

Office of the Kane County State's Attorney



JAMIE L. MOSSER

IMPLEMENTATION OF SENATE BILL 2129 AND 725 ILCS 5/123

In accordance with Senate Bill 2129 and 725 ICLS 5/123, Kane County State's Attorney Jamie L. Mosser sets forth the Kane County State's Attorney's Office Policy which seeks to ensure that the purposes of sentencing are achieved while safeguarding public safety and honoring the principles of justice.

The following is the criteria that the KSAO will follow in assessing which cases will be reviewed. This criteria will be periodically reviewed and may be modified in the future, if warranted.

Qualifications:

- a. Convicted persons/defendants, age 21 or **over** at the time of the offense who have served at least 50% of their sentence, can apply to have their case reviewed.**
- b. Convicted persons/defendants, **under** the age of 21 at the time of the offense who have served at least 50 % of their sentence, or 10 years can apply to have their case reviewed.**

Process:

- a. First, the **initial** application found on the Kane County State's Attorney website, under SB 2129: Resentencing must be received by the Kane County State's Attorney's Office.
- b. Second, the completed application can be emailed or mailed to the Kane County State's Attorney's Office 2129 Resentencing Unit.
- c. Once a review of the **initial** application is complete, the Kane County State's Attorney's Office Resentencing Unit will determine if the application meets the initial qualification requirements and moves to next stage.
- d. If the initial qualification requirements are met, the Unit will notify the convicted person/defendant and/or their representative regarding their status. It is at that point that you will be asked to provide **all mitigating and supporting documentation** that will help the Resentencing Unit assess the convicted person/defendant's request that a petition for resentencing be filed on their behalf.
- e. Once the Resentencing Unit makes a decision, the convicted person/defendant will be notified of the decision of whether the Resentencing Unit will file a petition on their behalf.
- f. The decision will be:
 - a. A resentencing petition will be filed on the convicted person/defendant's behalf,
or:
 - b. A resentencing petition will not be filed on the convicted person/defendant's behalf and **no further action** will be taken by the Resentencing Unit (this decision is not appealable).

- c. If applicable, a convicted person/defendant may reapply and start the process anew at a later date if/once they either meet the initial qualifications set forth above (length of time served of their sentence) and/or new mitigating and supporting information is available.
- g. The Court, after receiving the petition for re-sentencing prepared by the Kane County State's Attorney's Office **may** resentence the defendant in the same manner as if the defendant had not previously been sentenced.

Submission of initial application and/or mitigation and supporting documentation (once asked to send in) should be emailed or mailed to:

- a. Initial application must be completely filled in and emailed to:

ResentencingUnit@co.kane.il.us

or mailed to:

Kane County State's Attorney's Office

Resentencing Unit

37W775 Route 38, St. Charles, Il. 60175

FACTORS that will be Considered by the Kane County State's Attorney's Office in its' Evaluation of which cases qualify and warrant a Petition for Resentencing:

- a. Inmate's complete disciplinary record.
- b. Record of post offense rehabilitation (efforts and rehabilitation while incarcerated).
- c. Any information and documentation that addresses factors that reflect future risk of re-offending, such as:
 - a. age
 - b. time served
 - c. serious health concerns
 - d. education efforts and accomplishments
 - e. gang affiliations
 - f. ACES (Adverse Childhood Experience) questionnaire
 - g. job skills and/or training
 - h. ties to the community
 - i. family support

-These factors are carefully considered in assessing a convicted person's risk for future violence or reoffending.

Disqualifiers:

** Persons convicted of any of the following are disqualified and **not** eligible to apply:

1. Sex crime; or
2. Homicide/Murder (**not** a disqualifier if convicted by theory of accountability); or
3. Attempt Homicide (**not** a disqualifier if convicted by theory of accountability); or
4. Crime where a mandatory life sentence was imposed.