

# Restore Justice Foundation

## Criminal Justice Issues and Prisoners' Rights

<https://restorejustice.org/2019-2020-state-policy-agenda/>

### Policy Issue Resources

#### FELONY-MURDER RULE REFORM

Illinois has one of the broadest felony-murder statutes in the country. 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 kill the victim or intend to participate in a murder. We hope to refine our statute to prevent individuals who may be less culpable from receiving our states harshest possible punishment. (*Was Rep. Slaughter, HB1615*)

#### NEW: ABOLISH DISCRETIONARY JUVENILE LIFE WITHOUT PAROLE

While PA 99-0069 took *mandatory* life without parole for juveniles off the books, we hope to make Illinois the 22nd state to ban the use of life without parole for juveniles by creating legislation that eliminates the sentence in a discretionary setting. This legislation will likely build upon our success with PA 100-1182, the Youthful Parole Law, to ensure that no one under 18 can receive a sentence of life or de facto life without parole.

#### NEW: RETROACTIVE REFORM MODEL VIA EXPANSION OF PA 99-0069

Current Illinois criminal justice reforms look forward and provide no relief to those already impacted by outdated laws. To impact the current prison population, Restore Justice has developed a vehicle to test a retroactivity mechanism that could be a model for other reforms. Our plan is to work with legislative sponsors to introduce a retroactive patch to PA-99-0069, which we successfully championed in 2015. PA 99-0069 eliminated mandatory life-without-parole sentences for youth under 18 at the time of the offense, required judges to consider specific age-related factors in mitigation at the time of sentences, and in a major break from policy tradition in Illinois over the past 40 years, gave adult courts greater discretion in determining sentences for those under the age of 18.

#### VISITING ROOM VENDING MACHINE PRICE MARKUPS

Visitors of Illinois inmates pay a 25% markup on products in vending machines in facility visiting rooms. Those same products are sold inside the prison to corrections officers for a 10% markup. We will refine and promote legislation to ensure the price of any goods sold from vending machines be the same for correctional officers and visitors to the facilities, that vending cards are made consistent across facilities, and that refunds are made available to families whose loved ones have been released. (*Was Slaughter, HB 1617*)

#### DISCIPLINARY PRACTICES

While sometimes used to improve facility safety, solitary confinement and disciplinary segregation are traditionally and widely used as a punishment. Research on the use of solitary confinement clearly indicates the negative impact on mental and physical health of inmates. We support and will work to refine a legislative remedy that limits the use of solitary confinement to 10 days in any 180 day period; and, as we continue to process data provided by IDOC as part of the settlement of our 2018 failure-to-comply FOIA lawsuit, we may find patterns that will help us to refine our approach in 2020. (*Was Ford, HB182*)

#### OMBUDSMAN

Handling of grievances reported by inmates have been chronically problematic within IDOC, largely because they do not have an independent entity to report to. creates the Department of Corrections Ombudsman Bureau to serve as an independent option for inmates seeking redress. The bill allows the Ombudsman to receive, investigate, and attempt to resolve complaints that the Department: violated a specific law, rule, or Department written policy; or endangered the health or safety of any person; further, it gives the Ombudsman access to the records of an offender who files a complaint and immediate access to any correctional facility administered or supervised by the Department. (*Was Slaughter, HB2925*)

#### NEW: DATA TRANSPARENCY AND ACCESS

Early data analysis for our felony-murder reform work revealed that data collection, storage, and sharing from charges to post-conviction are all flawed and inconsistent across the state, obscuring critical information about convictions could have a profound impact on everything from prison placement to re-entry opportunities. Additionally, these data flaws and gaps make it impossible to provide policymakers with sound impact analysis on a variety of different types of sentencing legislation. We are working with staff in the Cook County States Attorneys office and the Sentencing Policy Advisory Council to draft data integrity legislation to ensure future data is useful to decision-makers.

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