

SENATE BILL 2295, SENATE AMENDMENT 1

JUSTICE REINVESTMENT CHANGES TO CRIMINAL CODE PROPERTY AND DRUG OFFENSES

PARTIAL ANALYSIS DUE TO DATA LIMITATIONS

Senate Amendment 1 to Senate Bill 2295 ([SB2295 SA1](#)) restructures drug possession and property offenses by reducing many felony offenses to the misdemeanor level. For felony drug possession offenses under the Cannabis Control Act, the Controlled Substances Act, and the Methamphetamine Control and Community Protection Act, SB2295 SA1 reduces all offenses to Class A misdemeanors. For the property offenses of theft, retail theft, deceptive practices, criminal damage to property, and criminal defacement of property, SB2295 SA1 raises the dollar value of loss from current levels to \$2,500 before the offense is classified as a Class 4 felony. Under that threshold, the offenses would be Class A misdemeanors and therefore fewer individuals would be incarcerated in the Illinois Department of Corrections (IDOC).

SPAC examined Criminal History Record Information (CHRI) and data from IDOC from 2013 through 2015 to provide an estimate of the impact for the penalty reclassifications. Because of data limitations, SPAC was unable to reliably quantify the fiscal impact due to changes in the property offenses.¹ Further analysis will be necessary to analyze the costs and benefits of the reinvestment and recidivism-reduction policies in the bill.² Finally, the magnitude of this proposal may have additional effects as system actors and offenders readjust to the new sentencing schemes; these continual readjustments may have fiscal impacts that are not counted in this analysis.³

Table 1. Total Change in Costs over Three Years (in Millions)

	Additional Local Costs	Avoided State Costs	Total Avoided Taxpayer Costs	Additional Victimitizations	Total Net Benefits
Cannabis 720 ILCS 550	\$3.9	\$23.7	\$19.8	\$0.4	\$19.3
Controlled Subst. Act 720 ILCS 570	\$40.3	\$333.8	\$293.5	\$5.7	\$287.8
Meth Act 720 ILCS 646	\$3.3	\$32.8	\$29.5	\$0.3	\$29.2
Property Offenses¹	--	--	--	--	--
Community Reinvestment¹	--	--	--	--	--
Total of Estimated Impacts (in millions)	47.5	\$390.3	\$342.8	\$6.4	\$336.4

¹ SPAC has analyzed national incident-based reporting data and available data from the Rockford Police Department on the value of property damaged or stolen. Because the bill changes penalties based on value, the reliability and comparability of these data must be validated before SPAC can quantify the impacts across the whole state. Additional analysis may also be necessary to determine secondary impacts on Illinois businesses and property owners.

² In addition to changing penalties, this bill suggests a new funding mechanism for community public safety programs. This new mechanism may have additional costs and, if implemented correctly, would have an impact on recidivism in Illinois and mitigate the bill's negative impact of increased victimizations.

³ The bill would have a substantial impact on the number of IDOC admissions, which could have an impact on intake procedures and costs. The shift from felony to misdemeanor may also affect the balance between felony and misdemeanor courts at the county level.

¹Insufficient data were available to estimate the impacts of these aspects of SB2295 SA1.

Table 1 shows that, had the bill been in effect for the past three years, the fiscal impact would be a net gain benefit of \$336.4 million. This total amount includes \$390 million in costs avoided for IDOC, an increase in local probation costs of \$30 million, and an increase in local jail costs of \$18 million. SPAC found that returning these offenders to the community would increase victimization costs by \$6.4 million over three years. These victimization costs include the tangible losses to victims of violent crime and property damage plus the intangible costs of pain and suffering.⁴

Table 2 displays the number of individuals arrested, convicted, and sentenced prison as reported in the state CHRI database and IDOC records. Arrests, convictions, and withheld judgments count the number of felony charges levied across the state on these offenses (misdemeanors are excluded as unaffected by SB2295 SA1). Prison and sentencing data are analyzed from IDOC’s data during the corresponding fiscal years.

