



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1804

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

725 ILCS 5/116-2.2 new

Amends the Code of Criminal Procedure of 1963. Allows a motion to be filed with the trial court that entered the judgment of conviction in a defendant's case at any time following the entry of a guilty verdict or a finding of guilt for any offense under the Criminal Code of 1961 or the Criminal Code of 2012 or a similar local ordinance by the defendant provided: (1) the motion clearly states the penalty for the offense for which the defendant was found guilty or convicted has been amended or changed and became effective after his or her plea of guilty or conviction, which includes but is not limited to: (A) reduces the minimum or maximum sentence for the offense; (B) grants the court more discretion over the range of penalties for the offense; (C) the underlying conduct relating to the offense was decriminalized; or (D) other instances in which the penalties associated with the offense or conduct underlying the offense were reduced in any way; and (2) reasonable notice of the motion is served upon the State. If the court grants a motion under this Section, it must reduce the penalty imposed on the defendant so that it is consistent with the penalty the defendant would have received if the current law was in effect on the date when the offense was committed and the court may take any additional action it deems appropriate under the circumstances.

LRB100 09059 SLF 19208 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 adding Section 116-2.2 as follows:

6 (725 ILCS 5/116-2.2 new)

7 Sec. 116-2.2. Motion to resentence; statutory penalty
8 reduction.

9 (a) A motion may be filed with the trial court that entered
10 the judgment of conviction in a defendant's case at any time
11 following the entry of a guilty verdict or a finding of guilt
12 for any offense under the Criminal Code of 1961 or the Criminal
13 Code of 2012 or a similar local ordinance by the defendant
14 provided:

15 (1) the motion clearly states the penalty for the
16 offense for which the defendant was found guilty or
17 convicted has been amended or changed and became effective
18 after his or her plea of guilty or conviction, which
19 includes but is not limited to:

20 (A) reduces the minimum or maximum sentence for the
21 offense;

22 (B) grants the court more discretion over the range
23 of penalties available for the offense;

1 (C) the underlying conduct relating to the offense
2 was decriminalized; or

3 (D) other instances in which the penalties
4 associated with the offense or conduct underlying the
5 offense were reduced in any way; and

6 (2) reasonable notice of the motion shall be served
7 upon the State.

8 (b) If the court grants a motion under this Section, it
9 must reduce the penalty imposed on the defendant so that it is
10 consistent with the penalty the defendant would have received
11 if the current law was in effect on the date when the offense
12 was committed and the court may take any additional action it
13 deems appropriate under the circumstances.