

SENATE BILL 1722 – SENATE AMENDMENT 3
PROJECTED IDOC POPULATION IMPACT: **-200 INDIVIDUALS ANNUALLY**
NOTE: THIS IS A PARTIAL PROJECTION DUE TO DATA LIMITATIONS

INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

Senate Amendment 3 to Senate Bill 1722 (SB1722) affects the two levers of the Illinois Department of Corrections (IDOC) population, admissions and length of stay. The table below summarizes each reform and provides available data on arrests convictions and sentences imposed. Please note that this analysis data and estimated benefits shown below **look retrospectively and are the total for the past three years**. Victimization benefits reflect the economic value of recidivism. A negative victim benefit indicates more recidivism events; a positive figure indicates reduced recidivism. Due to data limitations, SPAC was unable to analyze some provisions of the bill.

Table 1. Three Year Estimates

Unlawful Use of a Weapon (UW) Enhancements with Presumptive Minimums 720 ILCS 5/24-1.1 and 720 ILCS 5/24-1.6						<i>More detail on page 8</i>
Arrests	Convictions	Probation	Prison Admits	June 30, 2016	Estimated Victim Benefits (3 years)	Estimated Net Benefits (negative benefits are new costs)
13,805	5,910	1,146	5,453	1,689	\$649,00 to \$2.6 million	-\$5.9 million to -\$8.2 million
Drug Offense Reforms: changes to Super-X and extended Class 1 penalties 720 ILCS 570/401 and 402						<i>More detail on page 15</i>
Arrests	Convictions	Probation	Prison Admits	June 30, 2016	Estimated Victim Benefits (3 years)	Estimated Net Benefits (3 years)
2,843	775	240	509	477	-\$161,000	\$3.4 million
Protected Zone for Drug Offenses: reduction in 1,000 foot penalty enhancement 720 ILCS 550, 720 ILCS 570, and 720 ILCS 646						<i>More detail on page 22</i>
Arrests	Convictions	Probation	Prison Admits	June 30, 2016	Estimated Victim Benefits (3 years)	Estimated Net Benefits (3 years)
11,113	4,176	785	1,134	778	N/A	N/A
Mandatory Supervised Release Reforms: discretionary release of low risk and needs and maximum supervision of 18 months for most Class X, Class 1, and Class 2 offenders¹						<i>More detail on page 25</i>
Arrests	Convictions	Probation	MSR Admits	MSR, June 30, 2015	Estimated Victim Benefits (3 years)	Estimated Net Benefits (3 years)
			37,133	16,192	N/A	\$31 million
Additional Earned Sentence Credit and Programming Credit 730 ILCS 5/3-6-3(a)(3), (a)(4), and (a)(4.7)						<i>More detail on page 26</i>
Arrests	Convictions	Probation	Prison Admits	June 30, 2016	Estimated Victim Benefits (3 years)	Estimated Net Benefits (3 years)
			183	430	N/A	N/A
¹ Due to data limitations, SPAC was unable to determine the percent of IDOC's parole population that would be eligible for immediate release. The numbers shown here are the Class 2, Class 1, or Class X offenders released to MSR over three years and the MSR population for FY2014, the last year with data. The decrease in MSR terms may increase prosecutions, convictions, and new court sentences to IDOC where previously the offenses were processed as technical violations of MSR.						

Table 1 continued. Three Year Estimates

Burglary 720 ILCS 5/19-1						<i>More detail on page 27</i>
Arrests	Convictions	Probation	Prison Admits	June 30, 2016	Estimated Victim Benefits (3 years)	Estimated Net Benefits (3 years)
17,148	6,611	3,508	3,404	2,055	N/A	N/A
Habitual Criminal 730 ILCS 5/5-4.5-95(b)						<i>More detail on page 30</i>
Convictions Eligible²		Probation	Prison Admits	June 30, 2016	Estimated Victim Benefits (3 years)	Estimated Net Benefits (3 years)
Current: 5,358					N/A	N/A
Proposed: 3,442					N/A	N/A
Specialty Probation Eligibility 720 ILCS 550/10, 720 ILCS 570/410, 720 ILCS 646/70, 730 ILCS 5/5-6-3.3 and 5-6-3.4						<i>More detail on page 31</i>
Arrests	Withheld Judgments		Prison Admits	June 30, 2016	Estimated Victim Benefits (3 years)	Estimated Net Benefits (3 years)
	Cannabis	2,902			N/A	N/A
	Controlled Subst.	3,421				
	Methamphetamine	282				
	Other/Unknown	97,355				
² Insufficient data exist to determine the number of sentences under the habitual criminal statute. The numbers presented are the past three years' convictions under current law and under SB1722 that would be eligible for the automatic Class X sentencing enhancement.						

Sources: Arrests, convictions, and probation: SPAC analysis of CHRI data from Jan 2013-Dec 2015. Probation refers to both withheld judgment dispositions and convictions with probation sentences.
 Prison admissions and IDOC population: SPAC analysis of IDOC data from FY2014-FY2016.
 Estimated victim and net benefits: SPAC calculations using above data sources and Illinois cost data.
 For more information on supplemental sentence credits and programming credit in IDOC, please see IDOC's website: <https://www.illinois.gov/idoc/reportsandstatistics/Pages/default.aspx>.

The analysis explains the above summary numbers in three sections:

- First on page 3, the analysis reports the results of the SPAC prison population projection model. A full description of what is included and the assumptions follows the graph of the projected prison population through 2025.
- Second, page 5 starts describing the data sources and methodology used for the fiscal impact analyses.
- Third, page 9 starts the discussion of each portion of SB1722 SA3 that affects prison admissions or lengths of stay individually.¹

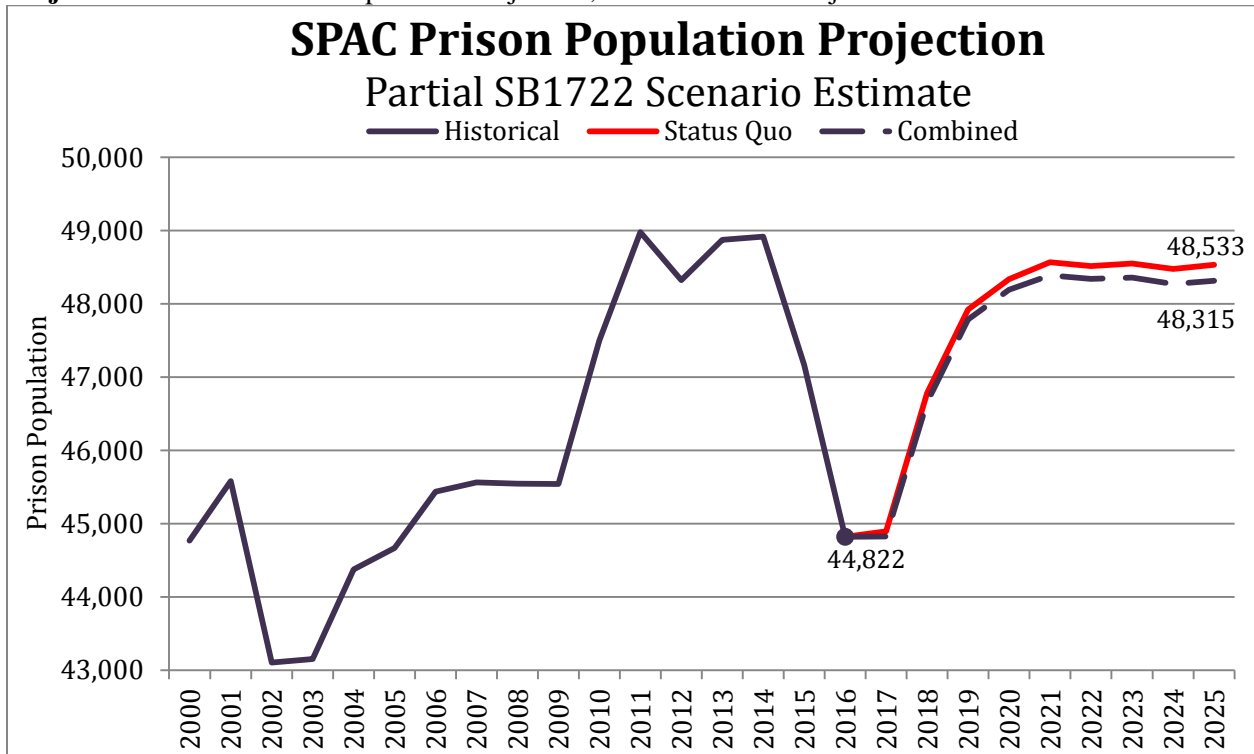
¹ The Sentencing Policy Advisory Council (SPAC) is a statutorily created council that does not support or oppose legislation. Data analysis and research is conducted by SPAC's research staff. The analysis presented here is not intended to reflect the opinions or judgments of SPAC's member organizations.

SPAC PARTIAL PRISON POPULATION PROJECTION

Note: The projection below does not include all of the components of SB1722 SA3.

A population projection answers the question “What if these policies were enacted?” 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, 2025, the status quo projection estimates 48,533 individuals would be held in prison. The dotted line answers the what if question: If the four portions of SB1722 that SPAC modeled— (1) U UW presumptive minimums, (2) Controlled Substances Act changes to Super X and Super Class 1 felonies, (3) burglary changes, and (4) increased sentence credits for 75% truth-in-sentencing offenders— were enacted, a net decrease of about 200 inmates each year would be expected as a result of the cumulative effect of these provisions. Other portions of SB1722 would likely further decrease the prison population in future years below the projection shown in *Projection 1*. The gap between the status quo and the new policy projections shows the impact of the changes on June 30 of each year.

Projection 1. SPAC Prison Population Projection, Partial SB1722 Projection



The status quo projection relies on the assumption that admissions, sentences, and IDOC practices remain consistent with the recent past, FY2014-16. The combined projection is the result of altering that assumption to match the bill’s likely effects on admissions and lengths of stay. Other reactions and responses by system actors, such as more arrests, convictions, felony filings, plea deals, convictions, or sentencing decisions, cannot be measured and are not reflected in the SPAC model. Changes to crime or recidivism rates are also not accounted for in the projection. However, the model does account for overlap between the individuals affected by each provision so that probation eligibility, sentence changes, and credit policy changes are cumulatively analyzed.

The model uses the following assumptions:

1. U UW Presumptive Minimums
 - a. SB1722 allows for presumptive minimum sentencing for some U UW offenders who have a criminal history that includes an enumerated, or predicate, crime. For those that have predicates, courts may depart from the new minimum but must state on the record the reasons for doing so.
 - b. For individuals convicted of Class 2 U UW by a felon (U UW-Felon, 720 ILCS 5/24-1.1), SPAC assumes 37% would receive the new presumptive minimum (7 year sentence). This

does not account for sentences above the new presumptive minimum, nor does it account for departures from the presumptive prison sentence. SPAC derived the percentage from analysis of U UW-Felon individuals' criminal history over the past ten years.

- c. For individuals convicted of Class 2 Aggravated U UW (Agg U UW, 720 ILCS 5/24-1.6), we assume 28% would receive the new presumptive minimum (6 year sentence). This does not account for sentences above the new presumptive minimum, nor does it account for departures from the presumptive prison sentence. SPAC derived the percentage from analysis of Agg U UW individuals' criminal history over the past ten years.
 - d. SPAC assumes no change in arrests, charges, convictions, or sentencing other than the above modifications.
2. Controlled Substances Act
 - a. SB1722 reduces the sentences for both possession and manufacture and delivery of certain drugs. Currently, the affected offenses have extended Class X (Super X) and extended Class 1 prison terms. SB1722 decreases the minimum and does not change the maximum terms.
 - b. For all admissions to prison for the felonies affected by the bill, the sentences imposed are adjusted using a formula keeps the same sentence distribution established by past sentencing practice but spreads the distribution across the new range.
 - c. SPAC assumes no change in convictions or admissions to prison (*i.e.*, no change to charging or plea bargaining, etc.) other than the above modification.
 3. Burglary
 - a. SB1722 reduces the felony class for burglary from a vehicle from Class 2 to Class 3.
 - b. For 33% of Class 2 Burglary admissions, the average Class 3 sentence is imposed. This estimate is derived from SPAC's analysis of the National Incident-Based Report System (NIBRS) offense data from 2014, including information available from Rockford, Illinois, in the national dataset.
 - c. SPAC assumes no other changes.
 4. Truth-in-Sentencing and Sentence Credit Eligibility
 - a. SB1722 increases the eligibility for supplemental sentence credit and programming credit for certain inmates required to serve 75% of their sentence.
 - b. After making the above assumptions, the model identifies all inmates subject to 75% TIS who have less than 6 months to serve on every future June 30. We assume all of these inmates would receive at least 6 months supplemental sentence credit and be released rather than remain in prison.
 - c. Sentencing credits awarded to inmates not included in the 75% truth-in-sentencing cohort are unchanged.

