

March 9, 2007

Re: HB 1695 CD-CORR-JUVENILE ASSESSMENT

Dear Representative;

We are family members of three murder victims killed by a juvenile, and members of Illinois Victims Organization, a group which advocates for victims on issues affecting crime victims and their families. We write to express our opposition to HB 1695 and to ask for your vote against the bill.

The bill essentially takes away life sentences for convicted killers and imposes those sentences on the victims' families: families would have to spend the rest of their lives in fear of attending a parole hearing that will release their loved one's murderer onto the streets.

The bill, sponsored by Representative Robert Molaro, would retroactively eliminate life sentences imposed on convicted murderers who were juveniles when they committed their crimes. It would give all these killers the annual right to seek parole after serving only twenty years of their sentence.

The bill is deeply flawed, for the following reasons:

**1. The bill is premature.**

A study, now underway by respected voices on juvenile justice issues such as Northwestern University Law School's Children and Family Justice Center, the Juvenile Justice Initiative, and the law firm DLA Piper, to compile data on juvenile lifers. That study is not yet completed.

The study will answer questions that are essential to an informed consideration of this subject. How many Illinois inmates are serving this sentence? When and where were they sentenced? Was the sentence mandatory or discretionary? What kind of homicide was it: did the inmate actually "pull the trigger" or was his conviction based on felony murder or accountability? What kind of legal representation did the inmate receive? Who were the victims? What were the facts of the cases? What is the offender's current status?

Currently, even the bill's proponents cannot accurately and fully answer those questions. And the bill's proponents knew at the time of submitting HB 1695 that a comprehensive study of this very issue was underway but not yet finished. We find it incomprehensible that legislators are being asked to vote now on an issue this complex and important without even the most basic facts, when those facts will be available at a future date.

**2. The bill fails to distinguish between the "worst of the worst" – those who planned, personally carried out and have shown little or no remorse for sickening crimes – and**

other offenders who may be less culpable. The bill's cookie cutter approach allows all offenders the same right to seek parole year after year, after a mere 20 years in prison.

**3. The bill reinstates indeterminate sentencing**, something that Illinois lawmakers have appropriately rejected in murder cases.

**4. The bill overturns, in one sweeping legislative action, extensive work of the judicial branch** in individual cases that ended in the conclusion that a life sentence was just and appropriate in that particular case, and leaves victims no avenue of appeal.

**5. The bill imposes an impossible burden on victims.**

The bill proposes a horrific bait and switch: murder victims' families were promised at the time of sentencing that their loved one's killer would never be released from prison, that they would never have to prepare for or attend a parole hearing. So they didn't prepare. They didn't order transcripts of proceedings; they didn't get contact information for jurors, witnesses, or prosecutors; they didn't preserve recollections of the impact of the murder on people in case they died before a parole hearing took place; the list is endless.

Under HB 1695, those families are now being told that, years later, they may have to attend parole hearings to oppose release of their loved one's murderer. How will they respond? Many of those families were not even allowed to present victim impact statements at the time of the trial, and many judges gave no reasons for the life sentence they imposed, in cases where the sentence was mandatory.

Indeed, we find it significant that the word "victim" appears nowhere in this bill (which is unsurprising, given that it was drafted by a criminal defense attorney). No specified right to victim input into the decision. No advocate at the hearing with subpoena powers to help the victim amass a record with which to fight release. No help with the enormous emotional, logistical, and financial burdens the bill imposes on victims. (Imagine the family member with limited resources who lives out of state, has a job and small children. How will she travel to Illinois year after year to oppose parole? This bill doesn't care.)

And it is our understanding that the proponents of this bill have notified not a single victim's family member who would be affected by it so that they could come before you to voice their opposition (we learned about it elsewhere). And this, too, is unsurprising: the bill's proponents don't even know who all the victims' family members are.

Which brings us back to our original point. This bill is premature. It does not deserve your vote. We ask that you vote "No" on HB 1695.

Jeanne Bishop  
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