Kathryn Saltmarsh
Executive Director
217-558-4749
Kathy.Saltmarsh@Illinois.gov

SENATE BILL 3257 AND HOUSE BILL 5060

720 ILCS 5/16-1 AND 720 ILCS 5/16-25
FELONY DOLLAR VALUES FOR THEFT AND RETAIL THEFT

INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

Senate Bill 3257 (SB3257) and House Bill 5060 (HB5060) propose increasing the dollar value required for theft and retail theft to reach felony status. This proposal increases the dollar value threshold for theft and retail theft to $2,000 and changes the criminal history enhancements. The current law and this proposal are described fully on page 6. By increasing the property value, fewer individuals would meet the threshold value, resulting in fewer felony convictions and fewer admissions to the Illinois Department of Corrections (IDOC).

SPAC used criminal history records information (CHRI) from 2014, 2015, and 2016 to calculate the number of arrests, convictions, and sentences for theft and retail theft. SPAC also used IDOC data from 2015, 2016, and 2017 for IDOC admissions, exits, and prison population. During the past three years, the data show:

Table 1. Three Years of Arrests, Convictions, and Sentences for Theft and Retail Theft

Three Years		Theft	Retail Theft
Arrests		35,645	51,981
Convictions		11,239	19,877
Withheld Judgements		2,974	8,023
Standard Probation	*Class 1*	-	*88*
	Class 2	*1*	*401*
	Class 3	*2,538*	*2,529*
	Class 4	*2,959*	*650*
	Total Probation	6,904	4,949
IDOC Admissions	*Class X*	-	*8*
	Class 1	-	*47*
	Class 2	*2*	*118*
	Class 3	*1,027*	*1,186*
	Class 4	*3,005*	*783*
	Total Prison	4,034	2,142
Average Sentence Imposed		1.8 years	1.8 years
Average Pretrial Detention Time Served		0.3 years	0.3 years
Average Prison Time Served		0.6 years	0.6 years
June 30,2017 Prison Population	*Class X*	-	*8*
	Class 1	-	*28*
	Class 2	-	*59*
	Class 3	*299*	*330*
	Class 4	*391*	*169*
	Total Prison Population	779	656
Source: SPAC analysis of CHRI and IDOC data			