Data limitations precluded analysis of the following provisions of the bill which would be expected to further decrease the prison population:

- Drug-Free Zone Reforms
 - SB1722 reduces the protected zone by from 1,000 to 500 feet and requires that people be present or be expected to be present in the protected zone at the time of the offense for the enhancement to apply.
 - On June 30, 2016, there were 778 individuals in prison on these offenses. Data limitations prevent analysis of where in the 1,000 foot zone the offenders were when arrested, therefore it is not possible to calculate the impact of reducing the protected area and requiring a nexus.
 - Under the bill, individuals currently subject to the enhancement could be convicted and sentenced under the standard drug offense provisions if they were further than 500 feet from the protected place and/or the nexus was not present.
- Mandatory Supervised Release (MSR) Reforms
 - SB1722 permits the Prisoner Review Board to release low risk and needs individuals on MSR based on appropriate risk assessment. There are no data currently available to support a reliable estimation of the impact of this provision.
 - SB1722 also reduces the length of Class X, Class 1, and Class 2 supervision to 18 months from 2 years for Class 1 and 2 felonies and from 3 years for Class X felonies. SPAC analyzed the cohort of Class 1, 2 and X offenders who were on MSR on June 30, 2014 and a second cohort of people discharged from MSR from FY13 through FY15 to determine how

long they were actually supervised. About 37% of those offenders served more than 18 months.

- Of those who are supervised for more than 18 months, the average length of supervision is 26 months, or 8 months longer than the new statutory maximum. Had this bill been in effect over the past three years, SB1722 would have reduced State supervision costs by \$31 million (15,689 individuals, supervised 8 months shorter each, multiplied by the \$2,841 cost of one year of IDOC supervision).
- This provision would reduce the number of people under IDOC supervision but could have the unintended consequence of increasing the number of new court admissions for those discharged from MSR after 18 months who go on to commit new crimes and are then sentenced to prison.
- **Habitual Criminal Enhancement Reform**
 - Current law provides for an automatic enhancement to a Class X sentence with a range of six to 30 years for the third or subsequent Class 1 or Class 2 felony within a 10 year period.
 - SB1722 eliminates Class 1 and Class 2 drug and theft offenses as predicates for this enhancement, shrinking the pool of people who can be sentenced as Class X offenders.
 - Analysis of Criminal History Record Information showed that the number of convictions eligible for the enhancement would decrease by approximately 36%; however, the full impact cannot be calculated due to data limitations that prevent identifying the number of people currently in prison on Class X sentences pursuant to the habitual criminal statute.
- **Specialty Probation (withheld judgment dispositions, Offender Initiative, and Second Chance Probation) Reforms**
 - SB1722 increases eligibility of these withheld judgment dispositions, which are sometimes referred to as 710 or 1410 probation, and special probation programs. The bill allows offenders to be sentenced to them multiple times. SB1722 also requires a judge to consider drug court if the offender is deemed eligible. There are no data currently available to support a reliable analysis of the impact of this provision.

SPAC FISCAL IMPACT ANALYSIS METHODOLOGY

SPAC looks retrospectively at the past three fiscal years, 2014 through 2016, to determine the impact of these policies had they been in effect. The data for arrests, convictions, IDOC admissions, and probation sentences are from Criminal History Reporting Information (CHRI, past three calendar years available, 2013-2015) and from the Illinois Department of Corrections' Planning and Research Division (IDOC, past three fiscal years, FY2014-2016). These data are used for the SPAC fiscal impact analysis and, starting this year, SPAC's population projection model. The projection answers the question of what would happen to the population if the policies SPAC is able to model are enacted. An individual projection is included for each provision and a cumulative projection that controls for overlap in the individuals affected is also included.

To calculate the cost of the criminal justice system, SPAC uses CHRI and IDOC data on (A) the number of convictions for first and subsequent arrests under the applicable statutes, (B) the average length of stay in county and IDOC facilities, and (C) past spending on prisons and county criminal justice systems.² In calculating pretrial detention periods, SPAC has found a correlation between the length of pretrial detention and the length of prison sentence, in that for every additional year of a prison term there was a 29 day increase in pretrial detention. Consequently, SPAC adjusts the expected jail time by 29 days per year to account for any higher or lower sentencing caused by the bill in order to estimate fiscal impact on local jails.

This year, SPAC uses a dynamic marginal cost (DMC) methodology that was developed after analyzing both State and local public safety budgeting over several decades. Budgets in Illinois are most frequently based on past appropriations and expenditures to minimize disruptions in services and government spending, resulting in a divergence of costs from services: *i.e.*, the number of prisoners in State prisons, or probationers

² Local costs are estimated from SPAC's survey of county budgets, available on SPAC's website: <http://ilspac.illinois.gov>.

supervised by county probation departments, is not predictive of those agencies' budgets. The DMC approach matches SPAC's fiscal analysis with this reality by utilizing steps at which costs would be expected to change, with each step having a separate economic value. This methodology differs from past practice where SPAC utilized two simpler marginal costs, one for policies that implicated a population impact of less than 800 beds in IDOC and one, an average annual cost, for anything over an 800 bed impact.

Dynamic marginal costs allow a more accurate calculation of costs per client where the costs depend on the magnitude of the change compared to the status quo. The DMC can include multiple cost types:

- Traditional variable costs, which vary directly with changes in service and are consistent for the first or thousandth person;
- Step costs, which are primarily personnel costs that change only when the services increase or decrease sufficient to affect staffing and grow with the number of steps; and
- Fixed costs, which are related to physical space requirements that vary only with large service changes.

After examining decades of criminal justice budgets at the State and local levels, SPAC determined that using DMC brings SPAC's fiscal impact calculations more in line with actual budgeting practices and resource allocation in Illinois. For example, for State prisons, the costs increase when the affected population is more than about 800 inmates, the equivalent of a housing unit. Larger changes include the costs for criminal justice employees' benefits, which may be paid for outside criminal justice budgets (*e.g.*, IDOC staff pension benefits are paid through the Central Management Services (CMS) budget). At very large changes in the prison population, even capital costs are included. This method yields a more accurate estimate of taxpayer expenses for prisons and jails in Illinois.³

The Administrative Office of the Illinois Courts (AOIC) calculated the cost of probation based on risk level. The \$1,900 per person per year is the average of these annual costs. To calculate the cost of pretrial detention, local supervision (probation), SPAC examined the CHRI data for time served (pretrial detention) and the sentence lengths ordered by the court for jail or probation terms.

When any activity is expected to be affected by the bill, the impact is counted as part of the changes in costs for the past three years. SPAC estimates the proposed costs of the minimum prison time mandated under the proposed legislation by multiplying the DMC and the estimated average length of stay (*i.e.*, day-for-day credits awarded to inmates, resulting in 50% of the sentence imposed, minus the average time-served in jail). These costs are then compared to the costs of the current system using the same DMC and actual data from the prior three years. All costs were inflated using the Federal Bureau of Labor Statistics Consumer Price Index inflation index to calculate present value.

SPAC includes an estimate of victimization costs and benefits to more accurately assess fiscal impact. Changes in sentence length may affect victims in two ways. First, as the average age of exiting offenders increases, their likelihood of recidivating generally decreases. Second, some crimes are delayed because offenders are incapacitated, creating the benefit of longer time periods without victimization by that offender.

1. Offenders may age out—when the age at exit is older, the recidivism rate is generally lower as older felons generally recidivate less (*Recidivism Benefits*). SPAC reviewed historical data 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, had the bill been in effect.⁴

- The victim recidivism effects calculate the benefits due to changes in recidivism for three age groups: those offenders under 28, 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 these age groups' recidivism rates changed consistently across crime types, felony classes, and gender, SPAC found these methods reasonable

³ More information on these dynamic marginal costs can be found on SPAC's website: <http://ilspac.illinois.gov>.

⁴ 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*.

for calculating changes in recidivism due to sentencing changes. The *SPAC Victimization Supplement* further describes the methodology.

2. Crimes may be delayed when offenders are incapacitated, meaning crimes may occur earlier or later because of the timing of the offenders' release (*Incapacitation Benefits*). 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.

A demographic impact section is included to show how the proposed bill would impact the subpopulations in IDOC based on race, gender, or geography. As SPAC builds its capability for estimating costs and benefits to other stakeholders—the judicial system, probation systems, law enforcement, and communities—SPAC will include impact on these areas and constituencies in its analysis of proposed legislation.

LIMITATIONS AND ASSUMPTIONS:

- SPAC does not include local costs for detaining offenders who are arrested but not convicted or given a withheld judgment verdict. SPAC assumes these costs are unaffected by the legislation.
- Changes to administrative court costs, including judicial, prosecutorial, defense, and administrative processing time, are not included.
- The jail time served is modified to reflect the correlation between longer sentences and increased pretrial detention periods (29 days for every additional year of imprisonment). When the expected sentence under the bill is longer/shorter, jail time is lengthened/shortened to reflect this relationship. SPAC makes no assumptions about why this correlation exists.
- In calculating the increase in length of stay, SPAC uses the new minimum sentence for all of the offenders deemed to be affected. This method does not account for offenders who would be sentenced to more than the minimum. However, in general, the majority of offenders receive the minimum sentence. This method results in a conservative calculation of the costs of the legislation.
- SPAC does not assess how alternate charges or plea deals would be affected.
- SPAC uses dynamic marginal costs for the expected changes in both jail and prison populations related to this bill. Because the overall net impact of the four portions analyzed by SPAC result in small changes to prison and jail populations, the dynamic marginal cost is \$6,504 per IDOC inmate and \$3,044 per jail inmate. SPAC assumes the jail population effect would be spread proportionately across the State.
- The administrative data from CHRI are assumed to be correct and accurate representations of the criminal justice system. Past analysis has shown some issues in completeness, particularly on misdemeanor and alternative dispositions from certain counties. However, on a whole, the data appear sufficient for analysis. Until a full data-integrity audit can be completed by the Illinois Criminal Justice Information Authority, the data are used as the best available information but the limitations require caution.

SPAC'S FIGURES DIFFER FROM IDOC'S FISCAL NOTES FOR THE FOLLOWING REASONS:

- IDOC projects forward ten years based on past years' admissions to prison. In contrast, SPAC analyzes the last three years and calculates the costs that would have occurred had the proposed changes been the law. Both methods assume that there are no additional offenders being sentenced as a result of this proposal.
- IDOC accounts for the increased space needed due to keeping the same number of offenders incarcerated for a significantly longer amount of time by adding capital costs of construction to their estimate when the change to the population exceeds 500 beds. Please note that "costs of construction" reflect the higher operational costs of providing additional beds over time, whether that is done through construction of new facilities or other means such as reopening closed facilities or renting space in other jurisdictions. SPAC includes costs of construction only when the expected change of the prison population is very large.
- IDOC uses the most recent marginal cost data, whereas SPAC determines dynamic marginal costs, based on recent fiscal analysis.
- SPAC has access to criminal history information, whereas IDOC has limited access. Without the additional information, IDOC makes reasonable assumptions where data are unavailable.

- IDOC uses an average sentence imposed, which is slightly longer than the minimum sentence, because it accounts for individuals who must be housed by IDOC due to longer sentences. SPAC assumes the minimum sentence for all offenders because the majority of offenders (roughly 70%) receive the minimum sentence; however, this is a more conservative approach that underestimates the costs to IDOC.

