



MAKING AMENDS

Retroactivity ensures criminal justice policies are applied fairly and evenly

In Illinois, criminal justice reforms only look forward and provide no relief to those already impacted by outdated laws. That means thousands of men, women, and children continue to bear the burden of ineffective policies even as societal values evolve and change. Illinois must make retroactivity an essential element of all efforts to reform our criminal justice systems.

HB2039 offers a path forward

The bill would allow individuals to request a hearing—and possible re-sentencing—if new laws pass that reduce former criminal penalties in some way. Here’s how that would play out:



- When denying petitions, courts must consider criminal history, disciplinary record, and other evidence related to the risk that petitioners commit new violent felonies.
- Petitioners may request changes to or sealing of their criminal record should their crimes become recategorized from felony to misdemeanor, or even decriminalized entirely.

By allowing individuals to retroactively clear their record of activities society no longer believes should be illegal, these bills can help eliminate the barriers released persons face to securing housing, jobs, credit, and education.

Without retroactivity, we will continue spending money to enforce prison terms that society no longer believes justified.

Arguments against retroactivity don’t hold water

Some have argued that retroactivity is unconstitutional, based on their interpretation of court decisions, a legal concept known as “revestment,” and elements of the Illinois state constitution.

These arguments do not hold water. They do not represent the consensus of the legal community. And both at the federal level and in other states, retroactive resentencing—in response to new sentencing policy—is established practice.

We urge you to consider supporting **HB2039 (Cassidy)** to make sure all laws in Illinois are applied fairly.