Illinois does not report the property values of thefts into any statewide database. Therefore, SPAC uses the National Incident-Based Reporting System (NIBRS) to provide some perspective on the value dollar of crimes.[1] The national data includes data reported from Rockford, Illinois, *the only Illinois jurisdiction that reported detailed NIBRS data in 2015*, neighboring states, and national data. These data are shown (p. 4-5) as the best available information, but the data are not sufficient for a fiscal impact analysis and not representative of thefts or property damage in Illinois.
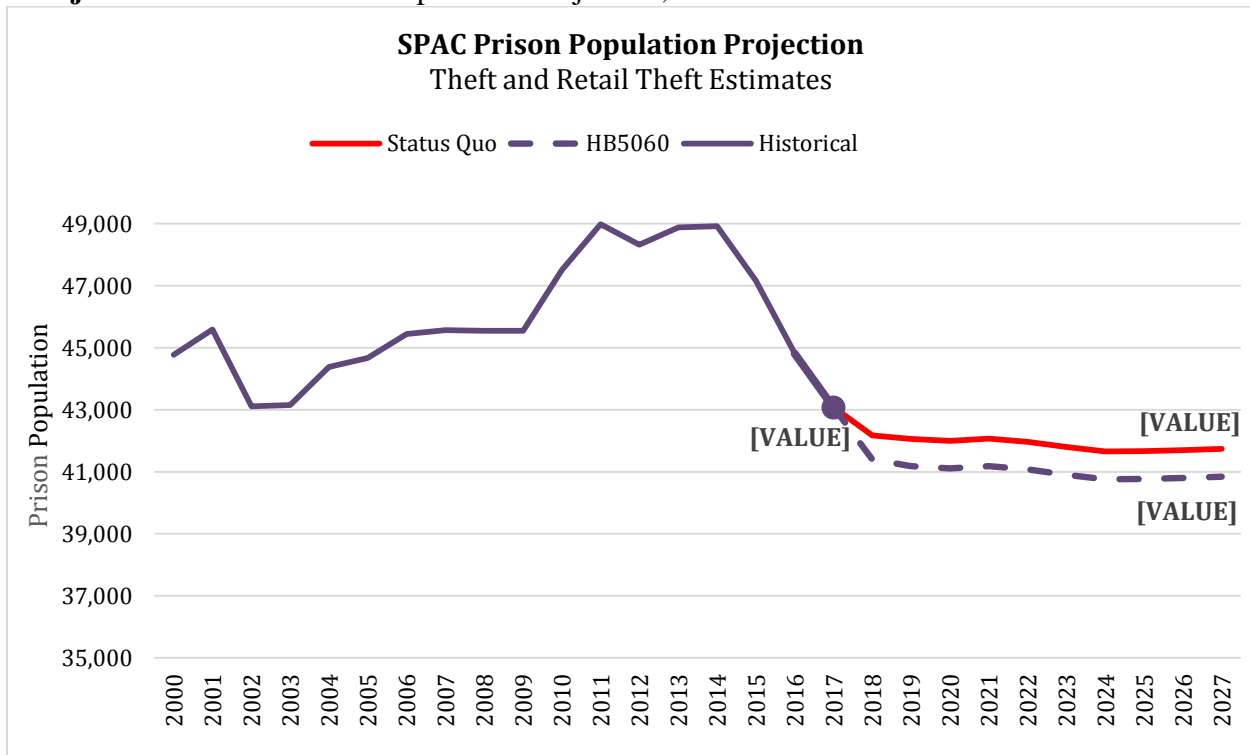
SPAC PARTIAL PRISON POPULATION PROJECTION
Note: this projection assumes Illinois property values match NIBRS values

A population projection answers the question "What if these policies were enacted?" To answer the question, the projection first asks what the estimated prison population would be without any change to the current policy. In the graph below, the red line in the projection shows the baseline, status quo projection of the prison population estimated for June 30th of each year. On June 30, 2027, the status quo projection estimates 41,742 individuals would be held in prison.

The dotted line answers the what if question: If the felony dollar value thresholds were raised and national incident-based data approximate the value of thefts and retail thefts, a net decrease of about 900 inmates each year would be expected as a result of SB3257/HB5060 and the projection estimates 40,843 individuals would be held in prison.

Projection 1. SPAC Prison Population Projection, SB3257/HB5060

SPAC Prison Population Projection
Theft and Retail Theft Estimates

The status quo projection relies on the assumption that admissions, sentences, and IDOC practices remain consistent with the recent year, FY2017. The projection is the result of altering that assumption by reducing prison admissions by the percent of felony cases that fall between the current felony thresholds and the proposal based on the national data. Changes to crime or recidivism rates are not accounted for in the projection.

The model uses the following assumptions:
- The projection relies on national NIBRS data, which is not representative of Illinois crime. Due to lack of other data sources, SPAC assumes the national data is representative to provide an estimate of potential impact. **Because of the NIBRS data gaps for metropolitan areas and Illinois generally, this estimate may either over or underestimate the true impact of these proposals.** The projection took the midpoint between the national average and the average value in Rockford, Illinois.
- For individuals convicted of theft, SPAC reduced the number of admissions to account for 30% of those who received felony convictions instead receiving misdemeanor convictions because of SB3257 and HB5060. SPAC derived these percentages from analysis of NIBRS data from 2015, including information available from Rockford, Illinois, in the national dataset.
- For individuals convicted of retail theft, SPAC reduced the number of admissions to account for 6% of those who received felony convictions instead receiving misdemeanor convictions because of SB3257 and HB5060. SPAC derived these percentages from analysis of NIBRS data from 2015, including information available from Rockford, Illinois, in the national dataset.
- For all of the above crimes, SPAC assumes no change in arrests, charges, convictions, or sentencing other than the above modifications.