Unlawful Use of a Weapon (UW) Presumptive Minimums For Repeat Offenders

UW-Felon (720 ILCS 5/24-1.1) and Agg UW (720 ILCS 5/24-1.6)

TOTAL COSTS INCREASED OVER THREE YEARS: between \$6.5 MILLION and \$10.8 MILLION
TOTAL VICTIMIZATION BENEFITS RANGE OVER THREE YEARS: between \$649,420 MILLION and \$2.6 MILLION

NET BENEFITS (BENEFITS MINUS COSTS): -\$5.9 MILLION to -\$8.2 MILLION

A negative benefit indicates that costs are greater than benefits

SB1722 amends the current UW sentencing scheme to allow higher minimums for gun offenders who have previous convictions for enumerated offenses (predicates). For those repeat offenders with at least one predicate offense in their criminal histories, the bill: (1) authorizes a new presumptive minimum prison sentence of 7 years for UW by a felon (UW-Felon) and 6 years for Aggravated UW (Agg UW) offenders; and (2) permits the judge to depart from the presumptive minimum if he or she finds substantial and compelling evidence that the minimum would be unduly harsh and the offender’s characteristics justify a departure. These changes result in cost increases for IDOC and produce benefits to Illinois crime victims from the incapacitation and recidivism effects of longer sentences.

Table 2. Total Change in State Prison Costs over Three Years, No Downward Departures from Presumptive Minimum

720 ILCS 5/24	Statute Description	Current costs	Proposed costs	Victimization benefits	Total Benefits*
24-1.1	UW-Felon	\$45,785,499	\$55,272,401	\$2,339,984	-\$7,146,917
24-1.6	Aggravated UW	\$21,508,885	\$22,824,961	\$252,960	-\$1,063,116
	TOTAL	\$67,294,384	\$78,097,361	\$2,592,944	-\$8,210,033

* Negative net benefits are additional costs to the system that are not offset by benefits to victims. In other words, the costs under this proposal are greater than the current costs.

Source: CHRI and IDOC data, SPAC calculations

The requirement of an enumerated predicate felony narrows the pool of eligible offenders by excluding approximately 65% of repeat offenders who do not have predicate offense convictions in their criminal history. Of the remaining 35% with a prior predicate conviction, no data exist on whether the UW offenders could convince a judge that they would not be a public safety risk, rehabilitation would be preferable, or other factors justify a downward departure. Thus, SPAC was unable to estimate the impact of possible downward departures from the new presumptive minimum. SPAC instead estimates the impact of two scenarios: (1) no downward departures are ordered; and (2) 50% of the inmates subject to the presumptive minimums receive the departure. If all inmates receive the downward departure, there would be no change in costs had this bill been in effect for the past three years.

In Table 2, the total benefits column subtracts the proposed costs

Table 3. Total Change in Costs over Three Years

Change in	Three Year Value of Benefits
Local Detention Benefits	-\$2,208,889
Local Detention Benefits	\$0
Total Local Costs Avoided	-\$2,208,889
State Prison Costs	-\$8,594,088
State Prison Costs	\$0
Total Additional State Costs	-\$8,594,088
Change in State and Local Costs	-\$10,802,977
Victimization Benefits	\$2,592,944
Total Costs	-\$8,210,033

from the current costs and then adds in the victimization benefits. For this bill, the increased proposed costs are offset by the benefits of reduced victimizations. Table 3 breaks out these costs in more detail. The following pages explain the full calculations. If more downward departures are awarded, both the costs and victimization benefits would decrease. If all qualifying offenders were sentenced below the presumptive minimum, the net total cost would be zero.

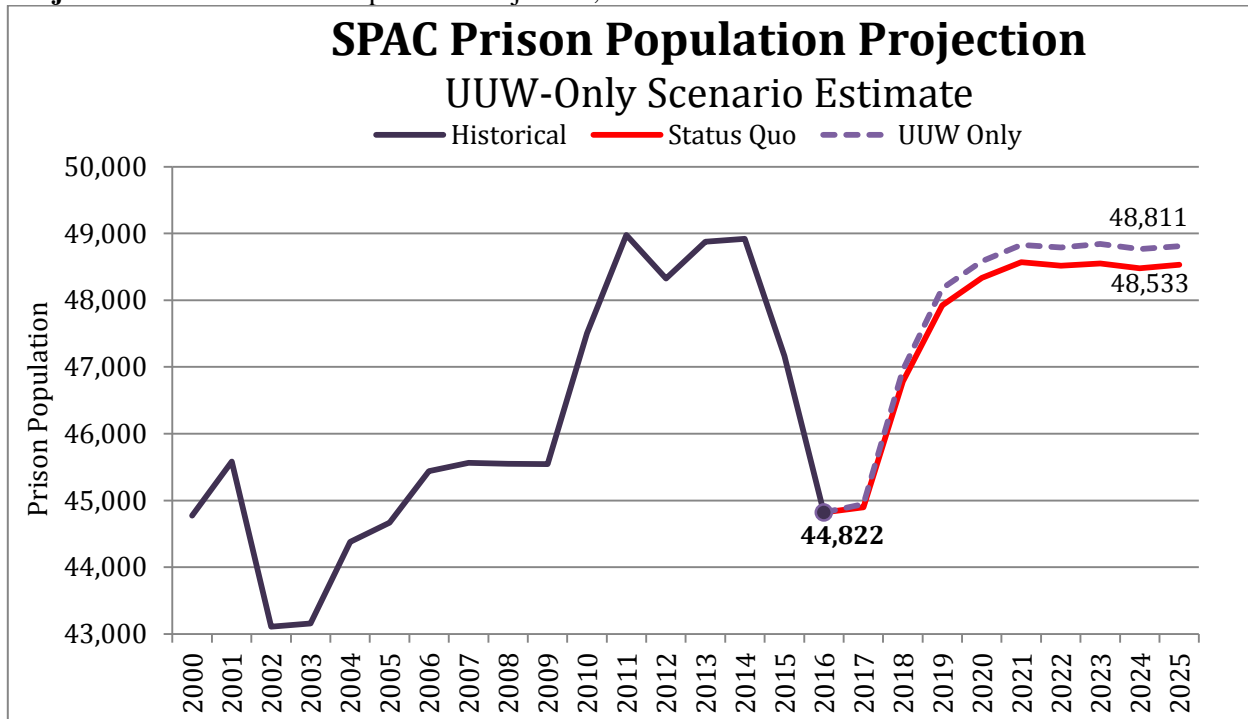
Methodology, limitations, and assumptions for this analysis are described on page 5.

ASSUMPTIONS UNIQUE TO THIS PORTION OF SB1722:

- The additional time spent by stakeholders relative to determining the applicability of a downward departure from the presumptive minimum is not included. SPAC was unable to estimate these costs for court room actors.
- In calculating the increase in length of stay, SPAC used the presumptive minimum sentence for the percent of offenders who had predicates, which does not account for offenders who would be sentenced to more than the minimum. In general, the majority of offenders receive the minimum sentence, which is less than the average sentence imposed because some offenders with higher sentences drive up the average. This method results in a conservative calculation of the costs of this portion of the legislation.

SPAC modeled this provision by itself and finds the prison population would increase by between 200-300 individuals. This projection assumes admissions and sentences match the past three year’s practices, except for Class 2 UUW-Felon and Agg UUW admissions, where 35% are instead given the presumptive minimum, a percentage that is consistent with sentence distributions for these crimes.

Projection 2. SPAC Prison Population Projection, UUW-Portion of the SB1722



IMPACTS OF PROPOSED LEGISLATION:

The following pages describe the impact categories that the proposed sentencing change would have on the Illinois criminal justice system. First, a narrative section describes each impact and how SPAC estimated the dollar value of the impact. Second, the tables used to create the estimates are shown in full detail.

IMPACT OF PROPOSED LEGISLATION ON STATE PRISONS:

Between \$4.3 million and \$8.6 million

Additional costs over three years.

The above estimates are the total additional costs to IDOC had these policies been in place from 2014 through 2016. The low estimate is if 50% of UUW offenders with a predicate offense justify a downward departure and receive the standard prison sentence rather than the higher presumptive minimum. The additional costs are due to an increase in the daily population that would have been caused by the longer prison sentences.

IMPACT OF PROPOSED LEGISLATION ON STATE SUPERVISION:

N/A

The UUW portion of this bill changes the length of stay in prison but does not change the offense class or number of offenders sent to prison, so supervision terms would not have changed had this bill been in effect for the past three years.

IMPACT OF PROPOSED LEGISLATION ON COUNTY JAILS:

\$2.2 million

Additional costs over three years.

The additional jail costs are calculated because, controlling for other factors, longer prison sentences are correlated with longer pretrial detention. SPAC analysis showed a relationship of 29 days longer pretrial detention for each additional year sentence, holding other factors constant. This estimate is applied to all Class 2 UUW offenders. Because the effect of the legislation on prosecution and law enforcement are unknown, we conservatively assume that no more offenders would be charged and detained prior to trial.

- Please note that, in total, over six thousand UUW offenders were detained prior to sentencing, costing counties approximately \$10.2 million over three years, using the \$3,044 dynamic marginal cost per offender. These costs do not reflect the costs incurred for processing the 13,805 total UUW arrestees over three years.

IMPACT OF PROPOSED LEGISLATION ON LOCAL PROBATION:

N/A

The UUW portion of this bill does not change probation eligibility.

IMPACT OF PROPOSED LEGISLATION ON VICTIMS AND COMMUNITIES:

Between \$649,000 and \$2.6 million

Avoided victimization costs over three years.

Increasing sentences incapacitates offenders for a longer time period. SPAC incorporates the incapacitation effect on victims in two ways:

1. Offenders may age out—because the average age at exit would be older, the recidivism rate may be lower as older felons generally recidivate less (*Recidivism Benefits*). SPAC reviewed historical data 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, had the bill been in effect.⁵
 - The estimate presented here calculates the benefits due to changes in recidivism for three age groups: those offenders under 28, 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 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 the methodology.
2. Crimes are delayed because offenders are incapacitated meaning crimes may occur earlier or later because of the timing of the offenders' release (*Incapacitation Benefits*). Because a dollar not stolen

⁵ 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*.
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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.

Table 4 shows the victimization costs which are calculated based on Illinois data on crimes committed by past UUW offenders after release from prison, within both one and three years from release. The table shows the benefits of delayed release due to the new sentence lengths and the benefits of changing the age at release (benefits of changing recidivism levels). The table shows the maximum predicted benefits—the benefits possible if no offenders received downward departures.

Table 4. Maximum Victimization Effects (No Offenders Received Downward Departures)

	First Year Victimization Costs	Three Years Victimization Costs	Incapacitation Benefits	Recidivism Benefits	Total Victimization Benefits
UUW-Felon and Agg UUW	\$95,285	\$161,346	\$1,325,695	\$1,267,249	\$2,592,944

IMPACT OF PROPOSED LEGISLATION ON LAW ENFORCEMENT:

N/A

This proposed policy likely does not impact utilization of law enforcement resources and should not have any monetary impact on law enforcement.

IMPACT OF PROPOSED LEGISLATION ON THE JUDICIAL SYSTEM:

N/A

This proposed policy may increase the time courtroom actors spend on these cases due to determining eligibility for the presumptive minimum and applicability of the departure from that minimum. However, SPAC does not have reliable cost estimates to calculate the size of this impact.

