

MEDIA ALERT

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New Law Removes Barrier to Constitutional Review for People Sentenced as Youth

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Governor JB Pritzker signed **Public Act 104-0564 (previously [Senate Bill 248](#))** into law on Friday, July 10, 2026. The new law removes a procedural hurdle for people serving life sentences for youthful convictions to challenge the constitutionality of their sentence.

Public Act 104-0564 is a narrow change that impacts people 20 and younger sentenced before the monumental *Miller v. Alabama* U.S. Supreme Court decision in 2012, which made it a constitutional requirement to consider youthful characteristics, such as an individual's stage of brain development, at sentencing. The Illinois Supreme Court later determined that people sentenced before this mandate must raise the *Miller* factors through a post-conviction petition.

The problem is that many had already used their one opportunity to file a petition before *Miller* was decided, and under the current law, it is next to impossible to succeed at a subsequent post-conviction petition. This new law corrects that inconsistency.

To file a second post-conviction petition, a person must first demonstrate both cause, or the reason, for their failure to raise the claim in their initial post-conviction proceedings, and prejudice, or a violation of due process.

Public Act 104-0564 eliminates the "cause" requirement for people under 21 to file a successive post-conviction petition claiming that their sentence violates the Illinois Constitution. Public Act 104-0564 is effective immediately.

Senator Adriane Johnson and Representative Lilian Jiménez sponsored the measure.

"Young adults are still developing, and our justice system should recognize both accountability and the potential for growth and change," said **State Senator Adriane Johnson (D-Buffalo Grove)**. "This measure ensures that individuals who were under 21

at the time of their offense have a meaningful opportunity to have their sentences reviewed, reinforcing the state's commitment to a justice system that is both accountable and equitable. Justice is not just about punishment, it is about rehabilitation.”

Senate Bill 248 passed through the Illinois House on May 31, 2026, following passage through the Senate with bipartisan support.

“Our justice system should prioritize rehabilitation and accountability, especially for young people whose decision-making and development differ from that of adults. Research shows that emerging adults are uniquely susceptible to peer influence and impulsive behavior, and our laws should reflect those realities,” said **State Representative Lilian Jiménez (D-Chicago)**. “This bill restores fairness by creating a legal pathway for individuals sentenced before *Miller* to return to court and have their youth meaningfully considered. It recognizes that people can grow and change, and that second chances strengthen both individuals and the communities they return to.”

The new law does not grant a new hearing or counsel; it simply removes one of two procedural hurdles to file a successive post-conviction petition for a review of their sentence in light of the Supreme Court's ruling to consider youthful characteristics in sentencing. Petitioners must still demonstrate “prejudice” before filing a petition.

“This legislation brings much-needed hope to the people sentenced as children to adult terms, who have been unable to have a constitutional hearing simply due to the timing of their first petition,” said **Restore Justice Policy Director James Swansey**. “By establishing consistency, this new law ensures they receive the same consideration mandated by the Supreme Court, regardless of when they were sentenced.”

Restore Justice, which comprises [Restore Justice Foundation](#) and [Restore Justice Illinois](#), works to address issues faced by those serving life or de-facto life sentences, their families, and their communities. Founded in 2015 by a dedicated group of advocates that included the late former Congressman, Federal Judge, and White House Counsel Abner Mikva, Restore Justice trains and supports advocates, conducts research, nurtures partnerships, and develops policy solutions that will roll back ineffective “tough on crime” policies of the past, replacing them with compassionate, smart, and safe policies for the future.