



ILLINOIS TRUTH-IN-SENTENCING COMMISSION

**Illinois Truth-in-Sentencing Commission
Final Report**

April 1998



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TABLE OF CONTENTS

I.	Introduction	1
II.	Overview of Illinois' Prison Admissions and Population	3
III.	Comparison of Sentences Served by Violent Offenders: Illinois in Perspective	12
IV.	Recidivism Rates of Illinois' Prison Inmates	15
V.	Implementation of Illinois' Truth-in-Sentencing Law	17
VI.	Review of Federal Funding	21
VII.	Commission Discussions	24
VIII.	Recommendations of the Commission	27

TABLE OF CONTENTS

I	Introduction	1
II	History of Illinois Truth-in-Sentencing and Legislation	3
III	Comparison of Sentencing Practices in Selected States: Illinois in Perspective	12
IV	Illinois Truth-in-Sentencing Program	15
V	Implementation of the Truth-in-Sentencing Law	19
VI	Effectiveness of the Truth-in-Sentencing Law	21
VII	Conclusions and Recommendations	23

I. INTRODUCTION

Illinois has experienced a number of significant changes in sentencing practices over the past two decades. In 1978, for example, Illinois' sentencing practices changed from an indeterminate to a determinate scheme. Under indeterminate sentencing, judges set a minimum and maximum prison sentence. Once inmates had completed their minimum sentence, they could be released on parole if approved by the Prisoner Review Board. However, since February 1, 1978, offenders have received determinate sentences to prison: fixed prison sentence lengths within a range set by state statute. Under determinate sentencing, offenders serve that fixed sentence length, minus time credited for good conduct and participation in certain treatment or vocational activities. As a result, inmates have served an average of less than one-half of the original sentence imposed in court. Many have argued that this practice has led to an erosion in the public's confidence in the criminal justice system, and has resulted in additional crimes being committed by those who have been released from prison early.

In an effort to restore public confidence in the criminal justice system, and to reduce crime by imprisoning the most serious offenders for a longer period of time, Illinois implemented a truth-in-sentencing law in August of 1995 (Public Act 89-404). Illinois' Truth-in-Sentencing law requires those convicted of first degree murder to serve 100 percent of the court-imposed sentence, while persons convicted of other specific violent offenses serve 85 percent of their sentences. Offenders convicted of all remaining offenses are not subject to truth-in-sentencing and receive good-conduct and other credits which result in their serving an average of 41 percent of the court-imposed sentence.

The passage of Public Act 89-404 followed the passage of the federal Violent Crime Control Act of 1994, which included the Violent Offender Incarceration/Truth-in-Sentencing Incentive Grants program. That program provides prison construction funds to states that, among other things, implement truth-in-sentencing laws that require persons convicted of federally defined violent crimes (including murder, rape/criminal sexual assault, robbery, and aggravated assault/battery) to serve not less than 85 percent of the sentence imposed.

Illinois' truth-in-sentencing scheme distinguishes between three separate classes of offenders. The first group includes those convicted of first-degree murder, who are required to serve 100 percent of their court-imposed sentence. The second group includes those convicted of specific serious violent offenses, who are required to serve at least 85 percent of their court-imposed sentence. The offenses included under this second class of offenders are: solicitation of first-degree murder, solicitation of murder for hire, aggravated criminal sexual assault, criminal sexual assault, attempted first-degree murder, aggravated battery with a firearm, heinous battery, aggravated battery of a child or senior citizen, and aggravated kidnapping. The crime of predatory criminal sexual assault of a child was later added to the original second class of offenses eligible under truth-in-sentencing. The third class of offenses requires convicted offenders to serve at least 85 percent of their sentences, but only if the offense resulted in great bodily harm to the victim. The

offenses included under this third group include armed robbery, home invasion, aggravated vehicular hijacking, aggravated discharge of a firearm, and armed violence with a category I or II weapon.¹ In addition to applying truth-in-sentencing to certain classes of offenses, Illinois law was also amended to require judges to make a judicial pronouncement on the record stating the actual period of time the defendant is likely to spend in prison as a result of the imposed sentence.

Public Act 89-404 also created the Illinois Truth-in-Sentencing Commission, consisting of 13 members who represent the legislative, judicial, and executive branches of government, and includes representatives from the local criminal justice community. The duties of the Illinois Truth-in-Sentencing Commission are to:

“develop and monitor legislation facilitating the implementation of truth-in-sentencing laws which require criminals to serve at least 85 percent of their court imposed sentences, using any information and recommendations available regarding those laws; review the funding provisions of the Violent Crime Control Act of 1994, and any subsequent federal legislation of a comparable nature, to comment in appropriate federal rulemaking and legislative processes on State law enforcement, correctional, and fiscal concerns, and, upon the finalization of federal requirements, to determine what is required to obtain maximum federal funding to assist the State in implementing truth-in-sentencing laws; and study the possibility of changing sentences in order to more accurately reflect the actual time spent in prison, while preserving the system’s ability to punish criminals justly and equitably” (730 ILCS 5/3-6-3.1).

The purpose of this report is to provide a general overview of the Commission’s work, discuss the implementation of Illinois’ truth-in-sentencing law, examine the impact the new law has had on the Illinois Department of Corrections and provide recommendations for the future implementation and monitoring of the law.

¹ Category I weapons include a handgun, sawed-off shotgun, sawed-off rifle, any other firearm small enough to be concealed upon the person, semiautomatic firearm, or machine gun. Category II weapons include any other rifle, shotgun, spring gun, other firearm, stun gun, or taser as defined in Paragraph (a) of Section 24-1 of the Criminal Code of 1961, knife with a blade of at least three inches in length, dagger, dirk, switchblade knife, stiletto, axe, hatchet, or other deadly or dangerous weapon or instrument of like character. (See 720 ILCS 5/33A-1)

II. OVERVIEW OF ILLINOIS' PRISON ADMISSIONS AND POPULATION

Introduction

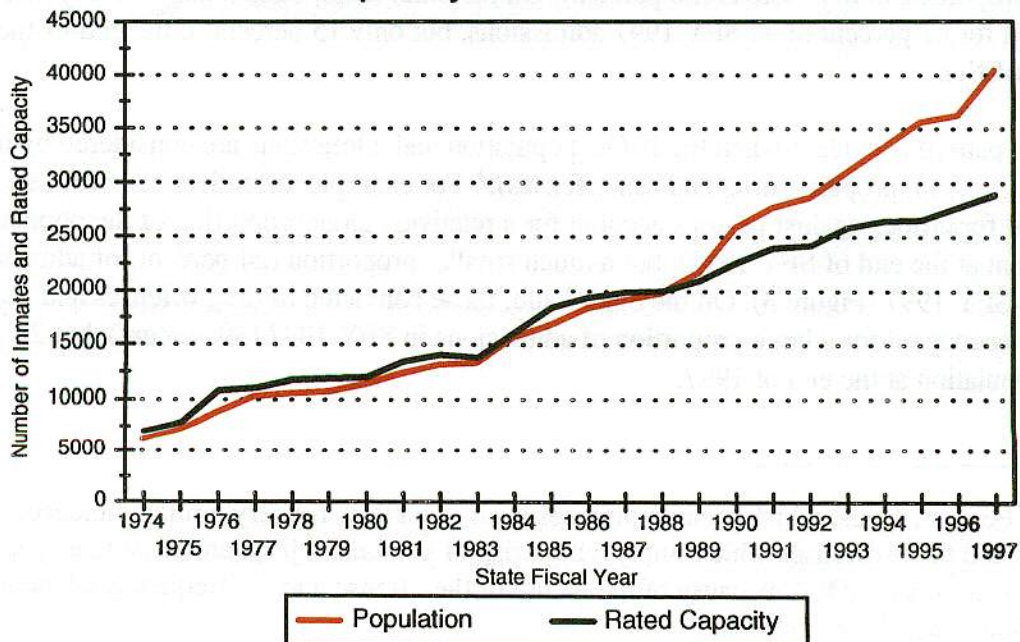
In order to more fully understand the implications of Illinois' truth-in-sentencing law, the Commission recognized the need to have a better understanding of the crowding problems facing Illinois' correctional system. In response, staff from the Illinois Department of Corrections' Planning and Research Unit presented information on admission and population trends, sentence lengths, and the mechanisms in place which result in offenders receiving credits to their court-imposed sentence. Some of the general information presented to the Commission by IDOC staff is summarized below.

Prison Crowding in Illinois

The Illinois Department of Corrections (IDOC), as well as correctional systems nationwide, is struggling with the pressure of ever-increasing admissions and populations, without a commensurate increase in space to adequately house offenders. Crowding levels are measured by considering the population relative to the rated capacity. Rated capacity is defined as the number of inmates that a correctional system can house based on administrative and correctional practices. The rated capacity of IDOC's adult institutions, community correctional centers, and electronic monitoring program on June 30, 1997, was 28,970, compared to 7,003 on that same date in 1974 (Figure 1).