The following pages describe each offense in more detail.

Theft
720 ILCS 5/16-1

Under current law, most thefts for items valued at less than $500 are classified as misdemeanors. Analysis of NIBRS data shows that nationally, roughly 54% of thefts are for items valued less than $500, and in Rockford roughly 60% of thefts are for items valued as less than $500. Of those cases with more than $500 in stolen property, about 11% of theft cases had more than $2,000. This proposal would decrease the number of incarcerated individuals convicted under a Class 4 felony and increase the number of misdemeanors. Analysis of NIBRS data reported in Rockford, Illinois, shows that 21% of known theft incidents fall between $500 and $2,000 in stolen property. Eight percent of cases in the dataset have unknown property values, due to missing data, unreported values, or data-entry errors.

Factors other than the value of the property determine whether theft classifies as a felony or misdemeanor under Illinois law and the authorized sentence for the felonies.[2] The estimates above assume that the reported values in NIBRS are consistent with the value that could be proven during trial and that other factors are not present. Because other factors are relevant under Illinois law, SPAC could not accurrately determine the fiscal impact of changing the value threshold for theft offenses.

The thefts in Rockford follow the national distribution and closely match neighboring states' NIBRS-reported values of stolen property. The chart below shows the national and Illinois theft distributions.

Percent of Theft Cases, by Value
reported Nationally and in Rockford, Illinois
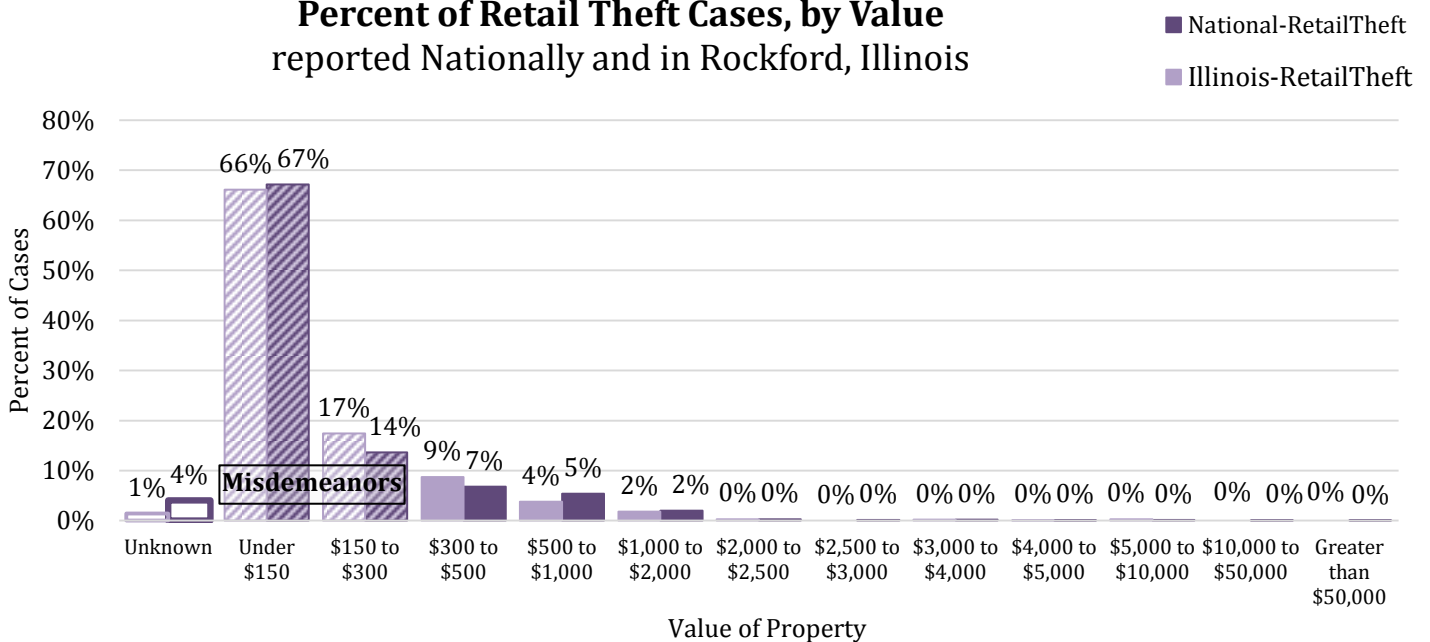
■ National-Theft
■ Illinois-Theft
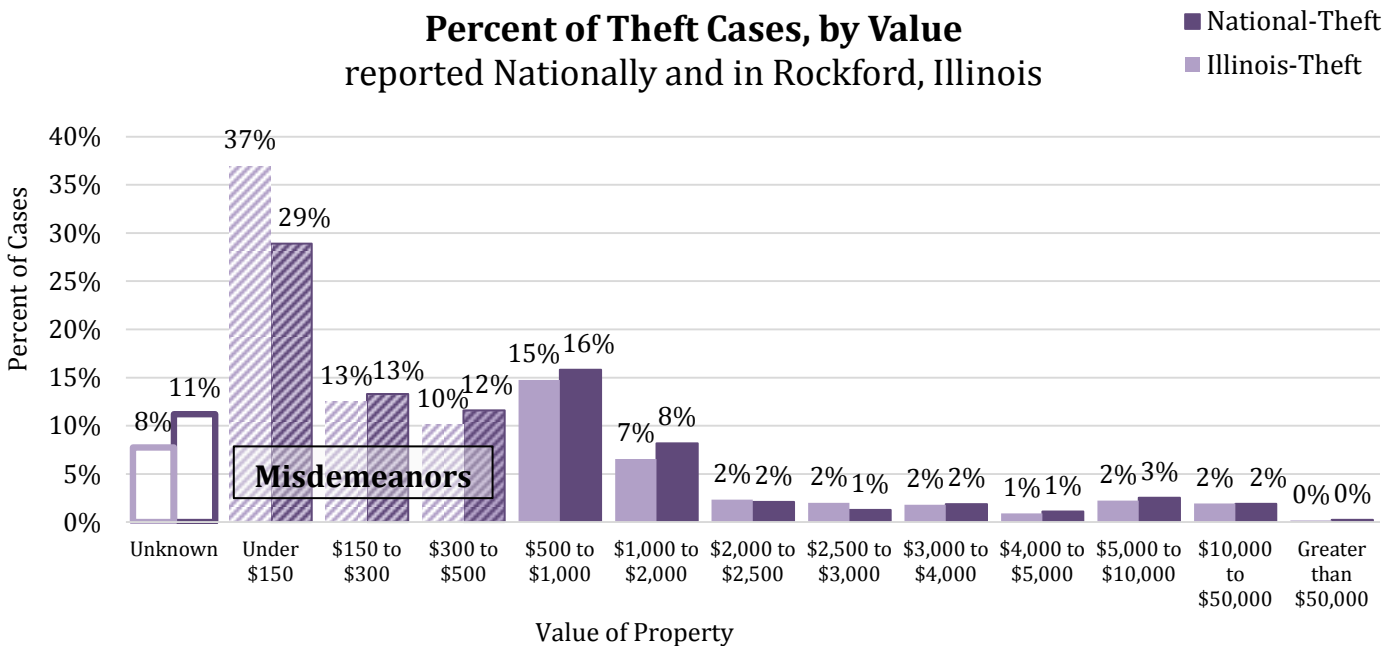
Retail Theft
720 ILCS 5/16-25

Analysis of NIBRS data shows that roughly 92% of retail thefts are for items valued less than $300, most of which are classified as misdemeanors. This proposal increases the property value thresholds for a felony, which decreases the number of individuals that would be convicted of Class 4 felonies and increase the number of offenses that would be classified as misdemeanors. Analysis of NIBRS data reported in Rockford, Illinois, shows that of those cases with more than $300 in stolen property, about 3% of retail theft cases had more than $2,000. About 1% of cases in the NIBRS dataset have unknown property values, due to missing data, unreported values, or data-entry errors.

