



**OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS**

KIMBERLY M. FOXX
STATE'S ATTORNEY

69 W. WASHINGTON, SUITE 3200
CHICAGO, ILLINOIS 60602
PHONE: (312) 603-1880

To: All CCSAO Employees

From: Risa Lanier
First Assistant State's Attorney

Date: October 18, 2021

Re: Resentencing Initiative Memo

In July 2021, Governor Pritzker signed Senate Bill 2129 ([SB 2129](#)), which allows prosecutors, at their discretion, to motion a sentencing judge or their successor to resentence incarcerated persons whose original sentence no longer advances the interests of justice. Upon receipt of a motion for resentencing, sentencing judges may, at their discretion, resentence an incarcerated person to a lesser sentence. Under SB 2129, all victims will be afforded the rights outlined in the [Rights of Crime Victims and Witnesses Act](#). The law is effective January 1, 2022.

In the interests of public safety and justice, the Cook County State's Attorney's Office (CCSAO) will utilize the law to review cases and identify incarcerated persons with sentences that may fall into the categories outlined below. This process is known as the CCSAO Resentencing Initiative.

Processing Resentencing Requests

If a CCSAO employee receives a request or correspondence from an incarcerated person or their advocate (including loved ones and attorneys) regarding resentencing under SB 2129, please forward the message to SAOResentencingInitiative@cookcountyil.gov.

If a request comes directly from an incarcerated person, their attorney, or their loved one, a designated staff person will save the correspondence and review the contents if time and office resources permit or when the review is expanded to include additional categories of cases. While prosecutors are not required by law to respond to these requests or to review such cases, the CCSAO will collect and store information through a general form that will include an automated message acknowledging receipt of the information.

Eligibility Criteria

The general criteria for the Resentencing Initiative will evolve over time with expansion of types of cases eligible for review. The CCSAO will assess the criteria regularly to determine when expansion is warranted.

The CCSAO is currently in **Priority Tier/Phase 1**, which includes the following criteria:

- Persons who have served at least 10 years of sentence for a drug-related offense.
- Persons who are currently age 65 or older and have served at least 20 years for a non-sex and non-homicide offense.
- Persons who were under 21 at the time of their offense and have served at least 15 years for a non-sex and non-homicide offense.
- Persons who have served at least 10 years for a theft/robbery/burglary offense.

The CCSAO cannot request resentencing for people who have not served at least the minimum sentence for their crime(s) and/or are currently serving mandatory sentences, such as mandatory life sentences.

Resentencing Initiative Team

The CCSAO's Resentencing Initiative team includes attorneys and staff who are designated to use some of their work capacity to carry out duties that relate to the implementation of the CCSAO's Resentencing Initiative. The team will include an Assistant State's Attorney (ASA) who is tasked primarily with determining eligibility for resentencing under the law.

While the attorneys/staff may rotate, the team will include select CCSAO core members, including representatives from the following units:

- Criminal Appeals Division
- Conviction Integrity Unit
- Policy Team
- Executive Team
- Victim Witness Unit

This core team will convene quarterly to assess the number of cases being reviewed and recommended for resentencing, the eligibility criteria currently in place, and whether revisions to the Resentencing Initiative's policy are needed.