Figure 1

Number of Inmates in the IDOC and Rated Capacity, SFY 1974-1997



Despite this dramatic increase in the rated capacity of IDOC's adult institutions, community correctional centers, and electronic monitoring program, the number of offenders incarcerated has increased even more. Between the end of state fiscal years (SFYs) 1974 and 1997, the adult prison population in Illinois increased more than 500 percent, from 6,101 to 40,425 inmates, while the rated capacity increased less than 320 percent during that period (Figure 1). The adult inmate population in IDOC has exceeded the rated capacity since 1989. On June 30, 1997, the total inmate population was 40 percent over the system's rated capacity.

Adult Prison Populations and Admissions in Illinois

Since changes in sentencing laws can have serious implications for Illinois' correctional system and public safety, it is important to consider the number of inmates admitted to, and incarcerated in, Illinois' state prisons as well as the costs associated with victimization discussed more fully on page 25 of Section VII. With respect to the impact of sentencing changes on IDOC, there are two separate measures that can be used to understand the dynamics of IDOC's population: 1) the number of *admissions*, and 2) the *population*. Although some may view this distinction as relatively minor, from the standpoint of appreciating the flow of inmates into the prison population these two concepts are critical. In general, the number of admissions during a given year are less than the prison population, since the average offender serves more than one year in IDOC. As a result of relatively long prison sentences, those admitted for the most serious offenses tend to build-up in the population, whereas those admitted for relatively minor offenses are released after short periods of incarceration.

To illustrate this phenomenon, the proportion of admissions and the population accounted for by the most serious offenders (those convicted of murder, class X or class 1 felonies) in SFY 1997 were compared. As can be seen in Figure 2, murder, class X and class 1 felonies accounted for a relatively large proportion of the end-of-the-fiscal-year IDOC population (60 percent), but a much smaller proportion of admissions (30 percent). On the other hand, class 3 and 4 felony offenders accounted for 41 percent of all SFY 1997 admissions, but only 15 percent of the end-of-the-fiscal-year population.

A similar pattern is evident when the IDOC population and admissions are considered by offense type (e.g., person, property, drug and sex offenses).² For example, offenders convicted and sentenced for crimes against persons account for a relatively large proportion of the population (44 percent at the end of SFY 1997), but a much smaller proportion (24 percent) of admissions to IDOC in SFY 1997 (Figure 3). On the other hand, those convicted of drug offenses and sentenced to IDOC accounted for a large proportion of admissions in SFY 1997 (39 percent), but 24 percent of the population at the end of 1997.

² Person crimes, which include offenses such as battery, robbery, armed violence, weapons offenses, and those offenses which imply a high risk of personal injury, are considered separately from sex offenses by IDOC because of the nature of the offense and the frequency of requests for information about these offenders.

Figure 2

Percent of the IDOC Population and Admissions, by Felony Class, SFY 1997

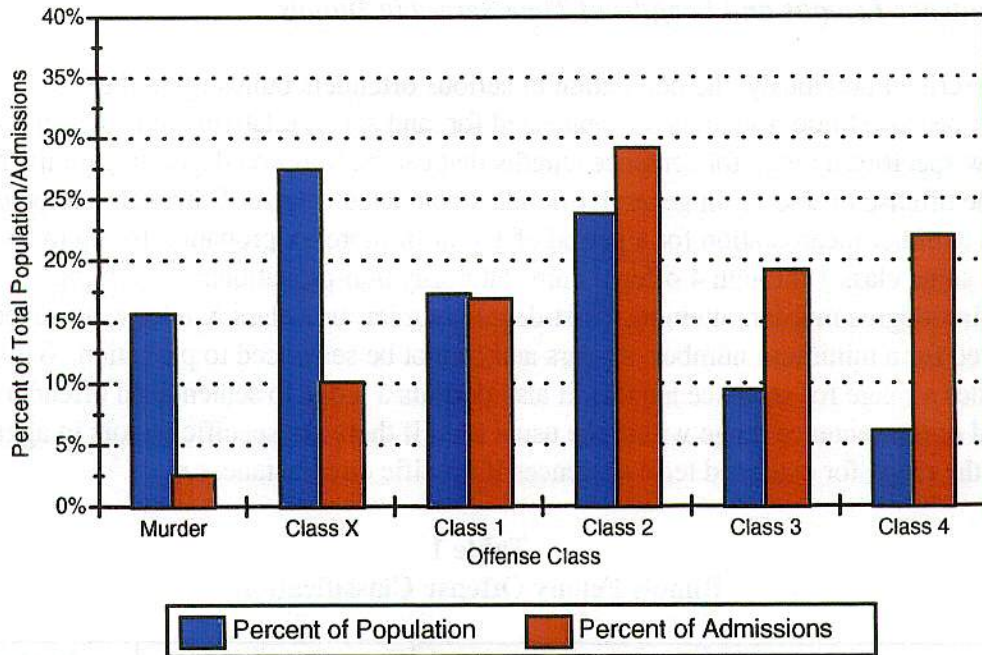
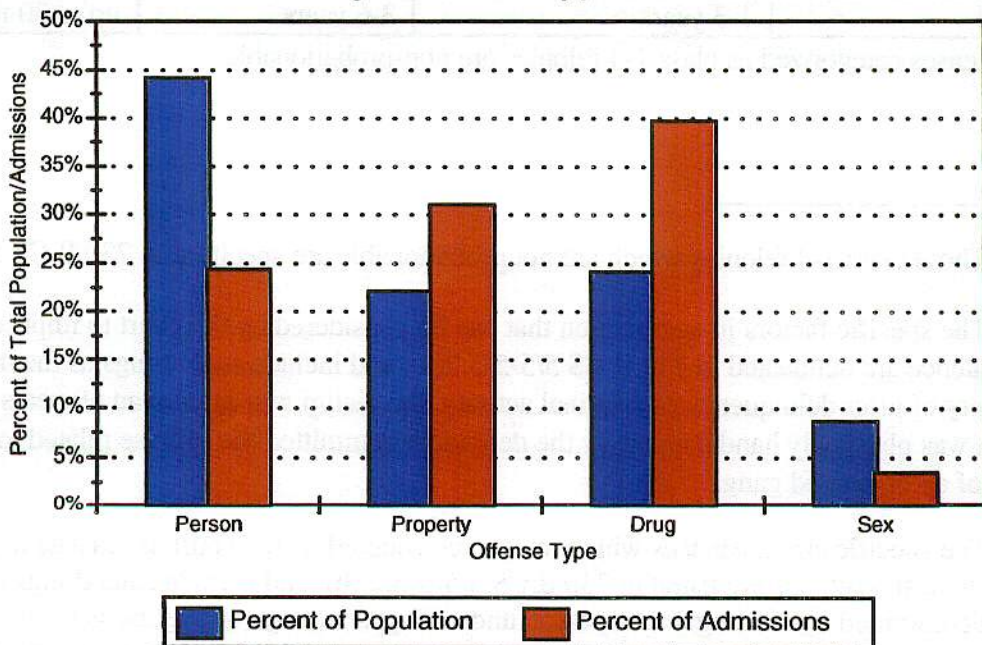


Figure 3

Percent of the IDOC Population and Admissions, by Offense Type, SFY 1997



Prison Sentence Lengths and Lengths of Time Served in Illinois

As was described previously, the population of serious offenders builds up in the IDOC population because these offenders are sentenced for, and serve, relatively long prison terms. Illinois law specifies a range for sentence lengths that can be imposed depending on the felony class of the offense (Table 1). In general, offenders convicted of class 1 through 4 felonies can be sentenced to either incarceration for a period of 1 year or more, or probation for up to four years. However, some class 1 through 4 offenses are statutorily non-probationable.³ Offenders convicted of either first-degree murder, attempted first-degree murder, or a class X felony, however, must be incarcerated for a minimum number of years and cannot be sentenced to probation. While Illinois law provides a range for sentence lengths, it also permits a judge to sentence an offender to the higher end of the sentence range within the usual term if there are specific factors in aggravation⁴ or within the range for extended term sentences if specific circumstances exist.⁵

Table 1
Illinois Felony Offense Classification

	Usual Term	Extended Term	Probation
1st Degree Murder	Death/Life without parole 20-60 years	60-100 years	not allowed
Class X	6-30 years	30-60 years	not allowed
Class 1	4-15 years	15-30	up to 4 years ^a
Class 2	3-7 years	7-14 year	up to 4 years ^a
Class 3	2-5 years	5-10 years	up to 30 months ^a
Class 4	1-3 years	3-6 years	up to 30 months ^a

^a some offenses categorized as class 1-4 felonies are non-probationable

³ Those class 1-4 felonies which are not probationable are specified in 730 ILCS 5/5-5-3.

⁴ The specific factors in aggravation that can be considered by the court to impose a more severe sentence are delineated in 730 ILCS 5/5-5-3.2(a), and include such things as the defendant has a history of prior delinquency or criminal activity, the victim was more than 60 years of age, the victim was physically handicapped, or the defendant committed the offense related to the activities of an organized gang.

⁵ The specific circumstances which may be considered by the court as reasons to impose an extended term sentence are listed in 730 ILCS 5/5-5-3.2 (b), and include such things as the defendant committed a *felony* against a person under 12 years of age or over 60 years of age, or the defendant was convicted of a felony and the crime was committed in furtherance of the criminal activities of an organized gang.