DEMOGRAPHIC IMPACT OF PROPOSED LEGISLATION:

Table 5 shows the race and gender of offenders admitted to IDOC. Table 6 shows where UUW commitments to IDOC originate. Table 7 shows the relationship between geography and race for UUW 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. *Note: these tables include both types of Class 2 UUW offenders and offenders with and without predicate offenses.*

Table 5. Past Three Years Admissions to IDOC for Class 2 UUW by Race and Gender

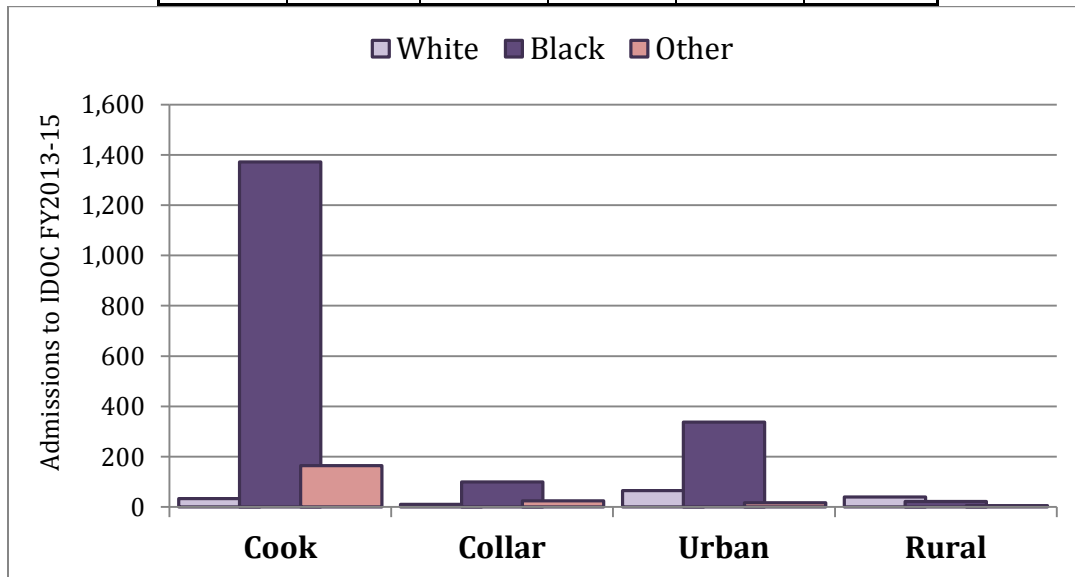
	Male	Female	Total	Percent
White	147	3	150	7%
Black	1,815	15	1,830	83%
Other	208	4	212	10%
Total	99%	1%	2,192	

Table 6. Top 10 Admitting Counties of Class 2 UUW Offenses Over Past Three Years

County	Number of Admissions	Percent
Cook	1,571	71.7%
Winnebago	101	4.6%
Peoria	75	3.4%
Will	59	2.7%
Sangamon	53	2.4%
Lake	45	2.1%
St. Clair	43	2.0%
Kankakee	36	1.6%
Champaign	34	1.6%
Macon	32	1.5%
Other	143	6.5%
Total	2,192	

Table 7. Race by Geographic Region County Over Past Three Years

	Cook	Collar	Urban	Rural	Percent
White	34	11	65	40	7%
Black	1,372	99	337	22	83%
Other	165	25	17	5	10%
Total	71%	6%	19%	3%	2,192



UW-Felon
720 ILCS 5/24-1.1
 For Fiscal Years 2014, 2015, and 2016

Total arrests	7,258
Total convictions	3,058
Total withheld judgments	<10

Withheld judgments are charges that are dismissed or judgment of built vacated upon completion of a set period of time and tasks.

	Dollar Value from 2014-16
Current Costs	\$45,785,499
Proposed Costs	\$55,272,401
Victimization Benefits	\$2,339,984
Total Costs	\$7,146,917

Sentences		Number of Offenders	Average Sentence Imposed (years)	Average Jail Stay Prior to IDOC Sentence (years)	Average Sentence Served in IDOC (years)
	Pretrial Detention	3,510		0.51	
	Probation	199	2.11		2.11
	Class 3 UW-Felon	1,009	3.26	0.49	1.00
	Class 2 UW-Felon	2,278	4.55	0.67	1.48
	Class 2 UW-Felon on Parole	24	3.37	0.53	0.88
* 63% of offenders would not receive the new presumptive minimum because their criminal history does not include a enumerated predicate offense. An unknown number of offenders would be sentenced below the new presumptive minimum.					
* Average sentence served is the time less credit for time served in pretrial detention and any sentence credits for which the offender is eligible.					

Current Cost		Cost	Length of Stay (Years)	Current Cost for Each Offender	Number of Offenders	Total Cost of Current System
		C	L	C x L	N	C x L x N
	Pretrial Detention	\$3,044	0.51	\$1,552	3,510	\$5,449,064
	Probation	\$1,900	2.11	\$4,005	199	\$797,090
	Class 3 UW-Felon	\$6,504	1.00	\$6,504	1,009	\$6,562,536
	Class 2 UW-Felon	\$6,504	1.48	\$9,626	2,278	\$21,927,846
	Class 2 UW-Felon on Parole	\$6,504	0.88	\$5,724	24	\$137,364
	IDOC Supervision	\$2,841	1.16	\$3,296	3,311	\$10,911,599
	Total				3,311	\$45,785,499

Note: SPAC uses the average cost of supervising all risk levels of offenders from AOIC's 2011 calculations, inflated to 2015 dollars. IDOC Supervision is average time spent on MSR for these offenders.

Predicted Sentence (Length of Stay Under Proposal)	Class 2 UW-Felon (with presumptive minimum)	(50% of 7 years)	Less Avg. Jail Time	Total Imprisonment (years)
		3.5	0.67	2.83
	Class 2 UW-Felon on Parole	(50% of 7 years)	Less Avg. Jail Time	Total Imprisonment (years)
		3.5	0.53	2.97

Effect of Legislative Proposal		Cost	Length of Stay Proposed (Years)	Predicted Cost for Each Offender	Number of Offenders	Total Cost of Predicted System
		C	L'	L' x C	N	L' x C x N = TC'
	Pretrial Detention	\$3,044	0.51	\$1,552	1,208	\$1,875,348
	Pretrial (Presumption Eligible)	\$3,044	0.79	\$2,406	2,302	\$5,539,261
	Probation	\$1,900	2.11	\$4,005	199	\$797,090
	Class 3 UW-Felon	\$6,504	1.00	\$6,504	1,009	\$6,562,536
	Class 2 UW-Felon	\$6,504	2.83	\$18,406	843	\$15,513,951
	Class 2 UW-Felon on Parole	\$6,504	2.97	\$19,317	9	\$171,534
	Class 3 UW-Felon	\$6,504	1.00	\$6,504	-	\$0
	Class 2 UW-Felon (departure)	\$6,504	1.48	\$9,626	1,435	\$13,814,543
	C2 UW-Felon/Parole (departure)	\$6,504	0.88	\$5,724	15	\$86,540
	IDOC Supervision	\$2,841	1.16	\$3,296	3,311	\$10,911,599
	Total				3,311	\$55,272,401

Note: Class 2 UW-Felon (departure) includes the 63% of Class 2 offenders who do not have a predicate offense and an unknown number of offenders who would receive the downward departure. Sections of this offense--probation, Class 3 UW-Felon, and MSR--are unaffected by the proposed legislation. The costs of the legislative proposal are equal to the current costs.

Incapacitation Benefits		Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	Price of One Year Victimization per Offender	Net Present Value of Victimization Price under Proposal (3% discount rate)	Net Present Value of Delayed Release	Number of Offenders	Victimization Benefits
		L	L'	L' - L = T	V1	$V1 / [(1 + 0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	Class 3 UW-Felon	1.00	1.00	0.00	\$95,285	\$95,285	\$0	1,009	\$0
	Class 2 UW-Felon	1.48	1.98	0.50	\$95,285	\$93,889	\$1,397	843	-\$1,177,066
	Class 2 UW-Felon on Parole	0.88	1.65	0.77	\$95,285	\$93,132	\$2,153	9	-\$19,121
	Total							Total	\$1,196,188

Recidivism Benefits First Offense	Age Group	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year	Average Difference in Years	Predicted Recidivism Rate Change	Ratio of Convictions to Recidivists	Three Year Victimization Costs per Offender	Victimization Benefits
		P	$N \times P = N'$	K	$L' - L = T$	$K \times T = E$	$(\text{Victims:Conviction}) = Z$	V3	$N' \times E \times Z \times V3$
	18 to 27	46.3%	394	-2.1%	0.50	-1.1%	1.68	-\$161,346	\$1,127,675
	28 to 36	36.2%	308	0.3%	0.50	0.2%	1.68	-\$161,346	-\$125,954
37 to 50	17.5%	149	-0.7%	0.50	-0.4%	1.68	-\$161,346	\$142,076	
	Total	100%	852					Total	\$1,143,797

Sections of this offense--probation, Class 3 UW-Felon, and MSR--are unaffected by the proposed legislation. The costs of the legislative proposal are equal to the current costs.

Aggravated UUW

720 ILCS 5/24-1.6

For Fiscal Years 2014, 2015, and 2016

Total arrests	6,547
Total convictions	2,852
Total withheld judgments	12

Withheld judgments are charges that are dismissed or judgment of built vacated upon completion of a set period of time and tasks.

	Dollar Value from 2014-16
Current Costs	\$21,508,885
Proposed Costs	\$22,824,961
Victimization Benefits	\$252,960
Total Costs	\$1,063,116

Sentences		Number of Offenders	Average Sentence Imposed (years)	Average Jail Stay Prior to IDOC Sentence (years)	Average Sentence Served in IDOC (years)
	Pretrial Detention	3,089		0.51	
	Probation	947			1.94
	Class 4 Agg UUW	1,581	1.31	0.46	0.27
	Class 2 Agg UUW	561	4.10	0.69	1.26

** Current law allows Agg UUW to receive probation sentences (Class 2 or 4) for 1.6(a)(1) and (a)(2). 72% of offenders would not receive the new presumptive minimum because their criminal history does not include an enumerated predicate offense. An unknown number of offenders would be sentenced below the new presumptive minimum.*

** Average sentence served is the time less credit for time served in pretrial detention and any sentence credits for which the offender is eligible.*

Current Cost	Cost	Length of Stay (Years)	Current Cost for Each Offender	Number of Offenders	Total Cost of Current System
	C	L	C x L	N	C x L x N
Pretrial Detention	\$3,044	0.51	\$1,552	3,089	\$4,795,487
Probation	\$1,900	1.94	\$3,693	947	\$3,497,613
Class 4 Agg UUW	\$6,504	0.27	\$1,756	1,581	\$2,776,362
Class 2 Agg UUW	\$6,504	1.26	\$8,195	561	\$4,597,417
IDOC Supervision	\$2,841	0.96	\$2,727	2,142	\$5,842,005
Total				2,142	\$21,508,885

Note: SPAC uses the average cost of supervising all risk levels of offenders from AOIC's 2011 calculations, inflated to 2015 dollars. IDOC Supervision is average time spent on MSR for these offenders.

Predicted Sentence (Length of Stay Under Proposal)	Class 2 Agg UUW (with presumptive minimum)	Presumptive Minimum	With Sentence Credits (50% TIS)	Less Avg. Jail Time	Total Imprisonment (years)
			6	3	0.69

Effect of Legislative Proposal	Cost	Length of Stay Proposed (Years)	Predicted Cost for Each Offender	Number of Offenders	Total Cost of Predicted System
	C	L'	L' x C	N	L' x C x N = TC'
Pretrial Detention	\$3,044	0.51	\$1,552	2,528	\$3,924,568
Pretrial (Presumption Eligible)	\$3,044	0.65	\$1,986	561	\$1,114,264
Probation	\$1,900	1.94	\$3,693	947	\$3,497,613
Class 4 Agg UUW	\$6,504	0.27	\$1,756	1,581	\$2,776,362
Class 2 Agg UUW	\$6,504	2.31	\$15,024	157	\$2,360,008
Class 2 Agg UUW (departure)	\$6,504	1.26	\$8,195	404	\$3,310,141
IDOC Supervision	\$2,841	0.96	\$2,727	2,142	\$5,842,005
Total					\$22,824,961

Note: Class 2 Agg UUW (departure) includes the 72% of Class 2 offenders who do not have a predicate offense and an unknown number of offenders who would receive the downward departure. Sections of this offense--probation, Class 4 Agg UUW, and MSR--are unaffected by the proposed legislation. The costs of the legislative proposal are equal to the current costs.

