

**HOUSE BILL 4123**  
CHANGES TO TRUTH-IN-SENTENCING RESTRICTIONS  
730 ILCS 5 SECTIONS 3-6-3 AND 3-7-6

**TOTAL BENEFITS IN REDUCED FISCAL COSTS OVER THREE YEARS: \$77.2 MILLION TO \$293.7 MILLION**  
**TOTAL VICTIMIZATION COSTS OVER THREE YEARS: \$37.7 MILLION**

**NET BENEFITS RANGE (BENEFITS MINUS COSTS): \$39.5 MILLION TO \$256.0 MILLION**

House Bill 4123 ([HB 4123](#)) amends the Unified Code of Corrections to reduce truth-in-sentencing (TIS) restrictions as follows: (1) those convicted of first degree murder could earn sentence credits but would be required to serve 75%, rather than 100%, of their sentence, (2) removes the current restriction of 7.5 days per month for all Class X drug manufacture and delivery offenses, and (3) increases the number of allowed credits for several other offenses from 4.5 days per month to 8.5 days per month.<sup>1</sup>

	Marginal Cost	Per Capita Cost
<b>Bed-Years Saved</b>	13,229	
<b>Dollars Saved (Bed-Years x Current Cost)</b>	\$ 77,176,839	\$ 293,692,663
<b>Total Victimization Costs</b>	\$ 37,687,117	
<b>Net Benefits (Benefits minus Costs)</b>	\$ 39,489,721	\$ 256,005,545

**POLICY QUESTIONS:** What fiscal and bed-year impact would these changes have on the Illinois Department of Corrections? What impact would earlier release of these offenders have on victimization costs and would those costs outweigh the fiscal benefits of reducing bed-years?

SPAC analyzed admissions to the Illinois Department of Corrections (IDOC) from 2011-2013 for the enumerated offenses to estimate the impact of HB 4123. Using the number of admissions and the average sentences imposed, SPAC calculated how many bed-years are currently used for these offenders. Bed-years are calculated by multiplying the number of offenders by their average length of stay and assuming they receive the maximum number of allowable sentence credits. SPAC then calculated the change in bed-years had HB 4123 been in effect and compared the two calculations to determine the bed-year savings.

Because HB 4123 would apply prospectively it would not reduce the length of stay of those currently serving sentences for murder and the other enumerated offenses. Therefore, the savings under HB 4123 would not be realized for several years. For example, offenders sentenced for murder would still occupy prison space for thirty years on average. The savings

<sup>1</sup> These other offenses include: Attempted Terrorism, Attempt Murder, Solicit Murder/Murder-for-hire, Predatory Criminal Sexual Assault, Criminal Sexual Assault, Aggravated Kidnapping, Aggravated Battery with firearm, Heinous Battery, Armed Habitual Criminal, Aggravated Battery of a senior citizen, Aggravated Battery of a child, Home Invasion (with great bodily harm), Armed Robbery (with great bodily harm), Aggravated Vehicular Hijacking (with great bodily harm), Aggravated Discharge Firearm (with great bodily harm), Armed Violence with Category I/II weapon (with great bodily harm), Aggravated Domestic Battery, Aggravated DUI, and Aggravated Arson.

are created for the years 30 through 40. The average TIS sentence affected by HB 4123 is 11 years, so the average savings would occur 10 years from enactment.

