



ENSURE REAL ACCOUNTABILITY FOR CO-DEFENDANTS

Save the most extreme punishment for the most culpable group member; give kids, women, and other vulnerable co-defendants an appropriate sentence for their role in a crime.

Problem

Under Illinois' accountability theory, you can be charged with and convicted of a crime you did not plan, agree to, participate in, or intend to commit, even if:

- You weren't present.
- You didn't know the crime would happen.
- The primary person responsible was acquitted or never charged.

Prior to the Crime

Mark and Ann are partners; Mark has hit Ann in the past.

Mark tells Ann that he will be home late because he has a plan to rob a store.

Ann does not intervene out of fear.

During the Crime

Shop owner fires gun at Mark, misses, accidentally killing a bystander.

After the Crime

Ann charged with first-degree murder, though she was not in store and did not know someone died.

People convicted by accountability receive long sentences.

Accountability Theory:

- **Criminalizes survivors of gender-based violence** and holds them responsible for the actions of their abusive partners, even when they face threats.
- **Disproportionately affects youth** because they are more likely to act in groups and are more susceptible to peer pressure.
- **Is currently impossible to quantify** because Illinois does not identify or track when a person is charged using accountability.

Solution

HB 2324 would ensure people convicted under accountability are charged and sentenced based on their actual involvement. This bill:

1. Creates an **accountability offense** for people who didn't intend to facilitate the crime.
2. **Prevents** a person who was not part of the original plan from being charged with another person's unintended crimes.
3. Provides a **sentencing structure** for a person who is an accessory or participant (charged through accountability) in a crime, rather than the primary.

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