

## HOUSE BILL 2515 - HOUSE AMENDMENT 1 / SENATE BILL 2073

### ELIGIBILITY POOL CALCULATION INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

House Amendment 1 to House Bill 2515 ([HB2515](#)) adjust the length of stay for some inmates in two ways: (1) inmates who were under 21 at the time of their offense can apply for early release once they serve at least 10 years for non-homicide sentences and at least 20 for homicide sentences and (2) inmates serving natural life who were under 18 at the time of their offense can apply for resentencing provided they have not been resentenced for the current offense after January 1, 2012. To implement the first component, eligible inmates apply to the Prisoner Review Board (PRB) three years before serving 10 or 20 years to begin the process of early release. For the second mechanism, eligible inmates apply to the original sentencing court for resentencing.

**Table 1.** Inmates Affected by HB2515 / SB2073

	Estimated Eligible Inmates
(1) Early Release for Non-homicide Offenses	275
(1) Early Release for Homicide Offenses	875
<b>Total Early Release Eligible</b>	<b>1,100</b>
(2) Resentencing for Juvenile Offenders with natural life sentences	69
<b>Total Resentencing-Eligible</b>	<b>69</b>

To estimate eligibility, SPAC examined IDOC's inmate population as of June 30, 2016, as well as IDOC's case management system data on February 24, 2017. SPAC identified approximately 1,100 inmates who met the criteria for applying to the PRB for early release. An additional 69 inmates serving natural life appear to be eligible for resentencing, although SPAC could not identify whether the sentences were vacated and the offenders resentenced after January 1, 2012, which could make them ineligible for resentencing under these bills.

The following steps were taken to determine eligibility. The limitations in this calculation are set forth in the chart on page 2:

(1) Early Release	(2) Resentencing for Juvenile Offenders
Offense date or estimated offense date (subtracted the median for similar offenders from the conviction date) occurred before the offender's 21 <sup>st</sup> birthday.	Offense date occurred before the offender's 18 <sup>th</sup> birthday.
(A) Expected incarceration time served is greater than 10 years for non-homicide offenders and 20 years for homicide offenders and	Serving a life sentence.

<b>(1) Early Release</b>	<b>(2) Resentencing for Juvenile Offenders</b>
(B) The offender has served at least 7 years or 17 years for homicide offenders, including jail time.	
<p>Data and possible limitations:</p> <ul style="list-style-type: none"> <li>• Used June 30, 2016 IDOC data.</li> <li>• Only new court commitments were analyzed; offenders who have served lengthy sentences after technical violations were excluded.</li> <li>• SPAC was unable to account for consecutive sentences. This analysis examines only concurrent or single sentences. It includes life sentences.</li> <li>• Homicide cases were identified using IDOC’s holding offense categories, which should reflect the bill’s language of “homicide” rather than only first-degree murder.</li> <li>• Because the offense date is estimated (due to data limitations), SPAC averaged two different approaches and conservatively rounded downwards. Both approaches produced similar results and the number listed above should be a reliable estimate.</li> </ul>	<p>Data and possible limitations:</p> <ul style="list-style-type: none"> <li>• Used IDOC’s Offender360 data system and compared to prior data.</li> <li>• SPAC was unable to determine cases where the original sentence was vacated and the offender was resentenced.</li> </ul>