**Table 1.** HB 4123's Impact on Bed-Years

Description	Number of Offenders	Average Sentence Length (years)	TIS (Days Credit/Month)	Bed-Years Current	TIS Change (Days Credit/Month)	Bed-Years at Reduced TIS	Bed-Years Saved
Murder	738	40.7	0	30,036.6	7.5	22,527.5	7,509.2
Attempt Terrorism	2	6.0	4.5	10.2	8.5	8.6	1.6
Attempt Murder	389	16.8	4.5	5,554.9	8.5	4,683.6	871.4
Solicit Murder, Murder-for-hire	10	25.1	4.5	213.4	8.5	179.9	33.5
Predatory Criminal Sexual Assault	937	10.8	4.5	8,601.7	8.5	7,252.4	1,349.3
Criminal Sexual Assault	65	9.7	4.5	535.9	8.5	451.9	84.1
Aggravated Kidnapping	112	13.2	4.5	1,256.6	8.5	1,059.5	197.1
Aggravated Battery with firearm	446	10.9	4.5	4,132.2	8.5	3,484.0	648.2
Heinous Battery	14	16.4	4.5	195.2	8.5	164.5	30.6
Armed Habitual Criminal	330	8.0	4.5	2,244.0	8.5	1,892.0	352.0
Aggravated Battery of a senior citizen	35	6.2	4.5	184.5	8.5	155.5	28.9
Aggravated Battery of a child	157	7.8	4.5	1,040.9	8.5	877.6	163.3
Home Invasion GBH*	55	13.0	4.5	607.8	8.5	512.4	95.3
Armed Robbery GBH	59	14.4	4.5	722.2	8.5	608.9	113.3
Aggravated Vehicular Hijacking GBH	9	11.1	4.5	84.9	8.5	71.6	13.3
Aggravated Discharge Firearm GBH	420	6.2	4.5	2,213.4	8.5	1,866.2	347.2
Armed Violence with Category I/II weapon GBH	18	14.8	4.5	226.4	8.5	190.9	35.5
Class X Drug (730 ILCS 5/3-6-3(a)(2)v)**	288	11.0	7.5	2,376.0	15	1,584.0	792.0
Aggravated Domestic Battery	502	4.6	4.5	1,962.8	8.5	1,654.9	307.9
Aggravated DUI	232	6.0	4.5	1,183.2	8.5	997.6	185.6
Aggravated Arson	58	9.0	4.5	443.7	8.5	374.1	69.6
*GBH = Great Bodily Harm							
**Class X of the following offenses: delivery controlled substance, Possession controlled substance with intent to manufacture or deliver, Calculated criminal drug conspiracy, Criminal drug conspiracy, Participation in meth manufacturing, Aggravated participation in meth manufacturing, Delivery of Meth, Possess with intent to deliver meth, Aggravated delivery of meth, Aggravated possession with intent to deliver meth, Meth conspiracy when 100 grams or more.							
Intentional Homicide of Unborn Child, Second/Subsequent Luring of a Minor, Aggravated Battery with firearm & silencer are not included as there were no admissions on these offenses to IDOC from 2011-2013.							
Source: SPAC analysis of IDOC data.							

**Table 2. HB 4123's Fiscal Impact**

<b>Description</b>	<b>Bed-Years Saved</b>	<b>Dollars Saved (Bed-Years x Current Marginal Cost)</b>	<b>Dollars Saved (Bed-Years x Current Per Capita Cost)</b>
Murder	7,509.2	\$43,808,381	\$166,710,639
Attempt Terrorism	1.6	\$9,334	\$35,522
Attempt Murder	871.4	\$5,083,514	\$19,345,063
Solicit Murder, Murder-for-hire	33.5	\$195,245	\$742,993
Predatory Criminal Sexual Assault	1,349.3	\$7,871,700	\$29,955,365
Criminal Sexual Assault	84.1	\$490,445	\$1,866,364
Aggravated Kidnapping	197.1	\$1,149,998	\$4,376,261
Aggravated Battery with firearm	648.2	\$3,781,521	\$14,390,392
Heinous Battery	30.6	\$178,598	\$679,647
Armed Habitual Criminal	352.0	\$2,053,568	\$7,814,752
Aggravated Battery of a senior citizen	28.9	\$168,797	\$642,349
Aggravated Battery of a child	163.3	\$952,576	\$3,624,979
Home Invasion GBH*	95.3	\$556,175	\$2,116,495
Armed Robbery GBH	113.3	\$660,876	\$2,514,929
Aggravated Vehicular Hijacking GBH	13.3	\$77,709	\$295,717
Aggravated Discharge Firearm GBH	347.2	\$2,025,565	\$7,708,187
Armed Violence with Category I/II weapon, GBH	35.5	\$207,224	\$788,580
Class X Drug (730 ILCS 5/3-6-3(a)(2)v)**	792.0	\$4,620,528	\$17,583,192
Aggravated Domestic Battery	307.9	\$1,796,250	\$6,835,540
Aggravated DUI	185.6	\$1,082,790	\$4,120,506
Aggravated Arson	69.6	\$406,046	\$1,545,190
<b>Total</b>	<b>13,228.8</b>	<b>\$77,176,839</b>	<b>\$293,692,663</b>
*GBH = Great Bodily Harm			
**Class X of the following offenses: delivery controlled substance, Possession controlled substance with intent to manufacture or deliver, Calculated criminal drug conspiracy, Criminal drug conspiracy, Participation in meth manufacturing, Aggravated participation in meth manufacturing, Delivery of Meth, Possess with intent to deliver meth, Aggravated delivery of meth, Aggravated possession with intent to deliver meth, Meth conspiracy when 100 grams or more.			