Based on calendar year (CY) 1996 admissions to IDOC, the average prison sentence length imposed across all offenses in Illinois was 5.5 years, but as would be expected, varied considerably based on the felony class of the offense. As can be seen in Table 2, the average prison sentence length imposed in CY 1996 on those sentenced to IDOC ranged from 39.2 years for murder to 1.9 years for those convicted of a class 4 felony.

Table 2
Average Prison Sentence Imposed, 1996 Admissions, by Offense Class

Offense Class	Average Sentence Imposed
Murder	39.2 yrs.
Class X	10.8 yrs.
Class 1	5.6 yrs.
Class 2	4.4 yrs.
Class 3	3.0 yrs.
Class 4	1.9 yrs.
Total	5.5 yrs.

Differences are also evident across different types of offenses. For example, as Table 3 summarizes, offenders convicted of crimes against a person in CY 1996 had considerably longer prison sentences--averaging 9.3 years--than those convicted of drug offenses--3.8 years--or property crimes--4.0 years.

Table 3
Average Prison Sentence Imposed, 1996 Admissions, by Offense Type

Offense Type	Average Sentence Imposed
Person	9.3 yrs.
Sex	9.4 yrs.
Property	4.0 yrs.
Drug	3.8 yrs.
Total	5.5 yrs.

However, the amount of time an offender actually spends in prison is less than the length of the sentence imposed by the court. Inmates who are *not* sentenced under truth-in-sentencing in Illinois are eligible to receive credits to their sentence, which are subject to review by the Prisoner Review Board. The specific provisions by which offenders in Illinois receive good-time credits to their sentence are set forth in section 3-6-3 of the Unified Code of Corrections (730 ILCS 5/3-6-3), and include:

Good conduct credit (day-for-day good time): Each inmate receives one day of good-conduct credit for each day in prison, which reduces the period of incarceration set by the court by one-half, except when a term of natural life or death has been imposed.

Meritorious good time (MGT) conduct credit: The Director of IDOC may also award up to 90 days of good-conduct credit for meritorious service, as he or she deems appropriate.

Supplemental meritorious good time (SMGT) conduct credit: Allows the Director of IDOC to provide eligible inmates with an additional 90 days good-time, essentially doubling the meritorious good-conduct credit for eligible inmates. However, inmates convicted of certain offenses are not eligible for this supplemental meritorious good-conduct credit.⁶

Earned-time credit: Additional credit may be awarded to qualified inmates⁷ for participation in educational, vocational, substance abuse, or correctional industry programs provided by the Department; one half-day of credit is awarded for each day an inmate spends in a program, but only after specific goals have been accomplished.

Jail-time credit: Offenders receive credit for time spent in jail after arrest or pending trial, in a juvenile facility, in another state or federal jurisdiction, or under periodic imprisonment.

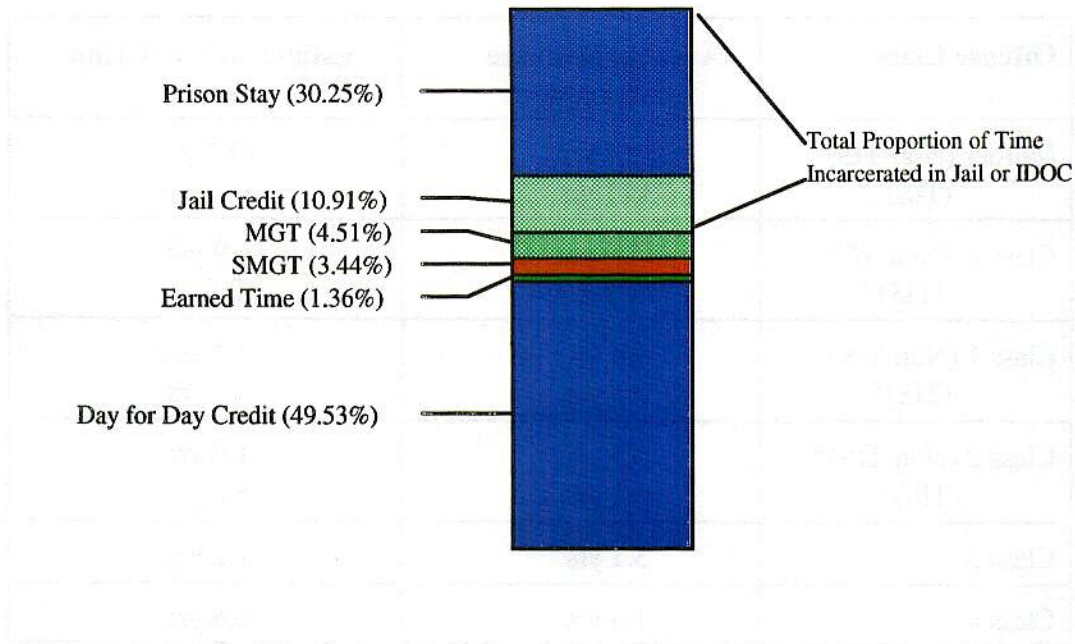
⁶ In addition to the truth-in-sentencing offenses, those offenses not eligible for supplemental meritorious good time include: reckless homicide, kidnapping, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, stalking, aggravated stalking, endangering the life of a child, cruelty to a child, and narcotics racketeering.

⁷ The following offenses are excluded from the earned time program: first-degree murder, any class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, attempts of any of these offenses, and all other truth-in-sentencing offenses.

As a result of these credits, the actual amount of time an offender serves in IDOC averages less than one-half of the original sentence. As can be seen in Figure 4, day-for-day good-time credit reduces the length of time served by almost one-half of the court-imposed sentence, while the combined effect of meritorious good time, supplemental meritorious good time and earned time reduces the average sentence length by an additional 9 percent. For the average inmate, these credits result in their being incarcerated (in IDOC and jail) for approximately 41 percent of the original sentence. After completing the prison sentence, minus any good-conduct credits, inmates are subject to community supervision under mandatory supervised release (MSR). The length of MSR is specified by law for the particular sentence served, and ranges from one to three years.

Figure 4

Percent of Average Prison Sentence Served and Credited, SFY 97 Exits



Comparing the average sentence length to the actual average length of time served across different felony classes and offense types also illustrates the effect that good-conduct and other credits have on the proportion of sentences served (Tables 4 and 5). For example, the average sentence length imposed for those admitted to IDOC for non-TIS murder offenses⁸ in CY 1996 was almost 40

⁸ Sentences for non-TIS murder include those offenders sentenced to IDOC in CY 1996, but where offense was committed before the effective date of Illinois' TIS law (August 1995), while TIS murder offenders include those sentenced to IDOC in CY 1996 where the offense was committed after August 1995.

years, while the average length of time served by those offenders is estimated at 19.5 years (Table 4), or 49.1 percent of the original sentence. On the other hand, offenders sentenced to prison for murder under TIS in CY 1996 had an average sentence of 38.1 years and will serve 100 percent of their court-imposed sentence based on the current law. Also included in the analyses summarized in Table 4 are the average sentences imposed and estimated time to be served for the other felony classes. Sentence and estimated time to be served for class X, 1, and 2 admissions also distinguish between those admitted as a TIS and non-TIS offense. Included in the non-TIS offense admissions are those whose offense would have been subject to TIS, but the offense was committed before the effective date of the legislation, as well as those offenses not subject to TIS. In all of the analyses presented in Tables 4 and 5 the estimated total length of time served includes that served in either a county jail or IDOC.

Table 4
Average Sentence Imposed and Estimated⁹ Total Time Served, by Offense Class
1996 Admissions

Offense Class	Average Sentence Imposed	Estimated Total Time Served
Murder (Non-TIS) (TIS)	39.7 yrs. 38.1 yrs.	19.5 yrs. 38.1 yrs.
Class X (Non-TIS) ¹ (TIS) ²	10.6 yrs. 12.5 yrs.	4.9 yrs. 10.6 yrs.
Class 1 (Non-TIS) ¹ (TIS) ²	5.6 yrs. 7.4 yrs.	2.4 yrs. 6.3 yrs.
Class 2 (Non-TIS) ¹ (TIS) ²	4.5 yrs. 6.1 yrs.	1.9 yrs. 5.2 yrs.
Class 3	3.1 yrs.	1.2 yrs.
Class 4	1.9 yrs.	0.6 yrs.

¹ Includes those offenders convicted and sentenced for current TIS offenses which occurred before August 1995 as well as offenses not currently subject to TIS.

² Includes those offenders convicted and sentenced for a TIS-eligible offense committed after August 1995.

⁹ In order to estimate the length of time to be served, good conduct credit was applied to the average sentence lengths of CY 1996 admissions. An estimate provided by IDOC of the average credits that could be received across each offense class under the meritorious, supplemental meritorious, and earned-time credits was also applied to these average sentence lengths. Average sentences across offense types were reduced by one-half to take into account day-for-day good time and then reduced by an additional amount to account for MGT and SMGT.

