

MEDIA ALERT

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PUNISHED FOR ANOTHER'S MURDER: ILLINOIS LEGISLATURE TO ADDRESS THE FELONY-MURDER RULE

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Illinois State Representative Justin Slaughter (D-Chicago) introduced criminal justice reform legislation this week that would ensure only those who commit murder can be charged with first-degree murder by reforming the [“felony-murder” rule](#). The bill, [HB 1615](#), would bring Illinois into alignment with the majority of states that have felony-murder statutes.

“Today, a person can be charged and convicted of first-degree murder—a conviction that carries a minimum sentence of twenty years and, under certain circumstances, a maximum sentence of natural life—even if they did not actually pull the trigger. That’s a problem,” said Chairman Slaughter.

Illinois has one of the broadest felony-murder statutes in the country. Of the 44 states with felony-murder statutes, Illinois is one of only 19 that hold a defendant accountable for any deaths that occur during a crime (called the “proximate cause theory”), while 23 use an alternative theory similar to that proposed in HB 1615 (called the “agency theory”) that only holds a defendant accountable for the deaths he or she caused during a crime.

Over the past decade, there has been a movement at the state level to roll back legislation based on proximate cause theory. Most recently, California restricted its felony-murder statute.

“We thank Chairman Slaughter for his leadership on tough criminal justice reform issues. Bills like HB 1615 will help to reduce over-incarceration and control costs in our justice system by addressing Illinois’ treatment of so-called ‘violent offenders,’” said Jobi Cates, Executive Director of Restore Justice Illinois and a proponent of the legislation. “Too many people are convicted of violent crimes with very long sentences when they didn’t actually do anything violent.”

While there are no statistics on the number of Illinoisans impacted by this rule—our criminal justice data systems do not differentiate between those who were convicted of first-degree murder for actually committing a murder and those who were a co-defendant convicted under the felony-murder rule—research on other states and anecdotal evidence indicate that youthful offenders and women are disproportionately impacted by the felony-murder rule.

Marshan Allen was 16 when he was charged with felony murder in Illinois. “I did not think I was guilty of murder because I was not the person who pulled the trigger. At 16, I had no idea that I could face a life sentence for murder when I had not actually committed the murder or knew that anyone would be killed. But that is the sentence I received.” Allen was released after almost 25 years due to US Supreme Court and Illinois Supreme Court cases related to the mandatory nature of his sentence. But he believes many more individuals are unfairly sentenced due to the broad felony murder statute, “As I have researched the issue, I have found that other states have corrected this and, if my offense had occurred in a state like California or Iowa, I would not have been charged with or convicted of murder. I believe that it is unjust and unnecessary to label people murderers and to punish them as such for crimes they did not actually commit. Our felony murder rule, as it stands today, is an arcane and unjust law that should be repealed or at least limited. ”

Restore Justice, which comprises [Restore Justice Foundation](#) and [Restore Justice Illinois](#), works to address issues faced by those serving life or de-facto life sentences, their families, and their communities. Founded in 2015 by a dedicated group of advocates that included the late former Congressman, Federal Judge and White House Counsel Abner Mikva, Restore Justice trains and supports advocates, conducts research, nurtures partnerships, and develops policy solutions that will roll back ineffective “tough on crime” policies of the past, replacing them with compassionate, smart, and safe policies for the future.