Table 2 shows the estimated dollars saved from the reduction in bed-years. For 2015, SPAC uses a marginal cost of \$5,834 and a per capita cost of \$22,201. The marginal cost is the cost of feeding, clothing, and other basic expenses that change per inmate. The per capita cost is the total operating costs IDOC uses divided by the total number of inmates, which includes the marginal cost as well as staffing and security costs. Costs for IDOC employees' health and pension benefits are not included because they are paid out of the Central Management Services (CMS) budget. Taxpayers pay approximately \$14,901 per inmate per year for health and pension benefits.

For small changes in the IDOC population, the marginal cost is an appropriate approximation of the dollars saved by a change. Larger changes could see further cost savings as operating costs readjust. Over time, taxpayers would also save the CMS expenses if the change in the prison population was large enough to affect staffing.

**Table 3. Difference in Sentence Length Under HB 4123**

Description	Number of Offenders	Average Sentence Length (years)	TIS (Days Credit/Month)	Currently Expected to Serve	TIS Change (Days Credit/Month)	New Expected Sentence	Time Reduced
Murder	738	40.7	0	40.7	7.5	30.5	10.2
Attempt Terrorism	2	6.0	4.5	5.1	8.5	4.3	0.8
Attempt Murder	389	16.8	4.5	14.3	8.5	12.0	2.2
Solicit Murder, Murder-for-hire	10	25.1	4.5	21.3	8.5	18.0	3.3
Predatory Criminal Sexual Assault	937	10.8	4.5	9.2	8.5	7.7	1.4
Criminal Sexual Assault	65	9.7	4.5	8.2	8.5	7.0	1.3
Aggravated Kidnapping	112	13.2	4.5	11.2	8.5	9.5	1.8
Aggravated Battery with firearm	446	10.9	4.5	9.3	8.5	7.8	1.5
Heinous Battery	14	16.4	4.5	13.9	8.5	11.8	2.2
Armed Habitual Criminal	330	8.0	4.5	6.8	8.5	5.7	1.1
Aggravated Battery of a senior citizen	35	6.2	4.5	5.3	8.5	4.4	0.8
Aggravated Battery of a child	157	7.8	4.5	6.6	8.5	5.6	1.0
Home Invasion GBH*	55	13.0	4.5	11.1	8.5	9.3	1.7
Armed Robbery GBH	59	14.4	4.5	12.2	8.5	10.3	1.9
Aggravated Vehicular Hijacking GBH	9	11.1	4.5	9.4	8.5	8.0	1.5
Aggravated Discharge Firearm GBH	420	6.2	4.5	5.3	8.5	4.4	0.8
Armed Violence with Category I/II weapon, GBH	18	14.8	4.5	12.6	8.5	10.6	2.0
Class X Drug (730 ILCS 5/3-6-3(a)(2)v)**	288	11.0	7.5	8.3	15	5.5	2.8
Aggravated Domestic Battery	502	4.6	4.5	3.9	8.5	3.3	0.6
Aggravated DUI	232	6.0	4.5	5.1	8.5	4.3	0.8
Aggravated Arson	58	9.0	4.5	7.7	8.5	6.5	1.2
*GBH = Great Bodily Harm							
**Class X of the following offenses: delivery controlled substance, Possession controlled substance with intent to manufacture or deliver, Calculated criminal drug conspiracy, Criminal drug conspiracy, Participation in meth manufacturing, Aggravated participation in meth manufacturing, Delivery of Meth, Possess with intent to deliver meth, Aggravated delivery of meth, Aggravated possession with intent to deliver meth, Meth conspiracy when 100 grams or more.							
Intentional Homicide of Unborn Child, Second/Subsequent Luring of a Minor, Aggravated Battery with firearm & silencer are not included as there were no admissions on these offenses to IDOC from 2011-2013.							
Source: SPAC analysis of IDOC data.							