Similarly, when the average sentence lengths and estimated lengths of time served are compared across offense types, those sentenced for more serious, violent offenses, serve longer in prison and serve a larger proportion of the court-imposed sentence. For example, of those sentenced to IDOC for a non-TIS crime against a person, the average sentence was 8.9 years, and the length of time that would be served is estimated at 4.1 years (Table 5), or 46 percent of the court-imposed sentence. On the other hand, the average sentence imposed on offenders convicted of a TIS-eligible person crime (excluding murder/100 percent) was 11.9 years, of which 85 percent must be served under the current TIS law. Drug offenders admitted to IDOC in CY 1996 had an average sentence length of 3.9 years and will serve an estimated 1.6 years, or 41 percent of the original sentence.

Table 5
Average Sentence Imposed and Estimated Time Served, by Offense Type
CY 1996 Admissions

Offense Type	Average Sentence Imposed	Estimated Total Time Served
Person (Non-TIS) ¹	8.9 yrs.	4.1 yrs.
(TIS - 85%) ²	11.9 yrs.	10.1 yrs.
(TIS - 100%)	38.1 yrs.	38.1 yrs.
Sex (Non-TIS) ¹	9.2 yrs.	4.2 yrs.
(TIS - 85%) ²	11.1 yrs.	9.4 yrs.
Property	4.0 yrs.	1.6 yrs.
Drug	3.9 yrs.	1.6 yrs.

¹ Includes those offenders convicted and sentenced for current TIS offenses which occurred before August 1995 as well as offenses not currently subject to TIS.

² Includes those offenders convicted and sentenced for a TIS-eligible offense committed after August 1995.

III. COMPARISON OF SENTENCES SERVED BY VIOLENT OFFENDERS: ILLINOIS IN PERSPECTIVE

Introduction

As was seen in the previous section, as a result of good-conduct credits and other earned-time credits, offenders convicted and sentenced to prison in Illinois serve a portion of the court-imposed sentence. However, Illinois is not unique in this practice. To provide some perspective, the Illinois Truth-in-Sentencing Commission requested staff to provide information on prison sentences imposed on, and the proportion of sentences served by, violent offenders in each state of the country relative to Illinois. Both sentence length and the proportion of sentences served were considered, since the proportion of time served does not take into account or describe the actual length of time offenders are incarcerated. For the purposes of the following analyses, violent offenders are defined as those convicted of murder, criminal sexual assault, robbery, or aggravated assault/battery. In addition, the following analyses are based on data provided by the U.S. Department of Justice's Bureau of Justice Statistics.

Proportion of Sentence and Length of Time Served in Prison for Violent Offenses

Of those violent offenders released from state prisons in 1995, the proportion of the original sentence served ranged from almost 80 percent in Missouri and Nevada to a low of 26 percent in Iowa and Wisconsin. In Illinois, violent offenders released in 1995 served an average of 43 percent of the original sentence. However, only considering the proportion of sentence served overlooks two important factors if attempting to determine relative effort across jurisdictions. First is a failure to control for the size of the correctional population of the state. Second is the failure to consider the actual length of time served in prison for those convicted of a violent crime. To account for these factors, the following two analyses were performed to examine the proportion of sentences served by violent offenders incarcerated in Illinois.

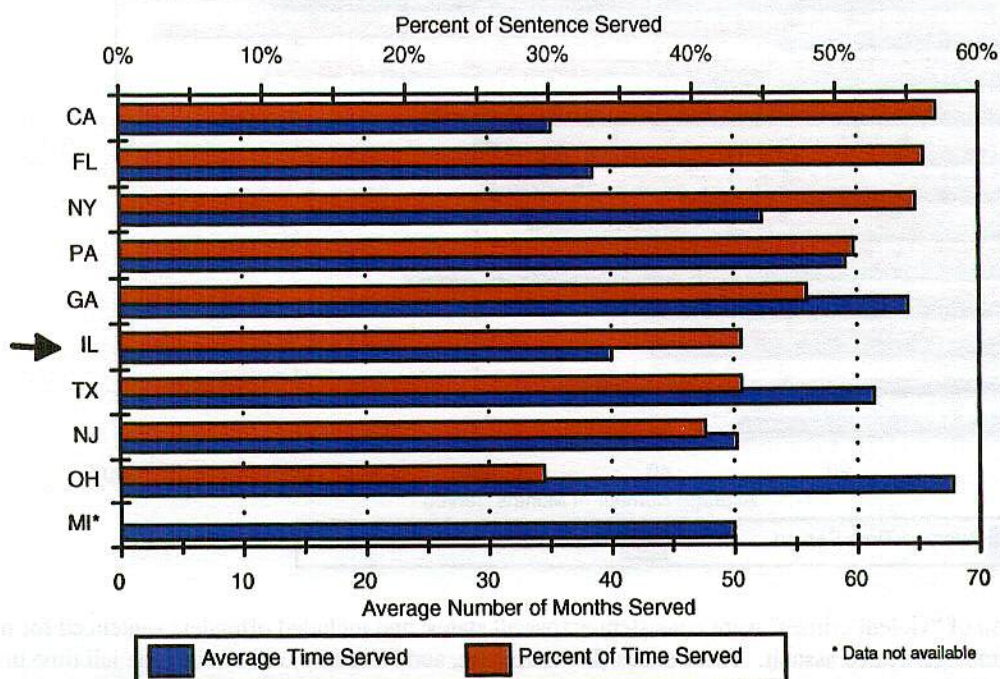
1: Length of Time Served and Proportion of Sentence Served Across the 10 Largest States: Violent Offenses

Among the 10 largest states in the country, based on total state population, the proportion of sentences served by violent offenders released in 1995 ranged from a high of 57 percent in California to a low of 30 percent in Ohio (Figure 5). In Illinois, violent offenders served 43 percent of their sentences. However, as was stated earlier, the proportion of the sentence served does not necessarily indicate the length of time violent offenders are actually incarcerated. While the *proportion* of sentences served by violent offenders in California was the highest among the 10 largest states, the 35 months they were incarcerated was the lowest *length* of time served by violent offenders among the 10 largest states. Still, accounting for the actual time served does not necessarily explain all of the differences in the proportion of sentences served. For example, the

proportion of sentences served by violent offenders in Illinois and Texas are almost identical, but violent offenders in Texas served an average of 21 months more than those in Illinois. In Illinois, offenders released in 1995 and convicted of violent offenses served, on average, about 40 months, compared to 61 months in Texas.

Figure 5

Average Time Served by Violent Offenders in 10 Largest States, 1995



Note: Definition of “violent crimes” were consistent across all states, and included offenders sentenced for murder, rape, robbery and aggravated assault. In addition, all states included jail time served in their computation of average time served.

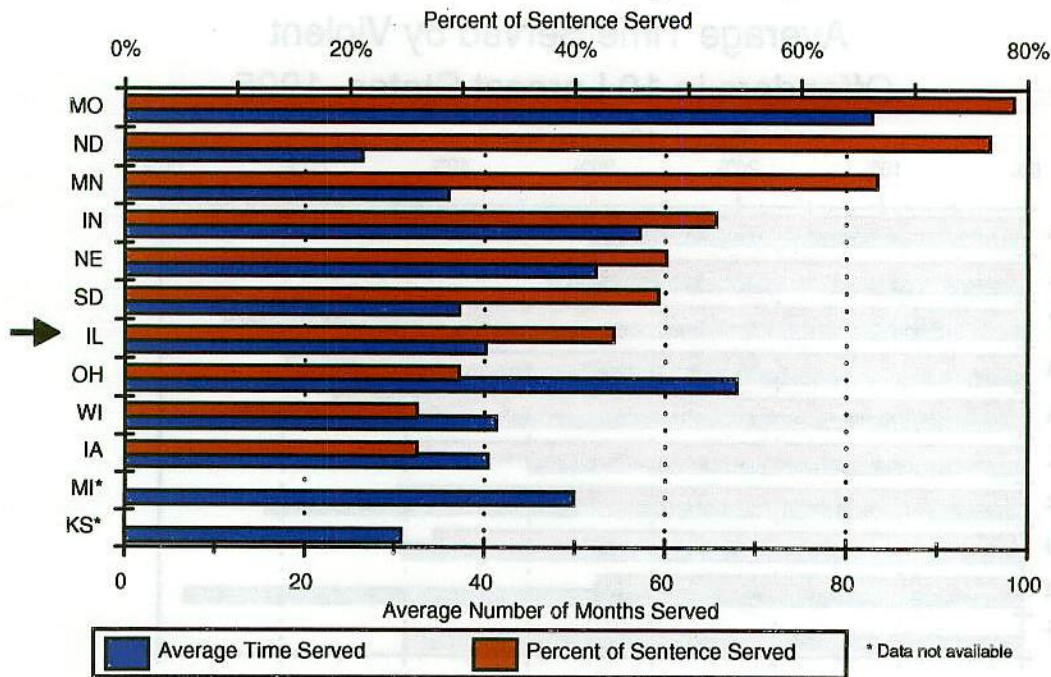
2: Length of Time Served and Proportion of Sentence Served Across the Midwest States: Violent Offenses

Similar analyses were also performed to compare the proportion of sentences served and the length of time served among the Midwestern states. Among the 10 Midwest states that reported data, the proportion of sentences served ranged from almost 80 percent in Missouri to 26 percent in Wisconsin and Iowa (Figure 6). With respect to the average length of time violent offenders actually serve in prison, the range across the 12 Midwest states was between 82 months in

Missouri to 26 months in North Dakota. In Illinois, violent offenders released in 1995 served approximately 40 months.

