

Kimberly Haven

January 26, 2024

Chair Luke Clippinger
Vice Chair Sandy Barlett
House Judiciary Committee

HB 317 – Criminal Procedure – Postconviction Review
Motion for Reduction of 3 Sentence
POSITION: FAVORABLE

Members of the House Judiciary Committee,

My name is Kimberly Haven and I offer this testimony in support of HB 317, a legislative proposal aimed at amending the sentencing process for individuals currently serving a sentence of incarceration. This bill marks a commendable stride towards fostering fairness, justice, and a more rehabilitative approach within our criminal justice system.

The provision outlined in Section 17(B) of the bill, allowing the State's Attorney to file a motion for the reduction of sentence at any time during the period of active incarceration, is a pivotal mechanism that reflects a commitment to ensuring that justice is not only served but also continuously reevaluated considering evolving circumstances.

Furthermore, the subsequent sections of the bill, particularly Sections 17(C) through 17(H), establish a well-structured process that guarantees due consideration of various factors influencing the individual's circumstances. Notably, the inclusion of factors such as the nature of the offense, the individual's role in it, disciplinary record, and rehabilitation efforts ensures a comprehensive evaluation that goes beyond a simple time-served metric.

The provision allowing for the use of video conferencing in Section 17(E)(2) demonstrates a pragmatic approach, acknowledging the challenges and limitations posed by physical presence while ensuring the individual's rights are upheld. This adaptability is especially relevant in today's technologically advanced era and is an appreciable addition to the bill.

Moreover, the inclusion of victim statements in Section 17(H)(7) underscores a commitment to acknowledging the perspectives of those directly affected by the offense. This ensures a more holistic understanding of the situation and contributes to a fair and balanced decision-making process.

House Bill 317 is crucial for promoting justice within our legal system for several reasons. The legislation addresses key issues in the current sentencing framework and contributes to a more fair, rehabilitative, and nuanced approach to criminal justice.

Flexibility in Sentence Reduction: This legislation introduces flexibility into the sentencing process, acknowledging that circumstances and an individual's progress can change over time. This flexibility ensures that justice is not rigidly bound by initial sentencing decisions, offering a more dynamic and adaptable system.

Comprehensive Evaluation Criteria: This bill outlines a comprehensive set of factors for the court to consider when determining whether to reduce a sentence. These factors, ranging from the nature of the offense and disciplinary record to rehabilitation efforts and community circumstances, provide a holistic view of the individual's situation. By considering a diverse set of criteria, the legislation accounts for the multifaceted nature of criminal behavior and the potential for positive change.

Victim Input: This inclusion recognizes the importance of hearing from those directly affected by the offense, ensuring that their perspectives are considered during the decision-making process. Victim input contributes to a more balanced and empathetic approach, recognizing the impact of the offense on individuals beyond the legal system.

Use of Technology for Hearings: This allows for the use of video conferencing during hearings, accommodating the challenges posed by physical presence. This provision ensures that individuals serving a sentence have the opportunity to participate in the process, even if they cannot be physically present. Embracing technology in this way enhances accessibility and efficiency while safeguarding the rights of the incarcerated.

Transparency and Accountability: The legislation also requires the court to explain the basis for its decision to grant or deny the motion in open court or in a written opinion. This transparency fosters accountability within the justice system, providing clarity on the factors considered and the reasoning behind the court's decision. Such transparency is essential for maintaining public trust and confidence in the legal process.

In conclusion, House Bill 317 reflects a thoughtful and balanced approach to sentencing that considers not only the punitive aspect but also the potential for rehabilitation and positive change.

I strongly request a favorable report on HB 317, as it represents a significant stride towards a more just and equitable criminal justice system.

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