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	Price of One Year Victimization per Offender	Net Present Value of Victimization Price under Proposal (3% discount rate)	Net Present Value of Delayed Release	Number of Offenders	Victimization Benefits
	L	L'	L' - L = T	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
Class 4 Agg UUW	0.27	0.27	0.00	\$95,285	\$95,285	\$0	1,581	\$0
Class 2 Agg UUW	1.26	1.55	0.29	\$95,285	\$94,461	-\$824	157	-\$129,507
Total							Total	\$129,507

Recidivism Benefits (Class 2 Agg UUW Without Departures)	Age Group	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year	Average Difference in Years	Predicted Recidivism Rate Change	Ratio of Convictions to Recidivists	Three Year Victimization Costs per Offender	Victimization Benefits
	P	$N \times P = N'$	K	L' - L = T	$K \times T = E$	(Victims:Conviction) = Z	V3	$N' \times E \times Z \times V3$	
18 to 27	46.3%	73	-2.1%	0.29	-0.6%	1.68	-\$161,346	\$121,712	
28 to 36	36.2%	57	0.3%	0.29	0.1%	1.68	-\$161,346	-\$13,595	
37 to 50	17.5%	27	-0.7%	0.29	-0.2%	1.68	-\$161,346	\$15,335	
Total	100%	157					Total	\$123,452	

Sections of this offense--probation and MSR--are unaffected by the proposed legislation. The costs of the legislative proposal are equal to the current costs.

Drug Offense Reforms

720 ILCS 570/401 and 720 ILCS 570/402

TOTAL COSTS DECREASED OVER THREE YEARS: \$3.5 MILLION
TOTAL VICTIMIZATION COSTS OVER THREE YEARS: -\$161,000

NET BENEFITS (BENEFITS MINUS COSTS): \$3.4 MILLION

SB1722 reduces the sentences for both possession and manufacture and delivery of heroin, fentanyl, cocaine, morphine, lysergic acid diethylamide (LSD), and other drugs. Currently, manufacture and delivery of more than 100 grams of these drugs results in an extended-term Class X sentence, commonly referred to as a Super Class X. SB1722 reduces the mandatory minimum sentence to the standard 6-year minimum for Class X felonies, while maintaining the current maximums. Similarly, possession of more than 100 grams of these drugs currently results in an extended Class 1 sentence. Under SB1722, the available sentence ranges are changed so that for most drugs, 15 to 50 grams are Class 3 felonies, 50 to 100 grams are Class 2 felonies, and more than 100 grams are Class 1 felonies with the standard sentence ranges available. These changes give judges discretion to either sentence at the lower minimum or continue to impose terms at the current enhanced minimum, which is still in the authorized range.

Table 2. Total Change in Costs over Three Years

Controlled Substances Act 720 ILCS 570	Statute Description	Current costs	Proposed costs	Victimization benefits	Total Benefits*
401(a)	Man & Delivery	\$5,283,687	\$3,074,867	-\$119,618	\$2,089,201
402(a)	Possession	\$8,494,295	\$7,163,519	-\$41,003	\$1,289,773
	TOTAL	\$13,777,982	\$10,238,386	-\$160,621	\$3,378,974

* Negative benefits are additional costs to victims.
 Source: CHRI and IDOC data, SPAC calculations

In Table 2, the total benefits column subtracts the proposed costs from the current costs and then adds in the victimization benefits. For this bill, the proposed costs would be less than the current costs, offset by some increase in victimizations. Table 3 breaks out these costs in more detail. The following pages explain the full calculations.

Methodology, limitations and assumptions for this analysis are described on page 5.

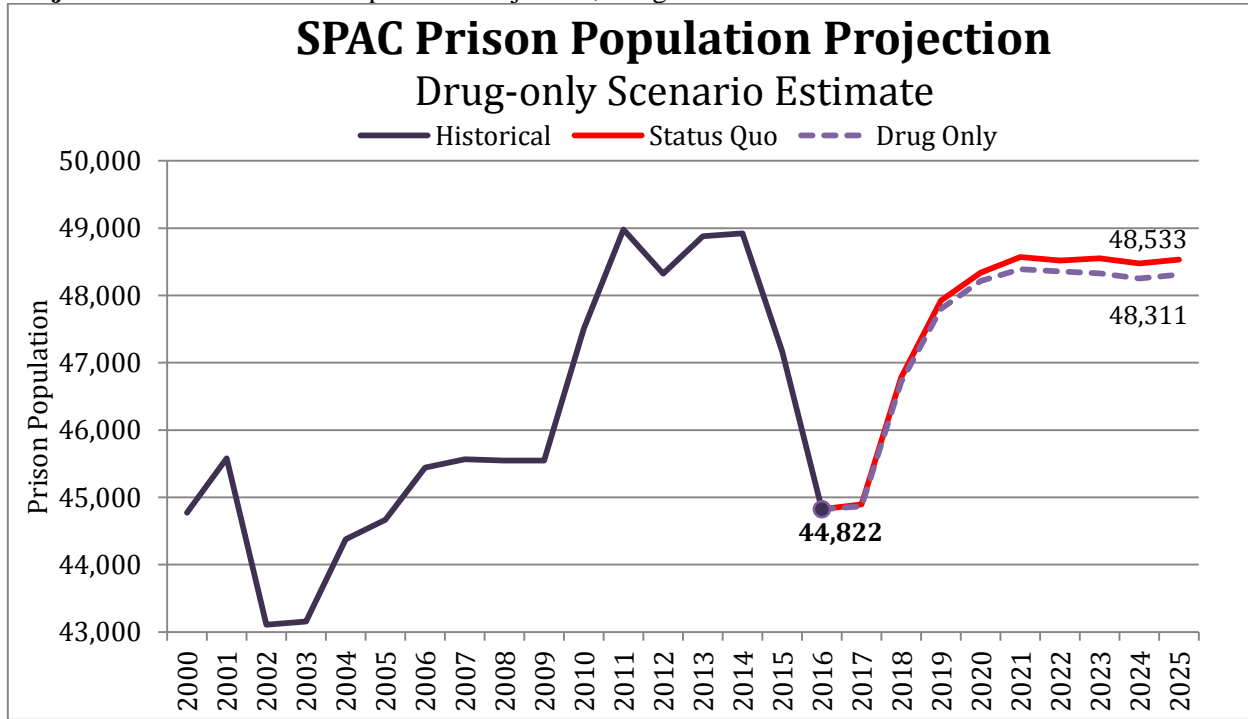
ASSUMPTIONS UNIQUE TO THIS PORTION OF SB1722: In calculating the estimated length of stay, SPAC uses the new minimum sentence for all affected admissions. In general, the majority of offenders receive the minimum sentence, which is less than the average sentence imposed because some higher sentences drive up the average. This method results in a conservative calculation of the costs of this provision.

Table 3. Total Change in Costs over Three Years

Change in	Three Year Value of Benefits
Local Detention Benefits	\$477,642
Local Probation Costs Avoided	\$0
Total Local Costs Avoided	\$477,642
State Prison Costs	\$3,061,693
State Supervision Costs	\$0
Total Additional State Costs	\$3,061,693
Change in State and Local Costs	\$3,539,335
Victimization Benefits	-\$160,621
Total Costs	\$3,378,714

SPAC modeled this provision by itself and finds the prison population would decrease between 200-250 individuals. This projection assumes admissions and sentences are consistent with the past three year's practices. For the affected Class X manufacture and delivery admissions and Class 1 drug possession admissions, a new adjusted sentence is imposed. The adjusted sentences match SB1722's proposed terms while maintaining a distribution across the full sentencing range that is consistent with past practice.

Projection 3. SPAC Prison Population Projection, Drug-Portion of the SB1722



IMPACTS OF PROPOSED LEGISLATION:

The following pages describe the impact that the proposed sentencing change would have on the various components of the Illinois criminal justice system. The narrative section describes each impact and how SPAC estimated the dollar value of the impact. The tables used to create the estimates are shown in full.

IMPACT OF PROPOSED LEGISLATION ON STATE PRISONS:

\$3.1 million

Avoided costs over three years.

The above estimates are the total reduction in IDOC costs had these policies been in place from 2014 through 2016. The reduction in costs is due to a decrease in the average daily population that would have been caused by the shorter prison sentences.

IMPACT OF PROPOSED LEGISLATION ON STATE SUPERVISION:

N/A

The drug offense portion of this bill does not change the offense class or number of offenders sent to prison, so supervision terms would not have changed had this bill been in effect for the past three years.

IMPACT OF PROPOSED LEGISLATION ON COUNTY JAILS:

\$478,000

Avoided costs over three years.

The lower jail costs are calculated because, controlling for other factors, shorter prison sentences are correlated with shorter pretrial detention. SPAC analysis showed a relationship of 29 days longer pretrial detention for each additional year sentence, holding other factors constant. This estimate is applied to all drug offenders affected and reflects the reduced time and processing. Because the effect of the legislation on prosecution and law enforcement are unknown, we conservatively assume that no more offenders would be charged and held by jails during court processing.

- Please note that, in total, over 700 offenders were convicted and held prior to sentencing, costing counties approximately \$1.8 million, using the \$3,044 dynamic marginal cost per offender. These

costs do not reflect the costs incurred for processing the 2,843 total arrests over three years for these offenses.

IMPACT OF PROPOSED LEGISLATION ON LOCAL PROBATION:

N/A

The drug offense portion of this bill does not change probation eligibility.

IMPACT OF PROPOSED LEGISLATION ON VICTIMS AND COMMUNITIES:

-\$161,000

Additional victimization costs over three years.

Decreasing sentences incapacitates offenders for less time. SPAC incorporates the incapacitation effect on victims in two ways:

1. Offenders may age out—because the average age at exit would be older, the recidivism rate may be lower as older felons generally recidivate less (*Recidivism Benefits*). SPAC reviewed historical data 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, had the bill been in effect.⁶
 - The estimate presented here calculates the benefits due to changes in recidivism for three age groups: those offenders under 28, 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 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 the methodology.
2. Crimes are delayed because offenders are incapacitated meaning crimes may occur earlier or later because of the timing of the offenders’ release (*Incapacitation Benefits*). 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.

Table 4 lists the victimization costs caused by drug offenders in the past, within both one and three years from release. The table shows the benefits of delayed release due to the new sentence lengths and the benefits of changing the age at release (benefits of changing recidivism levels).

Table 4. Victimization Effects

Controlled Substances Act 720 ILCS 570	First Year Victimization Costs	Three Years Victimization Costs	Incapacitation Benefits	Recidivism Benefits	Total Victimization Benefits
Manufacture & Delivery, Possession	\$7,975	\$23,659	-\$114,337	-\$46,284	-\$160,621

IMPACT OF PROPOSED LEGISLATION ON LAW ENFORCEMENT:

N/A

This proposed policy likely does not impact utilization of law enforcement resources and should not have any monetary impact on law enforcement.

⁶ 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*.
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IMPACT OF PROPOSED LEGISLATION ON THE JUDICIAL SYSTEM:

N/A

SPAC was unable to find reliable cost estimates to calculate the size of this impact.