Figure 6

Average Time Served by Violent Offenders in Midwest, by State, 1995



Note: Definition of “violent crimes” were consistent across all states, and included offenders sentenced for murder, rape, robbery and aggravated assault. Three states (Iowa, Kansas, and Nebraska) did not include jail time in the computation of time served. Thus, the average length of time served in these three states is underestimated, as is the percent of sentence served for Nebraska.

IV. RECIDIVISM RATES OF ILLINOIS' PRISON INMATES

Introduction

One argument in favor of truth-in-sentencing and requiring prisoners to serve more actual time in prison is that through this incapacitation an offender clearly cannot commit more crimes in the community while incarcerated. Another argument in support of truth-in-sentencing laws is that as a result of the increased length of time offenders are incarcerated, they are less likely to commit new crimes because of their increased age at release. A consistent finding among recidivism studies is that older releasees reoffend at a lower rate than do younger offenders. Thus, by keeping offenders incarcerated longer, they would be released at an age when they are less likely to commit crime. In addition to there being differences in recidivism rates as offenders get older, there are also different patterns across offense types. However, because offenders sentenced under the new truth-in-sentencing law will not be released for some time, the Illinois Truth-in-Sentencing Commission requested staff to examine recidivism rates to assist them in gauging the potential impact the law may have.

Recidivism Among IDOC Releasees as Measured by Reincarceration, by Age and Offense

As was indicated, older offenders are less likely to commit new crimes, as measured by reincarceration in IDOC, than are younger offenders. In addition, releasees who reoffend are usually more likely to commit offenses similar to those for which they were originally incarcerated. Analyses performed by IDOC use a three year period following release to examine recidivism patterns. For example, among those adult offenders released in 1992 who were under the age of 21, approximately one-half (51 percent) returned to IDOC within three years (Figure 7). On the other hand, released offenders between the ages of 31 and 35 recidivated at a rate of 35 percent, and less than 30 percent of those releasees between 36 and 50 years of age were returned to IDOC within three years. Across all offenders released from IDOC in 1992, 39 percent were returned to prison within three years. Of those offenders returned to prison, most committed a new offense, while a small number were returned to prison as the result of a technical violation (e.g., a violation of their Release Agreement, a misdemeanor conviction, or being AWOL from MSR). Figure 8 summarizes recidivism patterns by offense type and shows that a releasee's current offense is a relatively strong predictor of what type of crime they may commit after release.

Based on these current recidivism patterns, and the fact that offenders sentenced under truth-in-sentencing are going to be incarcerated for a longer period and released at an older age than under the previous sentencing structure, the law should result in a decrease in crimes committed by these offenders. However, because of the limited number of offenders sentenced under truth-in-sentencing, and the fact that no inmates sentenced under the law have yet been released, it is still premature to accurately estimate or project the impact this has had on the number of crimes committed.

Figure 7

Three-year Recidivism Rate of 1992 IDOC Releasees

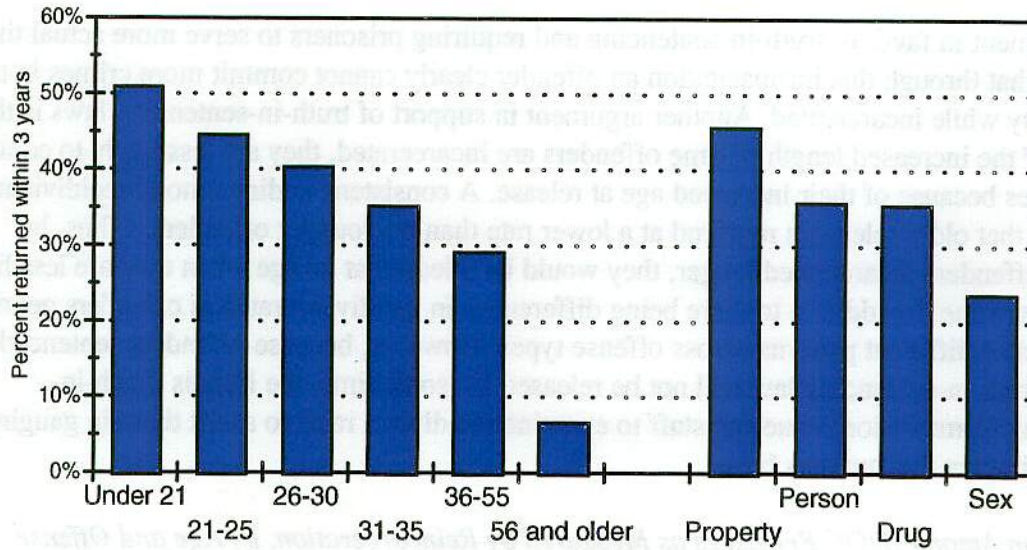
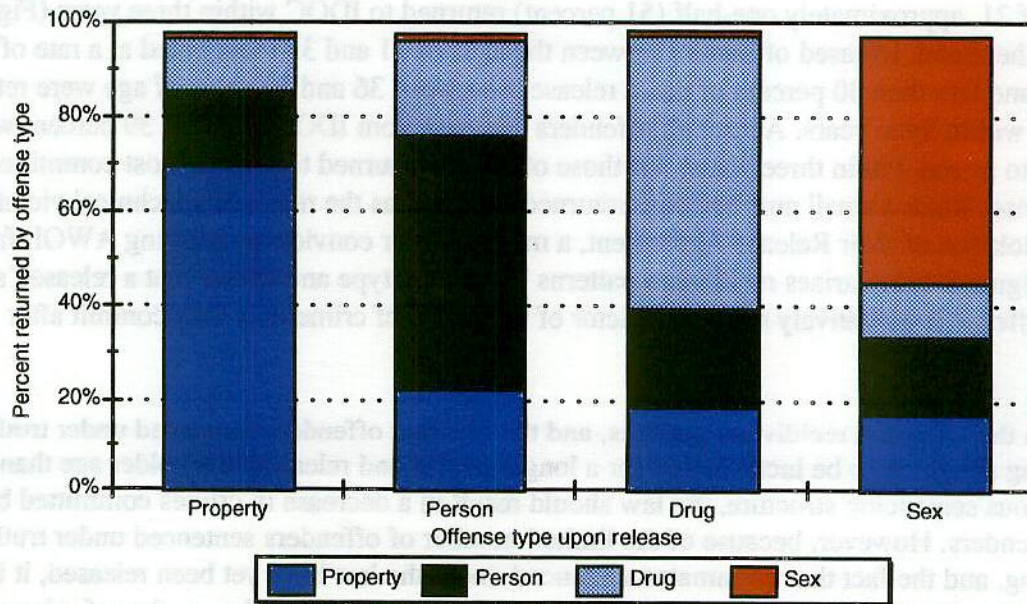


Figure 8

Distribution of New Offenses For Which 1992 Releasees Were Returned *



*percentages do not add up to 100 percent based on "other" types of offenses being excluded from analysis

V. IMPLEMENTATION OF ILLINOIS' TRUTH-IN-SENTENCING LAW

Introduction

One of the responsibilities of the Illinois Truth-in-Sentencing Commission was to monitor the implementation of Illinois' truth-in-sentencing law. To accomplish this, analyses of admissions to IDOC under the various truth-in-sentencing provisions were performed. General trends in the number of admissions, the specific types of offenses resulting in truth-in-sentencing admissions, as well as the regional and demographic characteristics of those sentenced under the law, were examined.

Admissions to IDOC Under Illinois' Truth-in-Sentencing Law

Since its passage in August 1995, through December 1997, a total of 1,337 offenders were admitted to the Illinois Department of Corrections under Illinois' truth-in-sentencing law. Although the number of admissions to IDOC under Illinois' truth-in-sentencing law was relatively low during the six months immediately following the passage of the law, admissions have since increased (Figure 9). For example, during the first six months following the passage of the law, seven offenders were admitted to IDOC under truth-in-sentencing. During the most recent six month period examined, however, 502 admissions to IDOC were subject to the law.

Admissions for first-degree murder, which is projected to have the most significant long-term impact on IDOC, totaled 267 through December 1997, and increased between each six month period examined (Figure 9). Initially, there were relatively few first-degree murder admissions subject to truth-in-sentencing, attributed to the long period of time necessary for these cases to make their way through the court process. During the six month period between July and December 1997, there were 129 first-degree murder admissions subject to TIS, one more than the entire 1997 state fiscal year. In order to be eligible under Illinois' truth-in-sentencing law the offense must have been committed *after* August 20, 1995. On an annual basis, more than 450 offenders are admitted to IDOC for first-degree murder.

