

HB2265/SB2267¹
SENTENCE ENHANCEMENTS FOR UNLAWFUL USE OF A WEAPON (UW) OFFENSES
720 ILCS 5/24-1.1, 5/24-1.6 and 5/24-1.8²

COST AND OUTCOMES
\$392,613,652

These bills do three things that drive the sentenced population up: change probation eligibility on several offenses; increase the mandatory minimums for all offenses; and make these offenses subject to truth in sentencing. These changes increase the number of offenders sentenced to DOC and the length of time they spend in DOC facilities.

SPAC analyzed data from the DOC admissions and exits for calendar years 2010 through 2012 to assess the fiscal impact of these sentencing policy changes had they been in effect for those years.

The combined effect of raising the minimum sentence and requiring offenders to serve 85% of the sentence imposed on the length of stay in a DOC facility, and the addition to the DOC population of offenders who are currently eligible for sentences of probation, would result in significant cost increases for the Department of Corrections. These figures are based on data for the calendar years 2010, 2011 and 2012.

Offense	Current costs	Future costs under HB2265/SB2267	Total Increase
Aggravated UW	\$21,488,544	\$210,717,720	\$189,229,176
UW / Felon	\$67,638,816	\$259,463,520	\$191,824,704
UW / Gang Member	\$ 3,138,228	\$ 14,688,000	\$ 11,549,772
TOTAL	\$92,225,558	\$ 486,171,160	\$392,613,652

POLICY QUESTIONS: Will these policies deter gun crimes and reduce recidivism sufficiently to justify the increased corrections costs? Where will the funding to buy more prison beds come from?

OUTCOMES: When fully populated with Illinois criminal justice data on costs, system involvement and programming, the Pew-MacArthur Results First Initiative cost-benefit model SPAC is utilizing will be capable of estimating the number of victimizations avoided through implementation of this proposal. As a general proposition, incapacitation reduces the number of crimes committed while individuals are incarcerated, however diversion, treatment and educational programs can be highly effective in reducing recidivism. The crime reduction effect of incarceration may therefore be offset by increased recidivism from reduced access to programming if programming budgets are cut to fund more prison beds. This would produce a negative multiplier effect that cannot be easily quantified.

¹ Please note that a correction has been made on page three. The equation appears in bold and the correction reduced the cost of this proposal by \$1.5 million dollars.

² On the assumption that concealed carry will be legalized in the near future, SPAC did not analyze the changes to 720 ILCS 5/24-1(4) or (10). This analysis was prepared with the help of the Research and Analysis Unit at the Illinois Criminal Justice Information Authority.

IMPACT ON THE DEPARTMENT OF CORRECTIONS (DOC): \$394,195,572 - The total increased per capita cost to the DOC had these policies been in place from 2010 through 2012. This cost is based on the increased in the average daily population that would have been caused by:

- The combined effect of raising the minimum sentence and requiring offenders to serve 85% of the sentence imposed on the length of stay in a DOC facility.
- The addition to the DOC population of offenders who are currently eligible for sentences of probation but would be sentenced to DOC under the proposed changes.

IMPACT ON PROBATION CASELOADS: These bills change the probation eligibility of several offenses. As a general rule, probation costs are significantly lower than prison costs. While SPAC continues to work with the Administrative Office of the Illinois Courts (AOIC) to calculate an accurate marginal cost for probation, please contact the AOIC directly for more information on the fiscal impact this bill will have on probation.

METHODOLOGY: SPAC performed a retrospective analysis of data on arrests, convictions, and sentences for these offenses in calendar year 2010, 2011 and 2012. This approach will be used while SPAC builds its capacity to produce a reliable population projection. Using the Pew-MacArthur Results First Initiative cost-benefit analysis statistical model, SPAC initially calculated marginal costs, those that change with addition or subtraction of offenders from the population. Due to the significant increase in the DOC population these proposals would have caused over the last three years, staffing costs are added to marginal costs and the resulting per capita cost of \$21,600 is used for this analysis.

LIMITATIONS AND ASSUMPTIONS

1. In calculating the increase in length of stay, the new mandatory minimum sentence is used which does not account for offenders who are sentenced more than the minimum. In general the mandatory minimum is less than the average sentence imposed; however the majority of offenders receive the minimum sentence. This difference may be mitigated by the fact that the new minimum does not account for credit for time served prior to dispositions.
2. The capital cost of building more prison beds is not included.
3. Staff costs for health and pension benefits for additional staff, which are carried in the CMS budget, are not included.
4. The 2012 figures may be low due to a lag time in reporting dispositions and sentences to the Criminal History Reporting Information (CHRI).

Unlawful Use of a Weapon by a Felon - 720 ILCS 5/24-1.1

FOR 2010, 2011 AND 2012

Total arrests: 7,040

Total convictions: 3,546³

SENTENCES IMPOSED:

Probation: 475

First Offense DOC: 768

Second Offense DOC: 1,832

PER CAPITA COST OF INCARCERATION: \$21,600/yr

AVERAGE DOC SENTENCE IMPOSED:

First Offense: 3.19 years

Second Offense: 4.48 years

AVERAGE LENGTH OF STAY FOR INDIVIDUALS EXITING DOC IN THE LAST THREE YEARS:

First Offense: 0.97 years (11.64 months)

Second Offense: 1.30 years (15.55 months)

This is the term of the sentence less credit for time served in pretrial detention and any sentence credits for which the offender is eligible.