DEMOGRAPHIC IMPACT OF PROPOSED LEGISLATION:

Table 5 shows the race and gender of drug offenders admitted to IDOC. Table 6 shows where the drug commitments to IDOC originate. Finally, Table 7 shows the relationship between geography and race for drug 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. *Note: these tables include both manufacture and delivery and possession drug offenses affected by this legislation.*

Table 5. Past Three Years Admissions to IDOC for Affected Drug Offenses by Race and Gender

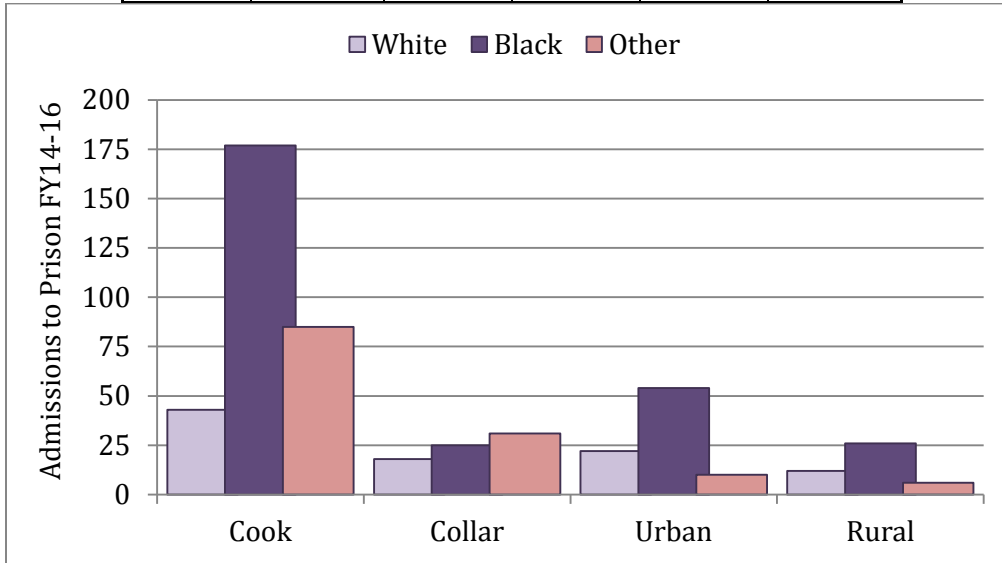
	Male	Female	Total	Percent
White	88	7	95	19%
Black	269	13	282	55%
Other	123	9	132	26%
Total	94%	6%	509	

Table 6. Top 10 Admitting Counties of Affected Drug Offenses Over Past Three Years

County	Number of Admissions	Percent
Cook	305	60%
Peoria	29	6%
DuPage	17	3%
Kane	17	3%
Will	14	3%
Lake	13	3%
McHenry	13	3%
Vermilion	11	2%
Macon	10	2%
McLean	8	2%
Other	72	13%
Total	509	

Table 7. Race by Geographic Region Over Past Three Years

	Cook	Collar	Urban	Rural	Percent
White	43	18	22	12	19%
Black	177	25	54	26	55%
Other	85	31	10	6	26%
Total	305	74	86	44	



Manufacture and Delivery of Select Controlled Substances

720 ILCS 570/401(a)

For Fiscal Years 2014, 2015, and 2016

Total arrests	499
Total convictions	173
Total withheld judgments	<10

Withheld judgments are charges that are dismissed or judgment of built vacated upon completion of a set period of time and tasks.

	Dollar Value from 2014-16
Current Costs	\$5,283,687
Proposed Costs	\$3,074,867
Victimization Benefits	-\$119,618
Total Costs	-\$2,089,201

Sentences		Number of Offenders	Average Sentence Imposed (years)	Average Jail Stay Prior to IDOC Sentence (years)	Average Sentence Served in IDOC (years)
Probation	12	2.55		2.55	
Class X Manufacture/Delivery	106	14.8		1.62	5.74
<i>* A small number of admissions and exits from prison for Class 1 manufacture and delivery offenses affected by this bill are excluded.</i>					
<i>* Average sentence served is the time less credit for time served in pretrial detention and any sentence credits for which the offender is eligible.</i>					

Current Cost		Cost	Length of Stay (Years)	Current Cost for Each Offender	Number of Offenders	Total Cost of Current System
		C	L	C x L	N	C x L x N
Pretrial Detention	\$3,044	1.62	\$4,931	118	\$581,891	
Probation	\$1,900	2.55	\$4,845	12	\$58,140	
Class X Manufacture/Delivery	\$6,504	5.74	\$37,333	106	\$3,957,294	
IDOC Supervision	\$2,841	2.28	\$6,475	106	\$686,362	
Total				106	\$5,283,687	

Note: SPAC uses the average cost of supervising all risk levels of offenders from AOIC's 2011 calculations, inflated to 2015 dollars. IDOC Supervision is average time spent on MSR for these offenders.

Predicted Sentence (Length of Stay Under Proposal)	Class X Manufacture/Delivery	New Average Sentence Imposed	Truth-in-Sentencing Credits for Good Time	Avg. Jail Time	Total Imprisonment(years)
		6	75%	1.62	2.88

Effect of Legislative Proposal		Cost	Length of Stay Proposed (Years)	Predicted Cost for Each Offender	Number of Offenders	Total Cost of Predicted System
		C	L'	L' x C	N	L' x C x N = TC'
Pretrial Detention	\$3,044	0.96	\$2,922	118	\$344,824	
Probation	\$1,900	2.55	\$4,845	12	\$58,140	
Class X Manufacture/Delivery	\$6,504	2.88	\$18,732	106	\$1,985,541	
IDOC Supervision	\$2,841	2.28	\$6,475	106	\$686,362	
Total				106	\$3,074,867	

Note: Some sections of this offense, such as probation and MSR, are unaffected by the proposed legislation. The costs of the legislative proposal are equal to the current costs.

Incapacitation Benefits		Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	Price of One Year Victimization per Offender	Net Present Value of Victimization Price under Proposal (3% discount rate)	Net Present Value of Delayed Release	Number of Offenders	Victimization Benefits
		L	L'	L' - L = T	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
Class X Manufacture/Delivery	5.74	2.88	-2.86	\$7,975	\$8,679	-\$704	106	-\$74,576	
Total								-\$74,576	

Recidivism Benefits First Offense	Age Group	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year	Average Difference in Years	Predicted Recidivism Rate Change	Ratio of Convictions to Recidivists	Three Year Victimization Costs per Offender	Victimization Benefits
		P	$N \times P = N'$	K	L' - L = T	$K \times T = E$	(Victims:Conviction) = Z	V3	$N' \times E \times Z \times V3$
18 to 27	4.7%	5	-2.1%	-2.86	6.0%	1.68	-\$23,659	-\$11,893	
28 to 36	39.2%	42	0.3%	-2.86	-0.9%	1.68	-\$23,659	\$14,171	
37 to 50	56.1%	59	-0.7%	-2.86	2.0%	1.68	-\$23,659	-\$47,320	
Total	100%	106						-\$45,042	

Some sections of this offense, such as probation and MSR, are unaffected by the proposed legislation. The costs of the legislative proposal are equal to the current costs.

Possession of Select Controlled Substances

720 ILCS 570/402(a)

For Fiscal Years 2014, 2015, and 2016

Total arrests	2,344
Total convictions	602
Total withheld judgments	<10

Withheld judgments are charges that are dismissed or judgment of built vacated upon completion of a set period of time and tasks.

	Dollar Value from 2014-16
Current Costs	\$8,494,295
Proposed Costs	\$7,163,519
Victimization Benefits	-\$41,003
Total Costs	-\$1,289,773

Sentences		Number of Offenders	Average Sentence Imposed (years)	Average Jail Stay Prior to IDOC Sentence (years)	Average Sentence Served in IDOC (years)
	Pretrial Detention	631		0.66	
	Probation	228	2.22		
	Class 1 Drug Possession	399	5.67	0.66	1.76
	Class 2 Drug Possession	4	3.00	0.66	0.85

** The small number of admissions and exits from prison for Class 2 drug possession offenses affected by this bill complicates comparison of the average sentence imposed (from admissions records) and average time served (from exit records).*

** Average sentence served is the time less credit for time served in pretrial detention and any sentence credits for which the offender is eligible.*

Current Cost		Cost	Length of Stay (Years)	Current Cost for Each Offender	Number of Offenders	Total Cost of Current System
		C	L	C x L	N	C x L x N
	Pretrial Detention	\$3,044	0.66	\$2,009	631	\$1,267,704
	Probation	\$1,900	2.22	\$4,218	228	\$961,704
	Class 1 Drug Possession	\$6,504	1.76	\$11,447	399	\$4,567,369
	Class 2 Drug Possession	\$6,504	0.85	\$5,528	4	\$22,114
	IDOC Supervision	\$2,841	1.46	\$4,157	403	\$1,675,404
Total				403	\$8,494,295	

Note: SPAC uses the average cost of supervising all risk levels of offenders from AOIC's 2011 calculations, inflated to 2015 dollars. IDOC Supervision is average time spent on MSR for these offenders.

Predicted Sentence (Length of Stay Under Proposal)	Class 1 Drug Possession	New Average Sentence Imposed	Truth-in-Sentencing Credits for Good Time	Avg. Jail Time	Total Imprisonment (years)
		4	50%	0.66	1.34
	Class 2 Drug Possession	New Average Sentence Imposed	Truth-in-Sentencing Credits for Good Time	Less Avg. Jail Time	Total Imprisonment (years)
	3	50%	0.66	0.84	

Effect of Legislative Proposal		Cost	Length of Stay Proposed (Years)	Predicted Cost for Each Offender	Number of Offenders	Total Cost of Predicted System
		C	L'	L' x C	N	L' x C x N = TC'
	Pretrial Detention	\$3,044	0.53	\$1,628	631	\$1,027,129
	Probation	\$1,900	2.22	\$4,218	228	\$961,704
	Class 1 Drug Possession	\$6,504	1.34	\$8,715	399	\$3,477,429
	Class 2 Drug Possession	\$6,504	0.84	\$5,463	4	\$21,853
	IDOC Supervision	\$2,841	1.46	\$4,157	403	\$1,675,404
Total					\$7,163,519	

Note: Some sections of this offense, such as probation and MSR, are unaffected by the proposed legislation. The costs of the legislative proposal are equal to the current costs.

Incapacitation Benefits		Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	Price of One Year Victimization per Offender	Net Present Value of Victimization Price under Proposal (3% discount rate)	Net Present Value of Delayed Release	Number of Offenders	Victimization Benefits
		L	L'	L' - L = T	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	Class 1 Drug Possession	1.76	1.34	-0.42	\$7,975	\$8,075	-\$100	399	-\$39,752
Class 2 Drug Possession	0.85	0.84	-0.01	\$7,975	\$7,978	-\$2	4	-\$9	
Total								-\$39,761	

Recidivism Benefits (Class 2 Agg UUV Without Departures)	Age Group	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year	Average Difference in Years	Predicted Recidivism Rate Change	Ratio of Convictions to Recidivists	Three Year Victimization Costs per Offender	Victimization Benefits
		P	$N \times P = N'$	K	$L' - L = T$	$K \times T = E$	$(\text{Victims:Conviction}) = Z$	V3	$N' \times E \times Z \times V3$
	18 to 27	35.5%	142	-2.1%	-0.01	0.0%	1.68	-\$23,659	-\$1,182
	28 to 36	41.4%	165	0.3%	-0.01	0.0%	1.68	-\$23,659	\$197
	37 to 50	23.1%	92	-0.7%	-0.01	0.0%	1.68	-\$23,659	-\$256
Total	100%	399						-\$1,242	

Some sections of this offense, such as probation and MSR, are unaffected by the proposed legislation. The costs of the legislative proposal are equal to the current costs.