Figure 9

Admissions to IDOC Under Illinois' Truth-In-Sentencing Laws

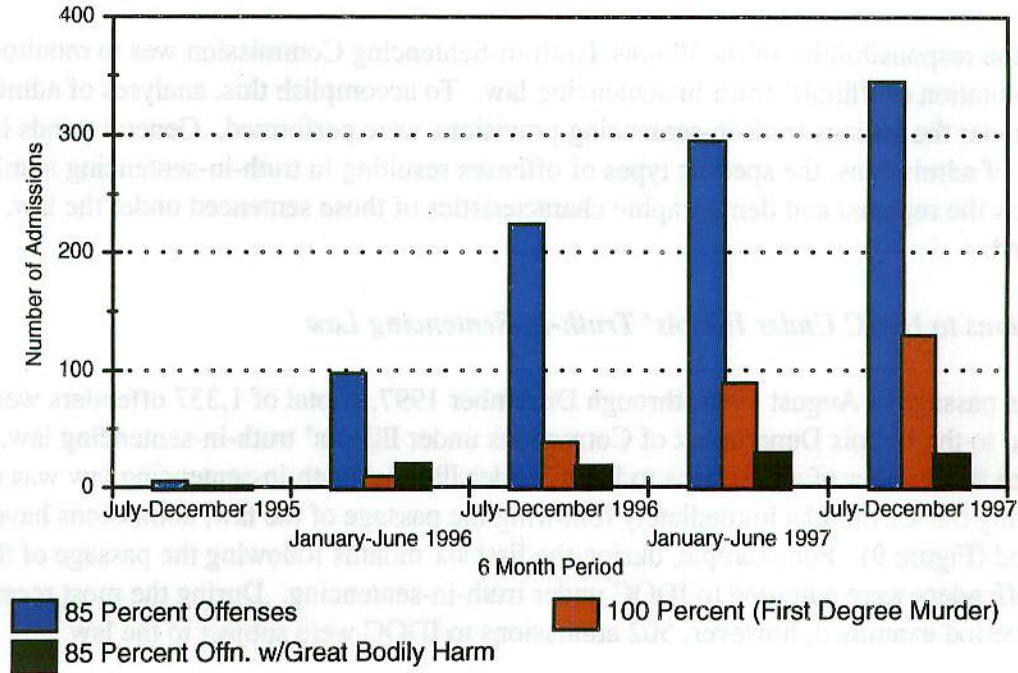


Figure 9 reveals that the majority of offenders admitted to IDOC subject to truth-in-sentencing involved those offenses which require the offender to serve 85 percent of the sentence based solely on the offense. Table 6, on the following page, presents the specific truth-in-sentencing offenses for which offenders are currently incarcerated, along with the felony class of each offense. Of the 1,329¹⁰ offenders serving a sentence under the truth-in-sentencing law as of December 1997, 969 (or 72 percent) were convicted for one of the 85 percent offenses that do not need a special finding of great bodily harm. Among these offenses, attempted first-degree murder accounted for the single largest category of inmates, followed by aggravated criminal sexual assault and criminal sexual assault (Table 6). By comparison, 267 of the 1,329 truth-in-sentencing inmates (20 percent) were sentenced for first-degree murder. Only 99 (8 percent) of all TIS offenders serving a sentence were truth-in-sentencing eligible due to the fact that the victim suffered great bodily harm. Also of note in Table 6 is the fact that solicitation of murder for hire is the only crime subject to the truth-in-sentencing law for which there have been no admissions since passage of the law.

¹⁰ The difference between the number of TIS admissions (1,337) and offenders serving a TIS sentence (1,329) is due to the fact that 8 inmates have either died or had their sentences changed to a non-TIS offense.

Table 6
Inmates in the Illinois Department of Corrections Serving a Sentence Under the Truth-in-Sentencing Law on December 31, 1997, by Felony Class and Offense Type

Felony Class	Offense Types	Number	Percent of Total
100 Percent of Sentence			
Murder	First-Degree Murder	267	20.1%
	Total 100 Percent	267	20.1%
85 Percent of Sentence			
Class X	Attempted First-Degree Murder	246	18.5%
Class X	Aggravated Criminal Sexual Assault	222	16.7%
Class X or 1 *	Criminal Sexual Assault	152	11.4%
Class X	Aggravated Battery with a Firearm	127	9.6%
Class X	Predatory Criminal Sexual Assault	126	9.5%
Class X	Aggravated Battery of a Child	38	2.9%
Class X	Aggravated Kidnaping	28	2.1%
Class 2	Aggravated Battery of a Senior Citizen	14	1.1%
Class X	Heinous Battery	7	0.5%
Class X	Solicitation of Murder	2	0.2%
Class X	Intentional Homicide of an Unborn Child	1	0.1%
Class X	Solicitation of Murder for Hire	0	0.0%
	Total 85 Percent	963	72.5%
85 Percent w/Great Bodily Harm			
Class X	Armed Robbery	36	2.7%
Class X	Home Invasion	26	2.0%
Class X	Armed Violence - Category I Weapon	24	1.8%
Class X or 1**	Aggravated Discharge of a Firearm	8	0.6%
Class X	Armed Violence - Category II Weapon	4	0.3%
Class X	Aggravated Vehicular Hijacking	1	0.1%
	Total 85 Percent w/Great Bodily Harm	99	7.4%
Grand Total		1,329	100%

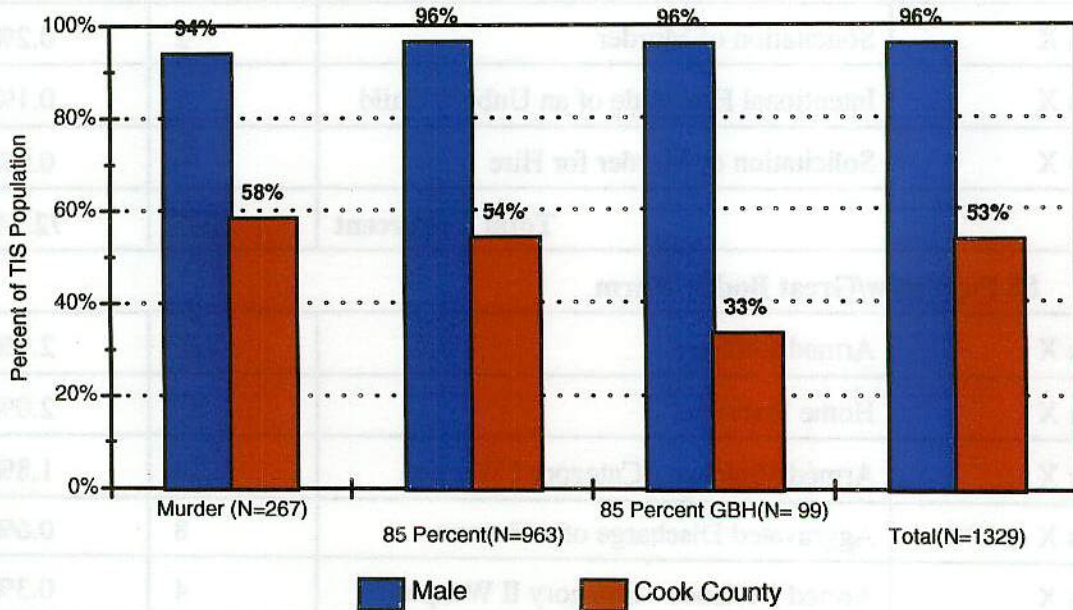
* Class X if second conviction or class 1 if first conviction of criminal sexual assault

** Class X if discharge aimed at a person or class 1 if discharge aimed at a vehicle or building

Geographic and Gender Profile of Truth-in-Sentencing Population

During the period immediately following the passage of Illinois' Truth-in-Sentencing law, admissions from Cook County accounted for a smaller proportion of TIS admissions than was expected based on previous prison admission patterns. For example, during the six months following the passage of the law, inmates from Cook County accounted for 41 percent of the truth-in-sentencing population for first-degree murder, compared to 55 percent of all first-degree murder admissions in 1995, the year before the passage of the new law. However, as those offenders who committed their crimes after the effective date of the truth-in-sentencing law made their way through the Cook County system, the representation of Cook County among the truth-in-sentencing population increased. By December of 1997, offenders from Cook County accounted for 58 percent of those serving a sentence for first-degree murder under truth-in-sentencing, and 53 percent of all TIS offenders. As with all admissions to IDOC, the majority of inmates serving under truth-in-sentencing were accounted for by male offenders (96 percent).

Figure 10
Truth-in-Sentencing Population by Gender and Region, as of December 1997



VI. REVIEW OF FEDERAL FUNDING

Introduction

As discussed earlier, one of the Commission's mandates was to "review the funding provisions of the Violent Crime Control Act of 1994, and any subsequent federal legislation of a comparable nature, to comment in appropriate rulemaking and legislative processes on State law enforcement, correctional, and fiscal concerns, and, upon the finalization of federal requirements, to determine what is required to obtain maximum federal funding to assist the State in implementing Truth-in-Sentencing laws." (730 ILCS 5/3-6-3.1) This section of the report summarizes that review.

