



Rep. Kelly M. Cassidy

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10000HB1804ham002

LRB100 09059 SLF 23332 a

1 AMENDMENT TO HOUSE BILL 1804

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1804 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 116-2.2 as follows:

6 (725 ILCS 5/116-2.2 new)

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

9 (a) Upon verified petition for resentencing by the  
10 defendant, the trial court that entered the judgment of  
11 conviction in a defendant's case may order resentencing at any  
12 time after 30 days have passed following the imposition of a  
13 sentence under a guilty verdict or a finding of guilt for any  
14 criminal offense under the Criminal Code of 1961 or the  
15 Criminal Code of 2012 or a similar local ordinance provided:

16 (1) the State's Attorney or other prosecuting attorney

1 is given at least 30 day notice of the filing of the  
2 petition seeking resentencing;

3 (2) the State's Attorney or other prosecuting attorney  
4 files a response indicating agreement with the petition and  
5 the defendant's request for resentencing; and

6 (3) the petition clearly states the statutory penalty  
7 for the offense for which the defendant was found guilty or  
8 convicted has, since his or her plea of guilty or  
9 conviction, been subsequently reduced or altered in a  
10 manner that includes, but is not limited to:

11 (A) reducing the minimum or maximum sentence for  
12 the offense;

13 (B) granting the court more discretion over the  
14 range of penalties available for the offense; or

15 (C) changing the penalties associated with the  
16 offense or conduct underlying the offense in any way.

17 (b) If the court grants a petition under this Section, the  
18 court must resentence the defendant in a manner that is  
19 consistent with the penalty the defendant would have received  
20 if the current law was in effect on the date when the offense  
21 was committed or the original sentence was imposed and the  
22 court may take any additional action it deems appropriate under  
23 the circumstances."