Protected Zone Enhancements for Drug Offense

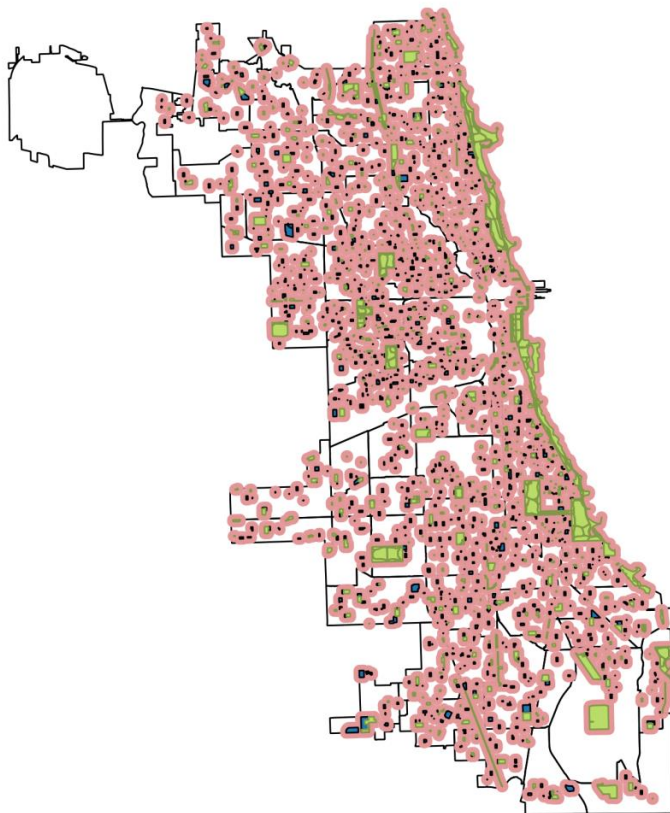
720 ILCS 550/5.2, 720 ILCS 570/407, and 720 ILCS 646/15(b) and 55(b)

INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

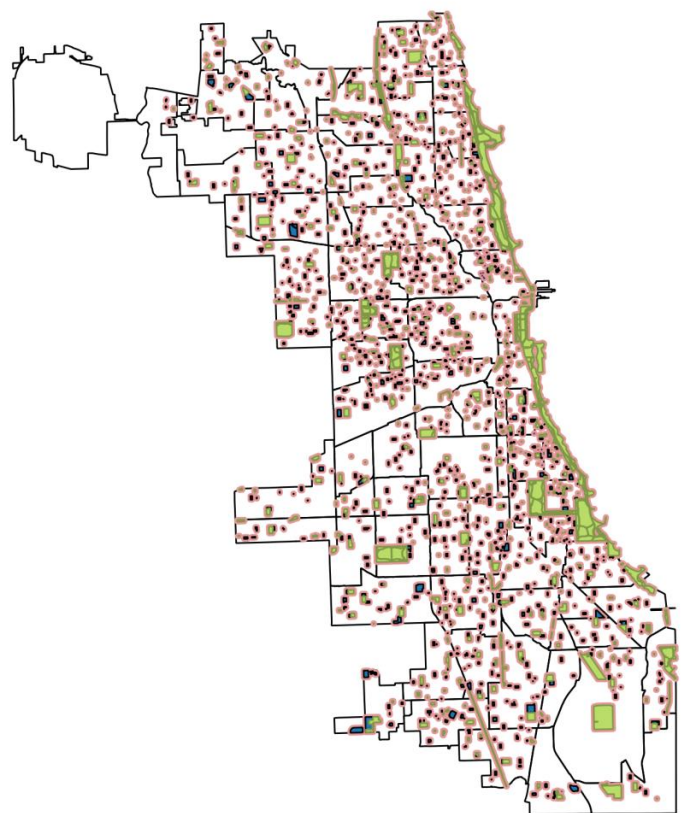
SB1722 limits the scope of drug delivery near protected places by (1) reducing the distance requirement from 1,000 feet to 500 feet and (2) adding a nexus requirement so the penalty does not apply, for example, when school is not in session. The change applies to the Controlled Substances Act, Cannabis Control Act, and the Methamphetamine Control and Community Protection Act. These laws enumerate slightly different locations that are protected, but SB1722 amends all three to reduce the buffer zone and add the nexus requirement.

The map below shows the effect of SB1722 in the city of Chicago. The shaded pink region shows areas of the city that are protected by the 1,000- and 500-foot buffers using available location data for K-12 schools, public housing, and parks.

1000 feet buffer



500 feet buffer



Source: SPAC analysis of city of Chicago data

Table 1. Analysis of Race of IDOC Admissions under the Protected Zones

	Controlled Substances Act Drug Zone	Cannabis Drug Zone	Meth Drug Zone	Overall
Black	84%	86%	0%	57%
Non-Black	16%	14%	100%	43%

Table 1 above shows the demographics of each drug act. The following pages show the demographics and geographic divisions of all drug-free zone admissions to IDOC. Here, race is self-identified upon admission

to prison. The “Other” includes self-identified Hispanic, Asian/Island Pacific, Native American, and Unknown races. *Note: these tables below include all drug-free zone offenses affected by this legislation.*

Table 2. Past Three Years Admissions to IDOC for Drug-Free Zone Offenses by Race and Gender

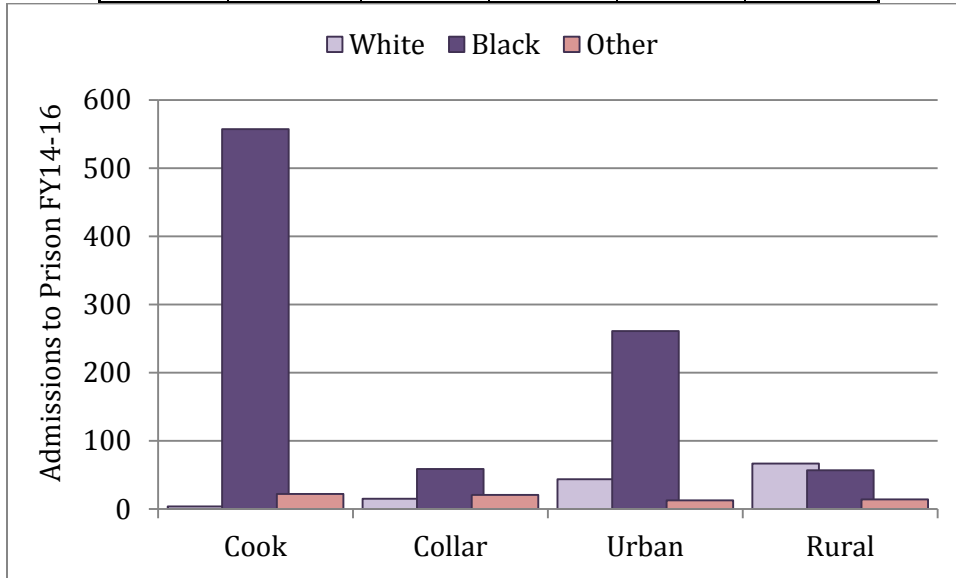
	Male	Female	Total	Percent
White	100	30	130	11%
Black	878	56	934	82%
Other	62	8	70	6%
Total	92%	8%	1,134	

Table 3. Top 10 Admitting Counties of Affected Drug-Free Zone Offenses Over Past Three Years

County	Number of Admissions	Percent
Cook	583	51%
McLean	114	10%
Kane	72	6%
Winnebago	51	4%
St. Clair	32	3%
Rock Island	28	2%
Boone	25	2%
Kankakee	24	2%
Madison	21	2%
Macon	17	1%
Other	167	17%
Total	1,134	

Table 4. Race by Geographic Region Over Past Three Years

	Cook	Collar	Urban	Rural	Percent
White	4	15	44	67	11%
Black	557	59	261	57	82%
Other	22	21	13	14	6%
Total	583	95	318	138	1,134



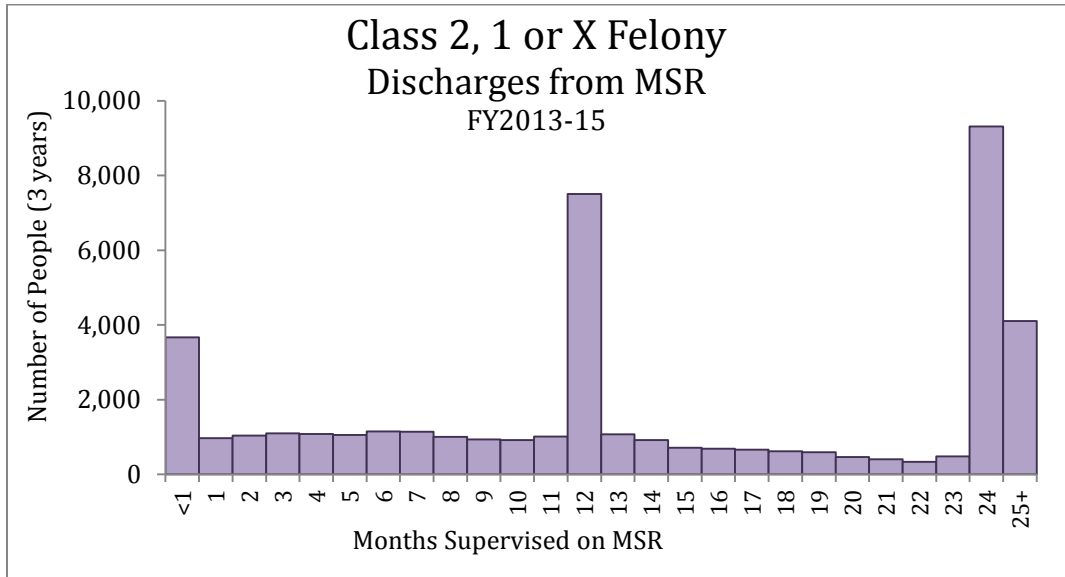
Mandatory Supervised Release Reform

730 ILCS 5/3-3-8 and 730 ILCS 5/5-8-1

INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

SB1722 reduces mandatory supervised release (MSR) terms by (1) permitting the Prisoner Review Board to “release a low-risk and need subject person” as determined by an appropriate evidence-based risk and need assessment and (2) limiting the usual MSR term to 18 months for Class X, Class 1, and Class 2 felonies. Currently, Class X requires a 3-year MSR term and Class 1 and Class 2 requires a 2-year term.

On June 30, 2014, IDOC supervised 16,192 Class 2, Class 1, and Class X felons. About 37% of those individuals would serve more than 18 months on MSR, based on analysis of discharges from MSR over the past three years (FY2013-15). Under current policies, most individuals’ MSR terms are either 2 years, the statutory length for most Class 1 and Class 2 felonies, or 3 years, the statutory length for Class X.



Source: SPAC analysis of IDOC data

Of those who are supervised for more than 18 months, the average length of supervision is 26 months, or 8 months longer than the new statutory maximum. Had this bill been in effect over the past three years, that would have reduced IDOC’s MSR costs by \$31 million (15,689 individuals, supervised 8 months shorter each, multiplied by the \$2,841 cost of one year of IDOC supervision).

Supplemental Sentence Credit and Programming Credits

730 ILCS 5/3-6-3(a)(3) and (a)(4)

INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

SB1722 increases eligibility for supplemental sentence credit and programming credit for certain inmates who earn only 7.5 days of credit for every day served pursuant to 75% truth-in-sentencing, 730 ILCS 5/3-6-3(a)(2)). However, the credits are limited in that the time served cannot go below 60% of the imposed sentence. Further, Senate Amendment 2 removes gunrunning from any increase in sentence credit eligibility.⁷

Approximately 430 people in prison are under the 75% truth-in-sentencing restriction. Most are drug manufacture, delivery, and trafficking offenses and are almost solely Class X felonies. Over the past three years, 183 individuals with the 75%-TIS restriction were admitted with an average sentence imposed of 11.8 years.

If IDOC were able to reduce the time served from 75% to 60% for these inmates, the average time served would fall by approximately 1.6 years. In the SPAC population projection estimates, the sentence credit change could reduce the prison population between 10 and 20 inmates.

⁷ The Illinois Department of Corrections (IDOC) reports on supplemental sentence credit awards in an annual report available on their website: <https://www.illinois.gov/idoc/reportsandstatistics/Pages/AnnualReportsforSSC.aspx>.

Burglary

720 ILCS 5/19-1

INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

SB1722 reduces the felony class of burglary from Class 2 to Class 3 when the theft is from a watercraft, aircraft, motor vehicle, or any part of those vehicles. By decreasing the class for these offenses, the sentence and time served in prison would decrease, which would decrease the average daily population in IDOC.

Table 1. SB1722 with Senate Amendment 3 Changes to Burglary

Burglary	Place	Current Law	Proposed Law
Without authority enters or remains within	Watercraft, aircraft, motor vehicle, or any part thereof	Class 2	Class 3
	Building, house trailer, railroad car, or any part thereof	Class 2	Class 2
	School, day care center, day care home, group day care home, part day child care facility, or place of worship	Class 1	Class 1
Causing damage while entering or remaining	Watercraft, aircraft, motor vehicle, railroad car, or any part thereof	Class 2	Class 2

SPAC used criminal history (CHRI) and IDOC data from 2013, 2014, and 2015 for arrests, convictions, and probation sentences, as well as IDOC admissions for burglary. During these three years, data show:

Table 2. Burglary Offenses Over Past Three Years

	Over Three Years
Arrests	17,148
Convictions	6,611
Probation	3,508
IDOC Admissions	3,404
Average Sentence Imposed	4.6 years
Average Prison Time Served	1.8 years
Average Pretrial Detention <i>(for prison sentences)</i>	0.5 years
Total Time in Custody	2.3 years

Source: SPAC analysis of IDOC and CHRI data

Because Illinois administrative data do not distinguish where burglary offenses occur, SPAC could not estimate the size of this impact directly. SPAC reviewed 2014 burglary offense data from the NIBRS for Rockford, Illinois (*the only Illinois jurisdiction reporting to NIBRS*), national data, and select neighboring states. If the 2014 national data are indicative of burglary offenses in Illinois, approximately one third of burglary offenses could be subject to the new Class 3 penalties for burglary from a vehicle.

