney Kim Foxx. “True reform requires that lawmakers and prosecutors revisit past practices that have caused harm to ensure they never happen again. I commend the bill sponsors and advocates for championing the legislation and Governor Pritzker for advancing justice in Illinois.”

“Public safety belongs to the people, and with these new laws, we’re helping return it to them,” said Senator Robert Peters (D-Chicago). “This is a huge step in the right direction. I thank the Governor, States Attorney Kim Foxx, and the determined advocates and organizers in getting this done. I look forward to continuing the fight to win real safety and justice for all. We cannot stop until everyone in our communities is made whole.”

“As Illinois continues to address police reform, mass incarceration, and crime reduction, it is extremely important that we develop a comprehensive system to consider the re-sentencing of individuals (HB 3587), and to ensure that the innocent are not wrongfully convicted (SB 2122),” said Representative Justin Slaughter (D-Chicago).

Senate Bill 2122 makes Illinois the first state in the nation to bar law enforcement from using deceptive tactics when interrogating young people. National law enforcement organizations and training agencies have advocated against them, arguing that deceptive interrogation techniques increase the likelihood of a minor making a false confession.

While the use of deceptive tactics was deemed permissible by the judiciary in 1969, today members of both the 7th Circuit Federal Court of Appeals and Illinois Court of Appeals have condemned the use of deceptive practices when interrogating minors because of the risk it poses in producing false confessions, according to the Cook County State’s Attorney’s Office. SB 2122, which effect January 1, 2022, outlaws this practice.

Senate Bill 64 encourages the use of restorative justice practices, moving away from a punitive system of mass incarceration to a system that repairs harm and addresses trauma.

The legislation makes restorative justice a more viable option for survivors, cultivating safer spaces, where individuals can speak freely without fear that their words will later be used against them. It takes effect immediately.

Illinois first began using restorative justice practices in 2017. Examples include mediation between the victim and offender, a conference between supporters of both parties in the crime, and a listening panel between the offender and members of their community.

“We can never repay the debt to victims of our fragmented criminal justice infrastructure. Reforming the criminal justice system will be a continuous dedicated effort,” said Rep. Carol Ammons (D-Champaign). “I am grateful for the vigorous fight of advocates to make HB 3587 a reality that enhances restorative justice practices we work toward the national creed of justice for all.”

Senate Bill 2129 addresses mass incarceration, making it easier for courts to reduce sentences after convictions.

Specifically, the legislation allows prosecutors to motion to resentence defendants in the interest of justice and gives the court discretion to re-sentence to a lesser term of imprisonment.

Under SB 2129, victims of the crime will still be afforded all the rights outlined in the Rights of Crime Victims and Witness Act and a resentencing under the changes will not allow for the reopening of the defendant's conviction.

The bill also allows the court to consider post-conviction factors, including prison disciplinary records, evidence of rehabilitation, and reduction of a risk to society due to age or physical condition, among others.

The legislation has the potential to lower sentence lengths which could result in a lower prison population level. SB 2129 takes effect January 1, 2022.

“As we make our way through right-sizing our criminal justice system, it’s inevitable that someone will be left behind,” said Rep. Kelly Cassidy (D-Chicago). “Senate Bill 2129 will create an opportunity to ensure that justice prevails, while ensuring that rights the victims and survivors are protected.”

House Bill 3587 creates the Resentencing Task Force, bringing experts and stakeholders together to further reduce Illinois’ prison population. Working with SB 2129, the legislation ensures the state continues to address mass incarceration and overly punitive sentences.

The Resentencing Task Force will meet no less than 4 times and shall provide recommendations for legislation to the General Assembly and the Governor's Office on or before July 1, 2022. The Illinois Sentencing Policy Advisory Council will provide administrative and technical support for the task force and is responsible for appointing a chairperson and ensuring the requirements of the task force are met. The taskforce has 15 members, 3 of which are to be retired judges appointed by the Governor, each representing a different judicial circuit or district.

HB 3587 takes effect immediately.