LENGTH OF STAY WITH MANDATORY MINIMUM SENTENCE AND THE TRUTH IN SENTENCING ENHANCEMENT:

First Offense: 3.40 years (85% of 4 years)

Second Offense: 4.25 years (85% of 5 years)

CURRENT COST OF INCARCERATING AN OFFENDER:

First Offense: For 11.64 months = \$20,952 (\$21,600 /12 x 11.64)

Second Offense: For 15.55 months = \$27,990 (\$21,600 /12 x 15.55)

PROPOSED COST OF INCARCERATING AN OFFENDER FOR:

First Offense: 3.40 years = \$73,440

Second Offense: 4.25 years = \$91,800

INCREASED COST HAD THIS BILL BEEN IN EFFECT FOR THE LAST THREE YEARS: \$193,416,624

First Offense 85% sentence: 768 x \$73,440 = \$56,401,920

Second Offense 85% sentence: 1,832 x \$91,800 = \$168,177,600

Additional probation offenders: 475 x 73,440 = \$34,884,000

\$259,463,520

Current cost, First Offense: 768 x \$20,952 = - \$16,091,136

Current cost, Second Offense: 1,832 x \$27,990 = - \$51,277,680

Total cost increase \$193,416,624

³ The differences in arrest, conviction and sentencing numbers reflect the fact that people arrested for UUW may be charged with a different crime, the effect of plea bargains, charges being dismissed or *nolle prosequed*, and the fact that most cases are not resolved in the same year the arrest was made. In cases where multiple charges are filed the offender may be convicted and sentenced of more serious offenses while lesser charges are dismissed.

Aggravated Unlawful Use of a Weapon - 720 ILCS 5/24-1.6

FOR 2010, 2011 AND 2012

Total arrests: 6,388

Total convictions: 3,910

SENTENCES IMPOSED:

Probation: 1,811

First offense DOC: 1,098

Second offense DOC: 550

PER CAPITA COST OF INCARCERATION: \$21,600/yr

AVERAGE DOC SENTENCE IMPOSED: 26.90 months, or 2.24 years

AVERAGE LENGTH OF STAY FOR INDIVIDUALS EXITING DOC IN THE LAST THREE YEARS

First Offense: 0.33 Second offense: 1.15

This is the term of the sentence less credit for time served in pretrial detention and any sentence credits for which the offender is eligible.

LENGTH OF STAY WITH MANDATORY MINIMUM SENTENCE AND THE TRUTH IN SENTENCING ENHANCEMENT:

First Offense: 2.55 years Second offense: 4.25 years

CURRENT COST OF INCARCERATING AN OFFENDER:

First Offense: For 0.33 years = \$7,128 (\$21,600 x 0.33)
Second Offense: For 1.15 years = \$24,840 (\$21,600 x 1.15)

PROPOSED COST OF INCARCERATING AN OFFENDER FOR:

First Offense: 2.55 years = \$55,080 Second Offense: 4.25 years = \$91,800

INCREASED COST HAD THIS BILL BEEN IN EFFECT FOR THE LAST THREE YEARS: \$189,229,176.00

First Offense 85% sentence: 1,098 x \$55,080	\$60,477,840.00
Second Offense 85% sentence: 550 x \$91,800	\$50,490,000.00
Addition of probation offenders 1,811 x 55,080	<u>\$99,749,880.00</u>
	\$210,717,720.00

Current cost, First Offense: 1,098 x \$7,128	- \$7,826,544.00
Current cost, Second Offense: 550 x \$24,840	- <u>\$13,662,000.00</u>

Total Increase in costs \$189,229,176.00

Unlawful Use of a Weapon by a Gang Member - 720 ILCS 5/24-1.8

FOR 2010, 2011 AND 2012

Total arrests: 631

Total convictions: 298

SENTENCES IMPOSED:

Probation: 21 – for possession of an unloaded weapon

DOC: 179

PER CAPITA COST OF INCARCERATION: \$21,600/yr

AVERAGE DOC SENTENCE IMPOSED: 3.87 years

AVERAGE LENGTH OF STAY FOR INDIVIDUALS EXITING DOC IN THE LAST TWO YEARS (NO EXITS IN 2010):

0.81 years (9.74 months)

This is the term of the sentence imposed less credit for time served in pretrial detention and any sentence credits for which the offender is eligible.

LENGTH OF STAY WITH MANDATORY MINIMUM SENTENCE AND THE TRUTH IN SENTENCING ENHANCEMENT: 3.4 years (85% of 4 year minimum)

CURRENT COST OF INCARCERATING AN OFFENDER for .81 years = \$17,532 (\$21,600 /12 x 9.74)

PROPOSED COST OF INCARCERATING AN OFFENDER for 3.4 years= \$73,440 (\$21,600 x 3.4)

INCREASED COST HAD THIS BILL BEEN IN EFFECT FOR THE LAST THREE YEARS: \$11,549,772

85% sentence: 179 x \$73,440 =	\$13,145,760
Additional probation offenders =	<u>\$1,542,240</u>
	\$14,688,000
Current cost: 179 x \$17,532 =	<u>-\$3,138,228</u>
Total increase in costs	\$11,549,772