



SENTENCING YOUTH IN ADULT COURT

Give judges discretion to depart from mandatory minimum sentences for people 20 and younger in adult court.

In Illinois, more than 1,200 people are serving over 40-year sentences for convictions before turning 21. In these cases, justices have asked the Illinois General Assembly to consider brain development when sentencing young adults:



“We urge the legislature to consider the research regarding brain development in young adults who are not legally juveniles when analyzing the sentencing statutes for adults... These statutory provisions strip judicial discretion when our criminal justice system would be better served by a case-by-case analysis in which the sentence imposed is individualized...”

Justice Hyman, in a 2016 First District Appellate Court decision

The brain continues to develop well into the 20s.

- The parts of the brain that govern judgment and impulse are among the last to form.
- Children and emerging adults respond with emotion more than adults, at least until the age of 21.
- Emerging adults are prone to poor decision-making, impulsivity, peer influence, and risky behavior.

Lengthy mandatory minimum sentences do not reduce crime.

- Public safety benefits of longer prison sentences diminish during the latter years because of documented reduced criminal behavior due to age (Council on Criminal Justice, 2022).
- The “age curve” shows us that the vast majority of people age out of criminal behavior long before their exit dates from prison, sometimes by decades. (Loyola University’s Center for Criminal Justice Research, Policy & Practice, 2021)

Solution

HB 3807 would allow judges to decide appropriate sentences on a case-by-case basis for people 20 and younger. Judges could apply the full mandatory sentence if appropriate.

People 21 and older at the time of the crime would still be subject to mandatory minimum sentences.