

SUPPORT



**COOK COUNTY
OFFICE OF THE
PRESIDENT**



HB4285 & SB2867

Personal Responsibility in Firearm Sentencing

Senator Mary Edly-Allen and Representative Kelly Cassidy

THE PROBLEM:

Illinois law currently requires judges to apply a mandatory minimum sentencing enhancement that automatically increases someone's sentence by **15 years** if a gun was possessed during the commission of a number of different offenses—even by someone else.

Unlike the other firearm sentencing enhancements, this additional penalty applies even if the person being sentenced did not personally possess the firearm. Currently, people are subject to a 15-year sentencing enhancement if a co-defendant or accomplice possessed a firearm, even if the person being sentenced never touched the firearm, did not know about it, and it was not used during the offense. Judges have no discretion over whether or not to impose these enhancements and no ability to impose different enhancements based on different levels of culpability or knowledge.

THE FIX:

This bill inserts the word “personally” into the 15-year sentencing enhancement for firearm possession, standardizing when such enhancements are imposed and on whom. This aligns Illinois’s firearm sentencing laws with the modern understanding of accountability and prevents many years of additional incarceration for individuals who did not possess or use a firearm.

This bill does not:

- Reduce any sentences for the underlying offenses;
- Prevent judges from imposing any other applicable sentencing enhancement; or
- Shorten the sentence of anyone who has already been convicted.

**Let's ensure that Illinois sentencing enhancements
account for personal responsibility.**

SEE REVERSE FOR SUPPORTING ORGANIZATIONS.

For more information, contact:

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Supporting Organizations

Cabrini Green Legal Aid
Chicago Appleseed Center for Fair Courts
Cook County Office of the President
DuPage County Public Defender's Office
Illinois Prison Project
Law Office of the Cook County Public Defender
Lawndale Christian Legal Center
Live Free Illinois
The James B. Moran Center for Youth Advocacy
Restore Justice
Unitarian Universalist Prison Ministry of Illinois