Factors other than the value of the property determine whether retail theft classifies as a felony or misdemeanor under Illinois law.[3] The estimates above assume that the reported values in NIBRS are consistent with the value that could be proven during trial and that other factors are not present. Because other factors, such as criminal history or whether an emergency exit is used, are relevant under Illinois law, SPAC could not determine the fiscal imapct of changing the value threshold for retail theft offenses.

The retail thefts in Rockford follow the national distribution and closely match neighboring states' NIBRS-reported values of stolen property from retail stores. The chart below shows national and Illinois retail theft distribution.

Percent of Retail Theft Cases, by Value
reported Nationally and in Rockford, Illinois

■ National-RetailTheft
■ Illinois-RetailTheft

---

720 ILCS 5/16-1 – Theft		
	Current Law	**SB3257 and HB5060**
(b)(1)	Theft less than $500 is Class A	Theft less than $2,000 is Class A
(b)(1.1)	Theft less than $500 from protected place is Class 4	Theft less than $2,000 from protected place is Class 4
(b)(2)	Theft less than $500 if previously convicted of a any type of property crime is Class 4	Theft less than $2,000 if previously convicted of a _felony_ theft is Class 4
(b)(4)	Theft $500-$10,000 is Class 3	Theft $2,000-$10,000 is Class 3
(b)(4.1)	Theft $500-$10,000 if in protected place is Class 2	Theft $2,000-$10,000 if in protected place is Class 2
(b)(5) et seq	Theft greater than $10,000	_-- no change --_

Note: theft from a person, such as pickpocketing, is unchanged under this proposal and not shown in this table.

720 ILCS 5/16-25 – Retail Theft		
	Current Law	**SB3257 and HB5060**
(f)(1)	Retail theft less than $300 is Class A	Retail theft less than $2,000 is Class A
(f)(1)	Theft shielding device is Class A (1st time) is Class 4 (2nd time)	_-- no change --_
(f)(1)	Less than $300 by emergency exit is Class 4	Less than $2,000 by emergency exit is Class 4
(f)(2)	Retail theft less than $300 if previously convicted of any type of property crime is Class 4	Retail theft less than $2,000 if previously convicted of any type of property crime is Class 4
(f)(2)	Less than $300 by emergency exit if previously convicted of any type of property crime is Class 3	Less than $2,000 by emergency exit if prior conviction of a _felony_ theft is Class 3
(f)(3)	Retail theft greater than $300 is Class 3 or Class 2	Retail theft greater than $2,000 is Class 3 or Class 2

Note: retail theft of motor fuel is unchanged under this proposal and are not shown in this table.

DEMOGRAPHIC IMPACT OF PROPOSED LEGISLATION:

Table 1 shows the race and gender of offenders admitted to IDOC. Table 2 shows where these commitments to IDOC originate. Finally, Table 3 shows the relationship between geography and race for theft and retail theft commitments to State prisons. Here, race is self-identified upon admission to prison. The "Other" includes self-identified Hispanic, Asian/Island Pacific, Native American, and Unknown races.
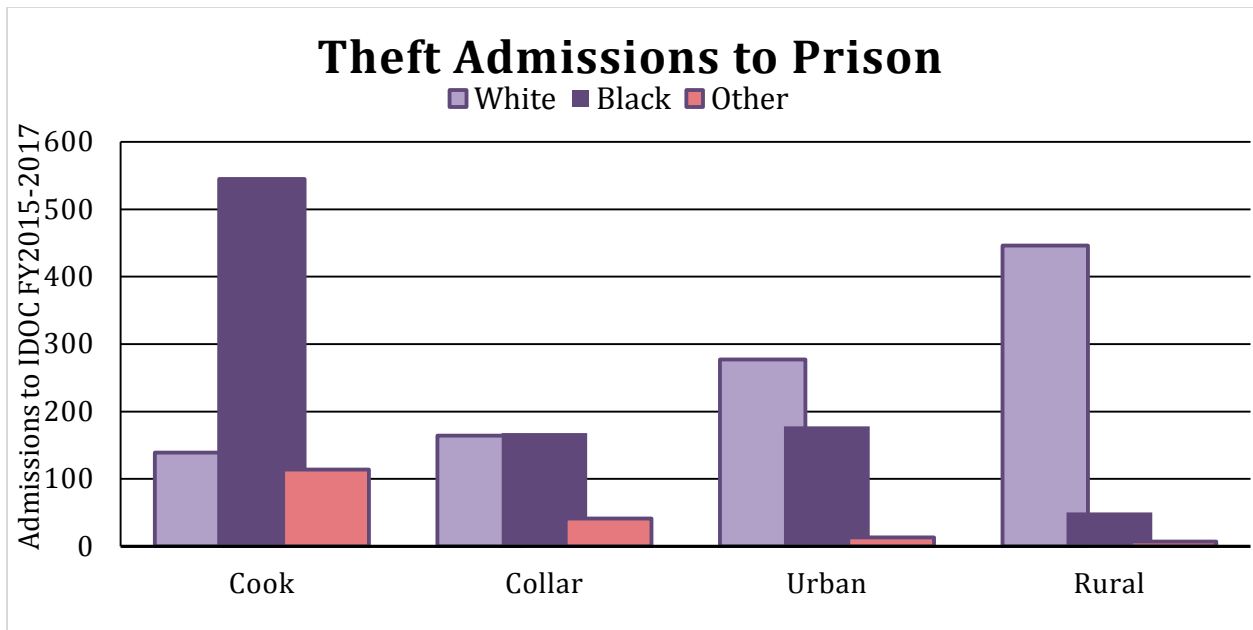
Table 2(a) Past Three Years Admissions to IDOC for **Theft**

	Male	**Female**	**Total**	**Percent**
White	850	176	1026	**48%**
Black	858	83	941	**44%**
Other	159	16	175	**8%**
Total	**87%**	**13%**	**2,142**	**100%**

Table 3(a) Top 10 Admitting Counties over Past Three Years for **Theft**

County	**Number of Admissions**	**Percent**
Cook	798	**37%**
Lake	117	**6%**
Will	117	**6%**
DuPage	87	**4%**
Champaign	75	**4%**
Sangamon	63	**3%**
Madison	58	**3%**
Macon	44	**2%**
Winnebago	44	**2%**
Peoria	42	**2%**
Other	697	**32%**
Total	**2,142**	**100%**

Table 4(a) Race by Geographic Region over Past Three Years for **Theft**

	Cook	**Collar**	**Urban**	**Rural**	**Percent**
White	139	164	277	446	**48%**
Black	545	168	178	50	**44%**
Other	114	41	13	7	**8%**
Total	**37%**	**17%**	**22%**	**23%**	**2,142**

Theft Admissions to Prison

Legend: □ White ■ Black ■ Other

Y-axis: Admissions to IDOC FY2015-2017

Categories (X-axis): Cook, Collar, Urban, Rural

Table 2(b) Past Three Years Admissions to IDOC for **Retail Theft**

	Male	Female	Total	Percent
White	973	453	1,426	**35%**
Black	1,796	475	2,271	**56%**
Other	262	75	337	**8%**
Total	**75%**	**25%**	**4,034**	**100%**