Table 2. Total Number of Cases and Individuals Affected by SB2295 SA1 over Past Three Years

Offense	Cannabis Control Act	Controlled Substances Act	Meth Control Act	Theft	Retail Theft	Deceptive Practices	Criminal Damage or Defacement
Statute	720 ILCS 550	720 ILCS 570	720 ILCS 646	720 ILCS 5/16-1	720 ILCS 5/16-25	720 ILCS 5/17-1	720 ILCS 5/21-1 & 21-1.3
Felony Arrests	9,104	62,477	959	15,399	14,691	825	6,406
Felony Convictions	2,148	17,910	1,266	6,739	10,044	261	1,537
Withheld Judgment	433	4,200	436	356	252	<10	109
Prison Admissions	796	10,476	608	2,616	4,218	73	275
Percent of Felony Admissions Affected	100%	100%	100%	17%	15%	27%	28%
Pretrial Detention (pre-IDOC)	0.36	0.42	0.32	0.41	0.27	0.31	0.38
Average Prison Stay	0.71	0.73	1.24	1.04	0.59	0.87	0.60
Total Time In Custody	1.07	1.15	1.56	1.45	0.86	1.18	0.98

Full tables of the changes under SB2295 SA1 are shown following the analysis of the changes in drug possession and property crimes.

METHODOLOGY: SPAC performed a retrospective analysis of data on arrests, convictions, and sentences for these offenses in fiscal years 2013, 2014, and 2015. This approach will be used while SPAC builds its capacity to produce a reliable population projection. **Importantly, preliminary analysis of the Criminal History Record Information (CHRI) data shows that some counties may not be reporting misdemeanor convictions or felony prison sentences to the State and the extent of the underreporting is unknown until a data-integrity audit can be completed by the Illinois Criminal Justice Information Authority.** SPAC accounted for the lack of felony prison sentences by analyzing IDOC data for FY2013-15. Misdemeanor convictions and sentences, however, are currently unavailable. For this bill, only felony sentences were analyzed because misdemeanor offenses are unaffected. The numbers shown here are based on the best available information, but the limitations **require caution.**

⁴ More information on SPAC’s victimization calculations can be found in the 2015 *Victimization Supplement*, available at: http://www.icjia.state.il.us/spac/pdf/Victimization_Supplement_0415.pdf.

The system costs are updated annually. Beginning this year, SPAC includes both direct personnel costs, such as the costs of employee salaries, and indirect spending on benefits, including pension, healthcare, and workers' compensation, that are borne by taxpayers but are paid from outside the IDOC budget. Including these expenses yields a more accurate estimate of taxpayer expenses to operate prisons in Illinois. These costs will be reflected in the per capita costs used when the population impact is sufficient to implicate the total administrative costs, as it is with SB2295 SA1. SPAC also included the impact on IDOC's supervision of offenders in the community after their release from prison.

To calculate state spending on these offenses for 2013 through 2015, SPAC used CHRI and IDOC data on (A) the number of convictions and arrests under the applicable statutes, (B) the average length of stay in IDOC facilities, local jail centers, and probation supervision, and (C) the marginal cost per inmate per year. SPAC used the per capita cost figure of \$41,052 per inmate. Because this measure eliminates the possibility of prison sentences, the state prison costs over these three years would have been avoided had this measure been in effect.

For local costs, SPAC surveyed county jails on marginal costs. The responses provided a statewide average marginal cost of \$15,749 per person that incorporates Cook County, suburban counties, and counties across the state. 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), and misdemeanor jail sentences, SPAC examined the CHRI data for time served (pretrial detention) and the sentence lengths ordered by the court for jail or probation terms. These costs would also have been avoided had the measure been in effect for these three years. These costs were all inflated using the federal Bureau of Labor Statistics CPI inflation index.

SPAC estimates victimization costs and benefits in two ways. First, as the average age of offenders exiting IDOC decreases, their likelihood of recidivating generally increases. Second, some crimes are delayed because offenders are incapacitated in state prisons, creating the benefit of longer time periods without victimization by that offender. This methodology is a reasonable approximation of the dollar value of the change in timing of victimizations due to incarcerating drug offenders in IDOC.

As SPAC builds its capability for estimating costs and benefits to other stakeholders—the judicial system, probation systems, and communities—SPAC will include impact on these areas and constituencies in its analysis of proposed legislation.

