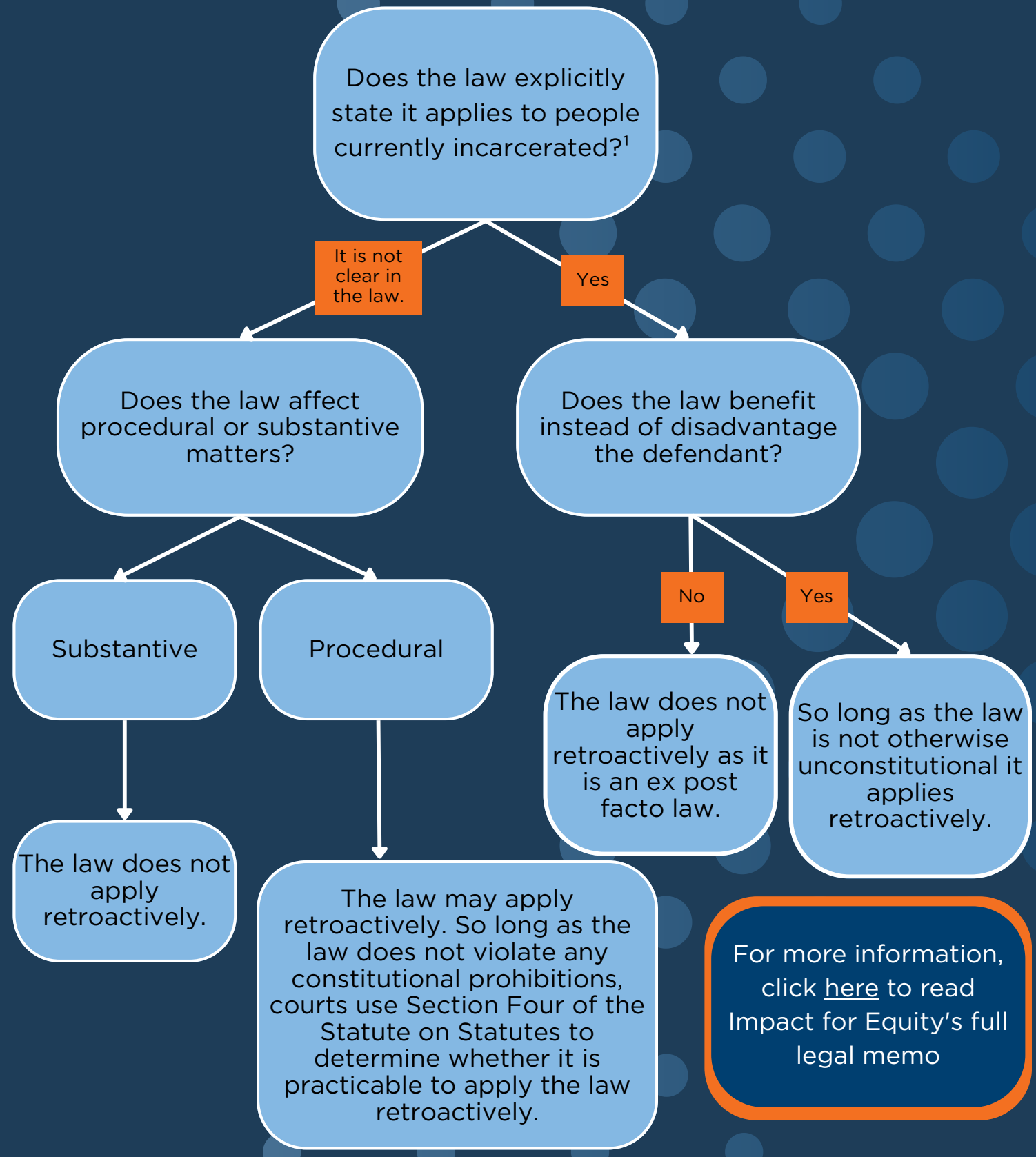
IMPACT FOR EQUITY
Combating injustice together

When A Law Applies Retroactively in Illinois



For more information, click here to read Impact for Equity's full legal memo

[1] If a new law does not explicitly state that it applies to people currently serving a sentence as part of a negotiated plea deal, the court will engage in additional analyses.

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Retroactivity

FLOWCHART GLOSSARY

While our flowchart is geared toward legal folks digging into the memo, you don't need a law degree to use it. We've broken down a few key terms below so anyone can understand how to ensure a law applies retroactively.

- **Ex post facto laws:** Laws that punish someone, or punish someone more harshly, for something after they already did it. These are unconstitutional retroactive laws.
- **Substantive matters:** The subject matter. For example, what behavior constitutes a crime, what the penalty is, who qualifies for what.
- **Procedural matters:** The process for applying laws. For example, how to file, deadlines, hearing steps.
- **Illinois Statute on Statutes:** Illinois's default rules for interpreting its own laws, including whether changes apply retroactively.