Table 3. Types of Burglary Offenses from National Data

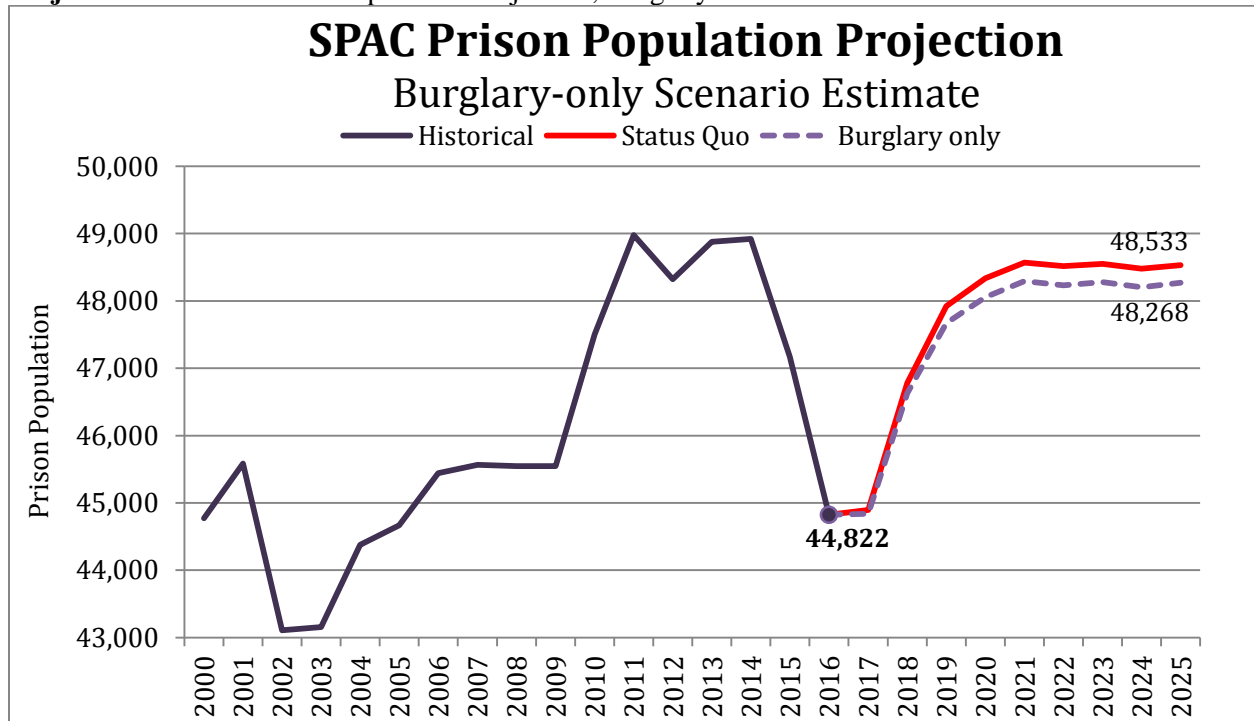
	Theft from Vehicle	All Other Theft or Burglary
Rockford, Illinois	31%	69%
Iowa	28%	72%
Kentucky	28%	72%
Michigan	22%	78%
Missouri	32%	68%
Ohio	28%	72%
Wisconsin	30%	70%
National	34%	66%

Source: NIBRS 2014.

Note that these data do not include theft of a motor vehicle, shoplifting, theft from a person, robbery, or theft of motor vehicle parts. Theft from a vehicle includes from automobiles, trucks, truck trailers, buses, motorcycles, motor homes, or other recreational vehicles. All other theft or burglary matches the NIBRS categorizations of burglary and theft from a building.

The expected population impact for this provision alone would be a decrease of between 250 and 300 individuals. SPAC used the NIBRS analysis to estimate a potential impact of SB1722 if a third of burglary offenses fall under the Class 3 felony classification because they are from a vehicle rather than a building. Using this assumption the prison population would decrease by between 250 and 300 individuals in future years.

Projection 4. SPAC Prison Population Projection, Burglary-Portion of the SB1722



The following pages show the demographics and geographic divisions of all drug-free zone admissions to IDOC. Here, race is self-identified upon admission to prison. The “Other” includes self-identified Hispanic, Asian/Island Pacific, Native American, and Unknown races. *Note: these tables below include all burglary offenses.*

Table 4. Past Three Years Admissions to IDOC for Burglary by Race and Gender

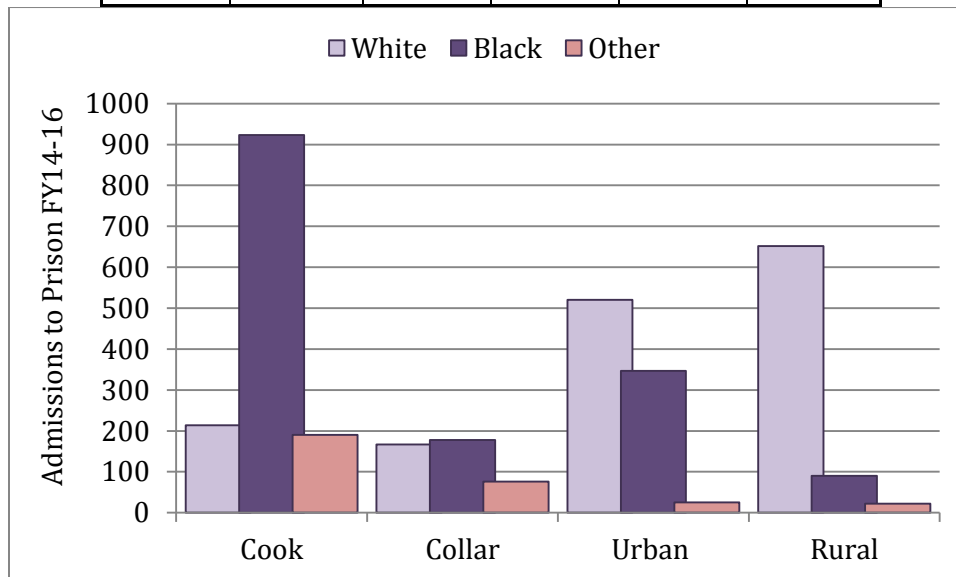
	Male	Female	Total	Percent
White	1,403	150	1,553	46%
Black	1,460	78	1,538	45%
Other	300	13	313	9%
Total	93%	7%	3,404	

Table 5. Top 10 Admitting Counties of Burglary Over Past Three Years

County	Number of Admissions	Percent
Cook	1,327	39%
Macon	146	4%
DuPage	131	4%
Winnebago	129	4%
Will	126	4%
Madison	119	3%
Lake	89	3%
Champaign	86	3%
Peoria	83	2%
Sangamon	71	2%
Other	1,097	32%
Total	3,404	

Table 6. Race by Geographic Region Over Past Three Years

	Cook	Collar	Urban	Rural	Percent
White	214	167	520	652	46%
Black	923	178	347	90	45%
Other	190	76	25	22	9%
Total	1,327	421	892	764	3,404



Habitual Criminal Sentencing

730 ILCS 5/5-4.5-95(b)

INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

SB1722 limits the automatic enhancement to a Class X sentence of 6 to 30 years for the third Class 1 or Class 2 felony by providing that drug and theft offenses are not counted towards the three felonies convictions. Data limitations prevented analysis of prison admissions sentenced under the habitual criminal Class X statute. However, analysis of Criminal History Record Information showed that the number of convictions eligible for the enhancement would decrease by approximately 36%.

SPAC analyzed 2013-2015 CHRI data both using the current law and the restriction where statutes specified in the bill were not counted for the third strike.

Felony Class	Current Convictions Eligible, 2013-15	Convictions Eligible under SB1722, 2013-15	Number Reduced due to SB1722	Percent Change due to SB1722 by Felony Class
1	2,198	1,229	969	45%
2	3,160	2,213	947	30%
Total	5,358	3,442	1,916	36%

Source: SPAC analysis of CHRI data

Class 1 has about a 45% reduction in eligible convictions and class 2 has about a 30% reduction. Overall, 36% of habitual criminal-eligible convictions would be removed from eligibility with SB1722's changes to the statute.

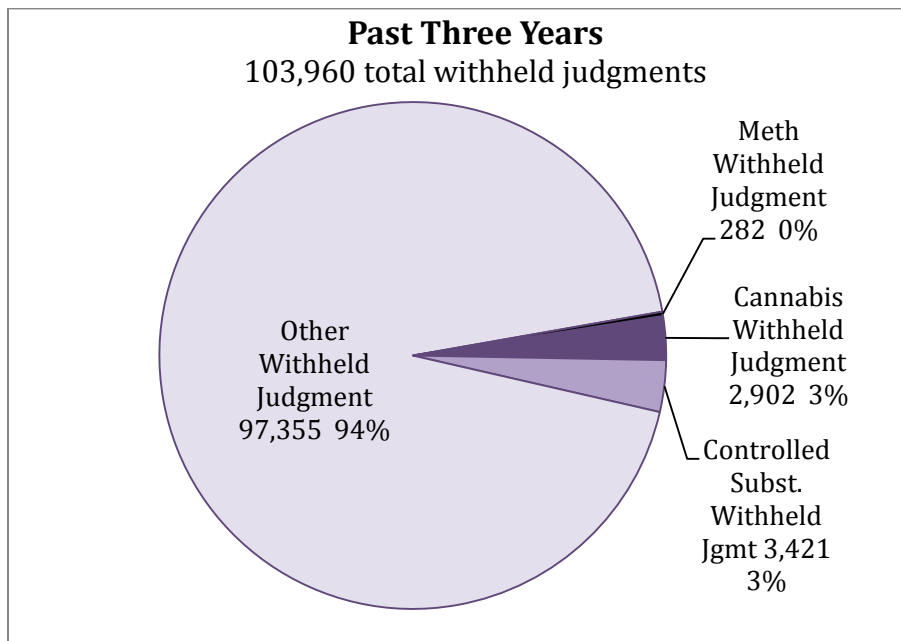
Eligibility for Specialty Probation

720 ILCS 550/10, 720 ILCS 570/410, 720 ILCS 646/70, 730 ILCS 5/5-6-3.3 and 5-6-3.4

INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

For withheld judgment supervision programs, SB1722 permits access to individuals previously on probation or court supervision, allows offenders to access special probation programs once every four years, and requires courts to consider referral to a drug court program if appropriate evaluations by the drug court team establish that the individual has a substance abuse problem. These changes are applied to drug violations under the Controlled Substances Act, the Cannabis Control Act, and the Methamphetamine Control and Community Protection Act, as well as to Offender Initiative Probation and Second Chance Probation.

SPAC was unable to determine the effect of these changes on drug court participation or on withheld judgments. SPAC analyzed the data reported into the Criminal History Record Information system, which is collected by the courts. SPAC identified almost 104,000 cases with withheld judgment dispositions in the. Most (94%) of the records show a “Withheld Judgment/Supervision” code, while there were 3,421 controlled substance withheld judgment cases (720 ILCS 570/410), 2,902 cannabis cases (720 ILCS 550/10), and 282 methamphetamine cases (720 ILCS 646/70).



Source: SPAC analysis of CHRI data, including felony and misdemeanor dispositions

Please note that the administrative data from CHRI are assumed to be correct and accurate representations of the criminal justice system. If individuals who successfully complete the requirements of the withheld judgment disposition are removed from CHRI, the above numbers may underestimate or misrepresent how these laws are currently being applied in Illinois.