LIMITATIONS AND ASSUMPTIONS:

- The size of the changes in SB2295 SA1 may alter the local costs of pretrial detention and detaining offenders who are arrested but not convicted. Due to data limitations, SPAC did not include these impacts.
- Under SB2295 SA1, courts would see a decrease in felony cases and a corresponding increase in misdemeanor cases. This shift may require changes in court calls, trial room allocations, and staffing. Due to data limitations, SPAC did not include these impacts.
- To calculate the total number of offenders with arrests, convictions, probation sentences, or withheld judgments, SPAC counts the number of offenders with at least one charge under each law. Some of these offenses may be the result of plea deals or a lesser conviction included among other felony charges and convictions. If these offenses are not the most serious offense, the offenders may still receive felony sentences even after this bill's effective date.
- For the total number of offenders admitted to IDOC, SPAC counts offenders only under their most serious offense.

- SPAC does not include the capital cost of building, acquiring, or decommissioning prison beds in this impact analysis.
- SPAC assumed that two-thirds of offenders would be sentenced to misdemeanor probation instead of felony prison. This percent is the percent of offenders that receive probation for all Class 4 felony dispositions.
- SPAC estimated that all misdemeanor sentences would be the maximum possible: two years on probation or one year in jail. This conservatively estimates the highest costs to local government had the bill been in effect.
- SPAC uses the same cost of probation for both misdemeanor and felony cases.
- Conflicting research exists on the relationship between incarceration, deterrence, and recidivism. SPAC uses the recidivism patterns of those released from prison as a proxy for recidivism patterns of those offenders who would not have been sent to prison at all under the bill. Some research indicates that if they were never admitted to prison and/or their crimes were not considered felonies, their recidivism patterns may be different. For example, recidivism could be higher, as individuals are less deterred, or lower, as they were never removed from the community and never exposed to high-risk prisoners. These conflicting effect sizes are unknown and still being researched.

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 been incurred or avoided had the proposed changes been the law.
- IDOC accounts for the increased space needs 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 does not include costs of construction but uses the higher per capita cost.
- SPAC determines annual cost estimates at the beginning of each year and uses these estimates in every analysis. This method allows for comparisons of measures throughout the legislative session.
- SPAC’s statutory mandate is to prepare system-wide resource statements on court processes and county or local government resources as well as the state IDOC population.
- If the impact on the average daily population is 800 people or more, SPAC uses a per capita cost which accounts for the increased administrative and space-management costs. If the change is less than 800, SPAC uses the marginal cost of incarceration which is the additional cost of adding just one inmate to the population, which does not require additional administrative or space-management costs. SPAC uses this number because 800 beds equals one housing unit and four housing units make one prison.

The next two sections provide greater detail on the analysis of SB2295 SA’s (1) drug possession reforms and (2) property offense reforms. The fiscal impact calculations only include the drug possession affects because SPAC was unable to get reliable estimates of the dollar value of property stolen or damaged over the past three years’ offenses. Until Illinois adopts NIBRS or an equivalent data reporting system with more complete information on the offenses, it is not possible to reliably estimate dollar values.

▪ **FELONY DRUG POSSESSION OFFENSES:**

This section examines the impact of reducing all drug possession offenses from their current felony status to Class A misdemeanors. Had the bill been in effect for the three years examined, SPAC assumed that two thirds of these offenders would have received probation—the current percentage that receive probation for Class 4 felonies—and the other third would receive 365 days in jail and serve half that time due to day-for-day credits, minus time served in jail pretrial. The impact is shown in Table 3.