Table 3(b) Top 10 Admitting Counties over Past Three Years for **Retail Theft**

County	Number of Admissions	Percent
Cook	2,278	**56%**
Will	177	**4%**
DuPage	162	**4%**
Sangamon	115	**3%**
Winnebago	110	**3%**
Lake	89	**2%**
Macon	88	**2%**
St. Clair	87	**2%**
Peoria	85	**2%**
Madison	83	**2.%**
Other	760	**9%**
Total	**4,034**	**100%**

Table 4(b) Race by Geographic Region over Past Three Years for **Retail Theft**

	Cook	Collar	Urban	Rural	Percent
White	437	232	430	327	**35%**
Black	1593	212	371	95	**56%**
Other	248	55	17	17	**8%**
Total	**56%**	**12%**	**20%**	**11%**	**4,034**

Retail Theft Admissions to Prison

■ White ■ Black ■ Other
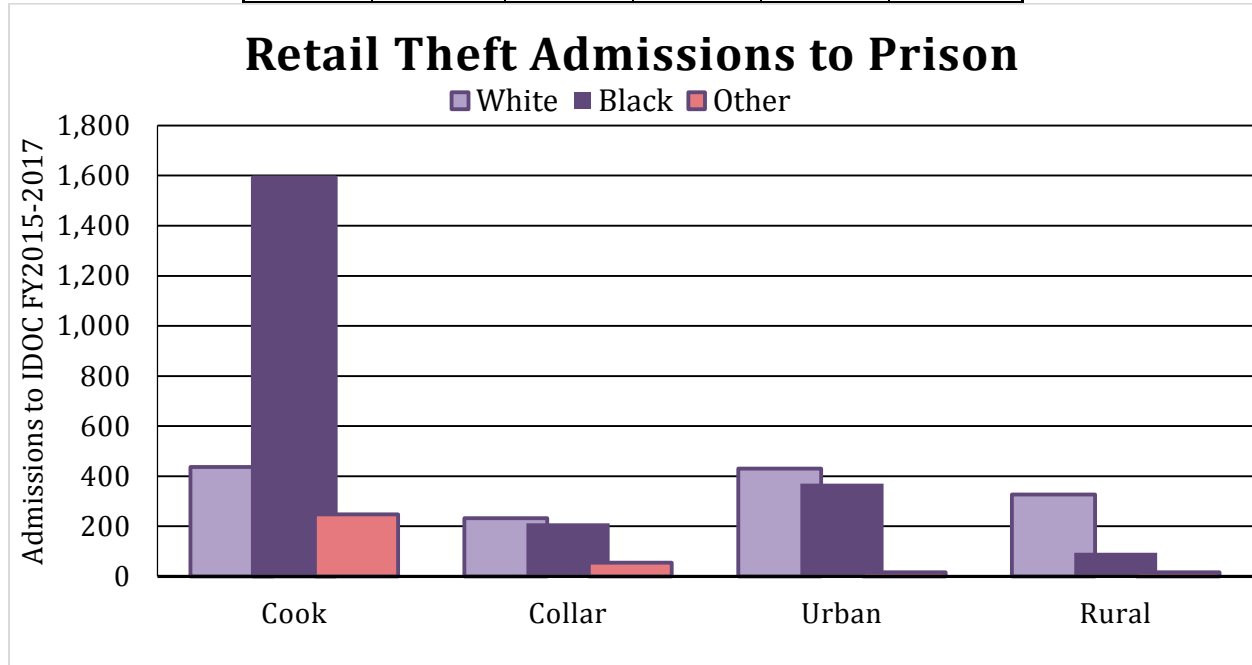
The Sentencing Policy Advisory Council (SPAC) is a statutorily created council that does not support or oppose legislation. Data analysis and research is conducted by SPAC's research staff. The analysis presented here is not intended to reflect the opinions or judgments of SPAC's member organizations.