To accomplish the above statutory responsibility, the Illinois Truth-in-Sentencing Commission discussed the federal application requirements, the fiscal impact on the State, and the potential level of funding Illinois could receive from the federal government to support its truth-in-sentencing efforts. The Violent Crime Control Act of 1994 made federal funds available under the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant Program. This federal grant program provides prison construction funds to states which meet certain eligibility requirements.

The specific issues considered by the Commission included:

- 1) What are the federal requirements and what legislative changes would Illinois need to enact in order to be in compliance; and,
- 2) What fiscal impacts/benefits would compliance with the federal requirements have on the State.

With respect to the first issue, staff from the Illinois Criminal Justice Information Authority and the Illinois Department of Corrections compared the federal grant requirements to Illinois' current laws. The grant program consists of two separate sets of requirements - one set of requirements for Violent Offender Incarceration Grants and one set for the Truth-in-Sentencing Incentive Grants.

Violent Offender Incarceration Grants

The Violent Offender Incarceration Grants are allocated to States using a three-tiered formula. Each tier has different criteria for eligibility and a state may receive funding under all three tiers. The following are the requirements for each of those tiers:

- Tier I: 1) Has the State implemented, or will it implement, correctional policies and programs, including Truth-in-Sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed? **and,**

2) Has the State implemented, or will it implement, correctional policies and programs, including Truth-in-Sentencing laws that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders? **and,**

3) Has the State implemented, or will it implement, correctional policies and programs, including Truth-in-Sentencing laws that ensure that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public?

- Tier II:
- 1) Has the percent of persons arrested for a Part I violent crime sentenced to prison increased since 1993? **or,**
 - 2) Has the average prison time served for those offenders sentenced for Part I violent Index offenses increased since 1993? **or,**
 - 3) Has the average percent of sentences served for those offenders sentenced for Part I violent Index offenses increased since 1993?

- Tier III:
- 1) Since 1993, has the State increased the percentage of persons arrested for a Part I violent crime sentenced to prison (Requirement 1 from Tier II), *and* has it increased the average percent of sentence served by persons convicted of a Part I violent crime (Requirement 3 from Tier II)? **or,**
 - 2) Has the State increased by 10 percent or more over the most recent 3-year period the number of new court commitments to prison for persons convicted of Part I violent crimes?

Staff from the Authority presented information and data to the entire Commission which documented that Illinois met the eligibility requirements for Tiers I and II, but not for Tier III. As a result, Illinois received approximately \$7.5 million in the first year of the Violent Offender Incarceration grant program from the U.S. Department of Justice and an additional \$9 million during federal fiscal year 1998. The majority of these funds will be used to support some of IDOC's current capital development initiatives, while a portion of funds have been set aside to support the expansion of local juvenile detention centers.

Truth-in-Sentencing Incentive Grants

To be eligible for funding under the federal Truth-in-Sentencing Incentive Grant portion of the program, a State must either:

- 1) have truth-in-sentencing laws that require all persons convicted of Part I violent crimes (murder, rape/criminal sexual assault, robbery, and aggravated

assault/battery) to serve not less than 85 percent of the sentence imposed, or

2) have truth-in-sentencing laws that result in persons convicted of Part I violent crimes serving *on average* not less than 85 percent of the sentence imposed.

With respect to Illinois' current truth-in-sentencing laws, it is clear that the State does not meet the first criteria for federal funding under the Truth-in-Sentencing Incentive Grant Program. While Illinois law does include a number of the Part I violent offenses, the crimes of robbery, aggravated battery and aggravated assault are not included, therefore making the state ineligible under that specific provision. However, Illinois passed its truth-in-sentencing law based on the original federal guidelines, which required persons convicted of violent crimes to serve 85% of their sentences, but did not specify that the requirement would apply to all Part I violent offenses. The Department of Justice recognized that states may have passed truth-in-sentencing laws prior to the addition of the Part I violent crime requirement. Therefore, Illinois was granted eligibility for the Truth-in-Sentencing Incentive Grant Program for federal fiscal year 1996 funds only and received approximately \$16 million.

Illinois Department of Corrections staff estimated that the cost to comply with the federal requirement that all Part I violent offenders serve 85 percent of their sentences was approximately \$1.5 billion over a 10 year period. Given the most optimistic circumstances, Authority staff estimated the most Illinois could receive in any one year through the federal Violent Offender Incarceration and Truth-in-Sentencing Incentive Grant Program would be \$65 million.

Conclusion

Given the relatively small amount of funding available from the federal government, and the estimated high cost of totally complying with the Violent Offender Incarceration/Truth-in-Sentencing Incentive Grant Program, the Commission concluded that compliance with the federal funding provisions would cost more than it would yield.

VII. COMMISSION DISCUSSIONS

Introduction

The Commission met several times and engaged in vigorous discussions of truth-in-sentencing and the criminal justice system. To assist in those discussions, staff solicited comments from a wide variety of parties interested in truth-in-sentencing, conducted surveys of the judiciary and provided the Commission with cost analyses of truth-in-sentencing proposals. The following sections summarize the information that the Commission found to be important and informative.

Judicial Survey and Questionnaire of the Criminal Justice Community

Shortly after truth-in-sentencing was implemented in Illinois, staff to the Illinois Truth-in-Sentencing Commission conducted a survey of the Chief Circuit Judges in all twenty-one Judicial Circuits. That survey indicated that there was no consensus among the Chief Circuit Judges in Illinois on how the new truth-in-sentencing law is functioning. Nearly 75 percent responded that it was too soon to tell whether truth-in-sentencing had a positive effect, a negative effect, or no effect at all. There was a split among the judges whether sentences had become longer, shorter, no change occurred, or judges did not know how sentences and sentencing techniques had changed since enactment of the new law.

While some judges expressed support for the measure as a response to citizens, as a tool against repeat offenders, and as a way of keeping certain violent offenders in jail longer, most of the judges responded in a critical fashion, largely because of the diminution of judicial discretion. Judges also expressed concerns about prison overcrowding, the politicizing of the criminal justice system and the burdensome nature of the new law, particularly the judicial pronouncement and greater stratification or multi-layered sentencing structure.

Additional communications with the judiciary revealed other anomalies in the truth-in-sentencing statutes such as certain offenses that remain both probationable and yet subject to extended truth-in-sentencing time, giving judges only two options, one very lenient, the other very harsh, with no median penalty available.

The judiciary also noted other problems. Where there exists a close distinction between two crimes such as first and second degree murder, there now exists an enormous gap between the sentencing possibilities for the two offenses. In addition, there are serious crimes that either are not included in the current sentencing structure or are included only when there has been a judicial determination of great bodily harm such as with the offense of armed robbery.

Commission staff also interviewed and surveyed other practitioners within the criminal justice community. Respondents included representatives of the Illinois Sheriff's Association, the Illinois Association of Chiefs of Police, the Illinois State Bar Association's Criminal Justice Division, the Illinois State's Attorney's Association, the Public Defender's Association and the Illinois

Probation and Court Services Association. As might be expected, the broad representation of these groups resulted in varying and often conflicting opinions regarding the impact of the Illinois truth-in-sentencing laws.

Responses contained common themes that the law needed more simplicity and certainty. Some respondents recommended that the list of crimes be expanded to include other serious offenses not previously included, while others suggested the list be modified to include only the most serious offenses.

Overall, most practitioners agreed that it was somewhat early to determine the exact impact the law has had on either the operations of the criminal justice system or on the crime rate. Other common opinions concerned the number of offenses subject to the new law, the difficulty for practitioners to interpret and integrate the new law and the potential impact the law might have on case processing.

Cost Considerations

The Commission was mindful of the fact that there are legitimate competing demands on revenue. In that regard, an attempt was made by the Commission to apply truth-in-sentencing to serious violent crimes while considering the issue of cost and budgetary constraints as they exist on IDOC and balancing these with the costs of victimization and re-offending by those released by IDOC. Commission members acknowledge that persons involved in drafting and passage of the current truth-in-sentencing law had a strong desire at that time to include other violent offenses such as armed robbery in the original truth-in-sentencing scheme. However, those desires did not prevail due to cost considerations.

Under current sentencing practices and with no further modifications to the Criminal Code, IDOC projects the inmate population to grow by 33,902 inmates over the next ten years. This growth is estimated to add \$9.6 billion in operating expenses and require \$1.3 billion in construction costs to build facilities to house these additional inmates. These figures include the expense of the truth-in-sentencing provisions contained in Public Act 89-404. Therefore, the fiscal impact associated with any new truth-in-sentencing proposal would represent an addition to the \$10.9 billion in costs associated with the current population growth. For example, a proposal to expand truth-in-sentencing to apply to all nonprobationable violent felonies has been estimated to cost an additional \$518 million over ten years. Combining this \$518 million estimate with the current \$10.9 billion estimate results in an overall projection of an \$11.4 billion fiscal impact on IDOC over the next ten years.