Table 3 shows the amount of time reduced from the average sentence for each offense. For murderers, whose average sentence is 40 years, 10 years could be reduced from their sentence through the earning of sentence credits as allowed in HB 4123. For all the other offenses, which have an average sentence of 11.1 years, the reduction is 1.5 years.

Decreasing sentences shortens the incapacitation of offenders. SPAC incorporates the incapacitation effect in two ways:

1. Offenders may age out—because the average age at exit would be younger, the recidivism rate may be slightly higher as younger felons generally recidivate more (*Recidivism Benefits* in Table 4 below). In the calculation pages below, negative victim benefits are additional victim costs. SPAC reviewed historical data from IDOC and from CHRI to find recidivism rates at each age from 18 through 60 and applied these recidivism rates and trends to the age offenders would have exited prison had the bill been in effect.<sup>2</sup>
  - The estimate presented here calculates the victim effects due to changes in recidivism for three age groups: those offenders under 27, who have falling recidivism rates with increased age; those offenders between 28 and 36 with rising recidivism rates; and those offenders older than 37, who exhibit gradual reductions in recidivism rates. Because

<sup>2</sup> These impacts were measured against the national dollar values of index crimes. The dollar values include both tangible (medical and employment losses, property losses) and intangible (pain and suffering) costs, following the best national research completed in 2010. A full description of the methodology is available in the Victimization Supplement.

these age groups' recidivism rates changed consistently across crime types, felony classes, and gender, SPAC found these methods reasonable for calculating changes in recidivism due to sentencing changes. The SPAC Victimization Supplement further describes this methodology.

- Crimes are delayed because offenders are incapacitated meaning crimes occur later or earlier due to the timing of the offenders' release (*Incapacitation Benefits* in Table 4). Because a dollar not stolen today is worth more than a dollar stolen tomorrow, crime delays create benefits to crime victims. This effect is generally referred to as the social discount rate. SPAC used a 3% discount rate to victimizations under the different incapacitation lengths to estimate a possible benefit of delayed crime.

SPAC's methodology only assumes there is a correlative effect between age and timing of recidivism due to incarceration. More research is necessary to determine further victim impacts.

**Table 4.** Victimization costs of HB 4123

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	L' - L = D	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	10.60	9.00	1.60	\$33,705	\$32,148	-\$1,557	9,818	-\$15,285,812
							<b>Total</b>	<b>-\$15,285,812</b>

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
		P	$N \times P = N'$	K	L' - L = D	$K \times D = E$	(Convictions: Recidivism) = Z	V3	$N' \times E \times Z \times V3$
	18 to 27	44.9%	4,408	-2.1%	-1.60	3.4%	1.65	-\$82,657	-\$20,201,023.96
	28 to 36	28.3%	2,778	0.3%	-1.60	-0.5%	1.65	-\$82,657	\$1,818,927.71
	37 to 50	26.8%	2,631	-0.7%	-1.60	1.1%	1.65	-\$82,657	-\$4,019,208.93
	<b>Total</b>	<b>100%</b>	<b>9,818</b>						<b>-\$22,401,305</b>

	<b>Total Dollar Value of Victimization From 2011 to 2013</b>
<b>Victimization Benefits</b>	<b>-\$37,687,117</b>

Table 4 details the possible costs of victimizations based on the recidivism patterns of offenders who could be released pursuant to HB 4123. SPAC's model for this bill predicts a possible cost of \$37.7 million in more victimizations due to earlier release. Crime patterns for these offenders are consistent with other recidivism patterns; the most common recidivism event for TIS offenders affected by this bill is historically drug or misdemeanor crimes. Property crimes are the next most likely events, though the rate of occurrence is low (approximately 4 in 100). Victimization could be reduced if evidence-based programs and services are available in the communities and accessible to offenders on mandatory supervised release.