While fiscal impact is important, the Commission also believes that such an analysis must be balanced against the costs of crime to society resulting from new crimes by released prisoners. In a recent comprehensive analysis of the costs of crime, Miller, Cohen, and Wiersema estimated the average cost of various crimes, without factoring the costs of the criminal justice system. They estimated the tangible loss for the average fatal crime at \$1.03 million. If quality of life costs were

factored in, the total cost per fatal crime rose to \$2.94 million. Using similar methods, the estimated cost for rape/sexual assault per victimization was \$5,100 in tangible costs plus \$81,400 in quality of life costs, or a total of \$86,500 per victimization. The total cost (tangible and quality of life) for each assault was estimated at \$9,400, while the average robbery cost society an average of \$8,000. Property crimes generally had lower costs per victimization, but a larger proportion were tangible rather than quality of life costs. For example, the average motor vehicle theft cost was \$3,700, with all but \$300 of that cost being tangible costs. These estimates of individual crimes (not even reflecting the total cost of all crimes committed by a given criminal in a time period) would have to be balanced against the annual cost of incarceration of \$17,271 per prisoner before a complete fiscal analysis would be achieved.

It should also be noted that, at this time, few of the truth-in-sentencing prisoners have begun serving any of the extended period of time created by the new law. While several are close to finishing the sentence that they would have served under the previous sentencing structure, few have actually started serving the extended period as a result of the new 85 percent or 100 percent levels created by the truth-in-sentencing law.

Another difficult statistic to estimate at this stage of the new law is the reincarceration rates of these particular prisoners. Any reliable findings regarding re-incarceration rates of truth-in-sentencing convicts would require data that can only be acquired after a sufficient number of these prisoners are released into the community. The only certainty about reincarceration rates under truth-in-sentencing at this time is that these prisoners will not commit new crimes in the community during their extended periods of detention.

The judicial surveys, comments from other criminal justice practitioners and the analysis of cost consideration played an important role in the Commissions discussions. The recommendation contained in the following chapter results from those discussions.

VIII. RECOMMENDATIONS OF THE COMMISSION

The Commission has formulated a unanimous recommendation with the goals of promoting public safety with appropriate sentencing enhancements and promoting public confidence in the Criminal Code with a uniform, consistent and certain sentencing scheme.

The Commission believes that there is a need to provide a consistent and rational plan for the crimes to be given enhanced penalties under the truth-in-sentencing law. The limitation of enhanced sentences for some crimes to instances where courts found great bodily harm created some uncertainty. The Commission also believes that additional crimes similar in seriousness to the current truth-in-sentencing offenses, requiring an offender to serve 85 percent of his/her sentence, should receive the same enhanced level of punishment. Therefore, the Commission recommends adding a number of similar crimes and removing the judicial finding of great bodily harm requirement from the current truth-in-sentencing offenses.

The Illinois Truth-in-Sentencing Commission recommends, in keeping with its goals, its statutory mandate and the legislative intent to preserve the system's ability to punish criminals justly and equitably, that Illinois' truth-in-sentencing statute retain the 100 percent level for murder, but expand the 85 percent category to include all non-probationable, violent felonies. The Truth-in-Sentencing Commission also recommends that truth-in-sentencing be expanded to make armed robbery, home invasion, aggravated discharge of a firearm, and aggravated vehicular hijacking subject to enhanced service of time without requiring a judicial finding of great bodily harm. To achieve the legislative intent of focussing the truth-in-sentencing reforms against the most violent criminals, the Commission recommends preserving the great bodily harm inquiry on charges of Armed Violence with a category I or II weapon.

The Commission recommends that Illinois' truth-in-sentencing policy should be driven by those factors which prompted the original legislation, including increasing the public's confidence in the criminal justice system and incarcerating those who are considered most dangerous. It is important to note that the Commission recommends that it should not support an expansion of the offenses eligible under truth-in-sentencing to all violent crimes for the sole purpose of being eligible for federal funds. As discussed in Chapter VI, the cost to comply with the federal requirement that all Part I violent offenders serve 85% of their sentences is approximately \$1.5 billion over a 10 year period. Given the relatively small amount of funding available from the federal government, the fiscal impact on the Illinois Department of Corrections to meet all of the requirements of the federal grant program would dramatically exceed any federal funds received, even using the most optimistic estimate. If a truth-in-sentencing law based on these factors also results in offenders convicted of a Part I violent crime serving an *average* of 85 percent of their sentence, then the federal funds which Illinois would qualify for would be an additional benefit.

In its deliberations, the Commission reviewed the current non-probationable offenses, identified those non-probationable offenses which are violent, and concluded that those violent offenses should be subject to truth-in-sentencing. To that end, the Commission recommends that the following non-probationable, violent offenses be subject to truth-in-sentencing as follows:

First Degree Murder should continue to be punished with offenders serving 100 percent of their sentences.

Felons would also serve at least 85 percent of the time to which they are sentenced for the following crimes:

Aggravated Criminal Sexual Assault	720 ILCS 5/12-14
Attempted First Degree Murder	720 ILCS 5/8-4; 720 ILCS 5/9-1
Aggravated Battery with a Firearm	720 ILCS 5/12-4.2
Criminal Sexual Assault	720 ILCS 5/12-13
Predatory Criminal Sexual Assault of a Child	720 ILCS 5/12-14.1
Aggravated Battery of a Child	720 ILCS 5/12-4.3
Aggravated Battery of a Senior Citizen	720 ILCS 5/12-4.6
Aggravated Kidnapping	720 ILCS 5/10-2
Heinous Battery	720 ILCS 5/12-4.1
Solicitation of Murder	720 ILCS 5/8-1.1
Intentional Homicide of an Unborn Child	720 ILCS 5/9-1.2
Solicitation of Murder for Hire	720 ILCS 5/8-1.2
Armed Robbery*	720 ILCS 5/18-2
Home Invasion*	720 ILCS 5/12-11
Armed Violence* (with a category I or II weapon where the predicate offense includes great bodily harm as an element)	720 ILCS 5/33A-2 (only with a category I or II weapon where the predicate offense includes great bodily harm as an element)
Aggravated Discharge of a Firearm at a Person*	720 ILCS 5/24-1.2(a)(3), (a)(4), (a)(5), and (a)(6)
Aggravated Vehicular Hijacking*	720 ILCS 5/18-4
Drug Induced Homicide**	720 ILCS 5/9-3.2
Ritualized Abuse of a Child (Second Conviction)**	720 ILCS 5/12-33 (second conviction only)
Hate Crime (Second conviction, mob action or gun)**	720 ILCS 5/12-7.1; 730 ILCS 5/5-5-3(c)(2)(L)
Gang-related forcible felony, except murder**	730 ILCS 5/5-5-3(c)(2)(J)
Vehicular Hijacking**	720 ILCS 5/18-3
Exploitation of a Child**	720 ILCS 5/11-19.2
Aggravated Robbery with prior class 2 or greater conviction**	720 ILCS 5/18-5; 730 ILCS 5/5-5-3(c)(2)(F)
Robbery with prior class 2 or greater conviction**	20 ILCS 5/18-1; 730 ILCS 5/5-5-3(c)(2)(F)
Aggravated Arson**	720 ILCS 5/20-1.1
UUW (loaded machine gun on person or vehicle)**	720 ILCS 5/24-1(a)(7)(I); 720 ILCS 5/24-1(b)
Unlawful Discharge of a Metal Piercing Bullet (hitting person)**	720 ILCS 5/24-3.2(b)
Female Genital Mutilation**	720 ILCS 5/12-34

* currently only subject to truth-in-sentencing if there is a finding of great bodily harm.

** currently not subject to truth-in-sentencing

By targeting non-probationable, violent offenses, these recommendations yield a consistent system for providing enhanced penalties under truth-in-sentencing. This preserves the legislative intent of punishing the most serious violent criminals and provides a sentencing framework which is clear and certain.

Recommendation for Future Study

In the course of its work, the Commission was mindful of the fact that there are still some unknowns about the impact of the Truth-in-Sentencing law. The new sentencing structure is less than three years old, meaning that the Commission's findings and recommendations are necessarily based in part on projections about crime rates, prison construction, and judicial sentencing patterns. Although the Commission is confident that the Truth-in-Sentencing scheme has helped bring certainty and clarity to the law, it recognizes that future data may suggest further modifications, just as the current data have led the Commission to recommend the changes set forth in this report. The Commission therefore recommends that the legislature reconstitute a new Truth-in-Sentencing Commission, similar in structure and mandate, within the next three to five years. The Commission believes that the proper workings of the Illinois criminal sentencing structure is sufficiently important to warrant this type of ongoing review.

The Commission further recommends that the legislature consider appointing a full-time commission to perform a comprehensive study of the Illinois criminal laws. It has been more than three decades since these laws were systematically examined, and - as many other states have recognized - the passage of time can often undermine the coherence and consistency that laws like Truth-in-Sentencing are designed to provide. Although the Commission recognizes that a comprehensive study of this type would be a major undertaking, its work over the last two years has led it to conclude that a larger study, considering issues beyond sentencing, is appropriate. A full-scale review by experts in the field would allow the criminal code to reflect the wisdom of experience gained over the last thirty years, and would help ensure that the laws continue to reflect the values and priorities of the citizens of Illinois.