Table 3. Drug Possession Impact of SB2295 SA1 over Three Years

Act	Number of IDOC Admissions, Past Three Years	Costs Avoided for IDOC Prisons	Costs Avoided for IDOC Parole	Additional Probation Costs	Additional Jail Costs	Additional Victimization Costs	Sum of Total Change in Costs
Cannabis 720 ILCS 550	796	\$21,400,000	\$2,300,000	\$2,000,000	\$1,900,000	\$400,000	\$19,300,000
Controlled Substances Act 720 ILCS 570	10,476	\$304,000,000	\$29,800,000	\$26,300,000	\$14,000,000	\$5,700,000	\$287,800,000
Meth 720 ILCS 646	608	\$31,100,000	\$1,700,000	\$1,500,000	\$1,700,000	\$300,000	\$29,200,000
Total	11,880	\$356,400,000	\$33,800,000	\$29,800,000	\$17,700,000	\$6,400,000	\$336,300,000

Using basic assumptions, approximately \$390 million in costs would have been avoided for IDOC, with most of the benefits occurring due to reductions in the prison population. SPAC used the true cost of incarceration, \$41,052 per inmate per year, which includes pension and other staff benefits in the costs for operating Illinois prisons.

Had this bill been in effect, county governments would have had to supervise these 11,880 individuals on probation or maintain custody of them in county jails. SPAC found that approximately \$30 million in additional probation costs for supervision over these three years and \$18 million in additional jail costs.

Tables of changes to drug offense penalties under SB2295 SA1:

Table 4. Cannabis Control Act Revisions under SB2295 SA1

Cannabis Control Act Drug Amounts Specifically Described: 720 ILCS 550/4	Possession 720 ILCS 550/4	
	Current Law	Proposed
(a) any amount under 2.5 gram	<i>Class C</i>	<i>Class C</i>
(b) any amount over 2.5 gram but less than 10 grams	<i>Class B</i>	<i>Class B</i>
(c) More than 10 grams	<i>Class A</i>	<i>Class A</i>
(d) 30 to 500 grams	<i>Class 4</i>	<i>Class A</i>
(e) 500 to 2,000 grams	<i>Class 3</i>	<i>Class A</i>
(f) 2,000 to 5,000 grams	<i>Class 2</i>	<i>Class A</i>
(g) More than 5,000 grams	<i>Class 1</i>	<i>Class A</i>

Table 5. Controlled Substances Act Revisions under SB2295 SA1

Controlled Substances Act		Possession 720 ILCS 570/402	
Drug Amounts Specifically Described: 720 ILCS 570/402		Current Law	Proposed
Any other amount	(d) any amount under 1 gram	Class 4	Class A
	(d) any amount over 1 gram but less than the specified amount		Class A
Heroin	(a)(1)(A) 15-100 grams	Class 1 (4-15 years)	Class A
	(a)(1)(B) 100-400 grams	Class 1 (6-30 years)	
	(a)(1)(C) 400-900 grams	Class 1 (8-40 years)	
	(a)(1)(D) 900 or more grams	Class 1 (10-50 years)	
Cocaine	(a)(2)(A) 15-100 grams	Class 1 (4-15 years)	Class A
	(a)(2)(B) 100-400 grams	Class 1 (6-30 years)	
	(a)(2)(C) 400-900 grams	Class 1 (8-40 years)	
	(a)(2)(D) 900 or more grams	Class 1 (10-50 years)	
Morphine	(a)(3)(A) 15-100 grams	Class 1 (4-15 years)	Class A
	(a)(3)(B) 100-400 grams	Class 1 (6-30 years)	
	(a)(3)(C) 400-900 grams	Class 1 (6-40 years)	
	(a)(3)(D) 900 or more grams	Class 1 (10-50 years)	
Peyote	(a)(4) 200 or more grams	Class 1	Class A
Barbituric acid	(a)(5) 200 or more grams	Class 1	Class A
Amphetamine or any optical isomer salt thereof	(a)(6) 200 or more grams	Class 1	Class A
Lysergic acid diethylamide (LSD)	(a)(7)(A) 15-100 grams or 15-200 objects containing LSD	Class 1 (4-15 years)	Class A
	(a)(7)(B) 100-400 grams or 200-600 objects containing LSD	Class 1 (6-30 years)	
	(a)(7)(C) 400-900 grams or 600-1,500 objects containing LSD	Class 1 (8-40 years)	
	(a)(7)(D) 900 or more grams or more than 1,500 objects containing LSD	Class 1 (10-50 years)	

Controlled Substances Act		Possession 720 ILCS 570/402		
Drug Amounts Specifically Described: 720 ILCS 570/402		Current Law	Proposed	
Other Drugs	(a)(7.5)(A) 15-100 grams or 15-200 objects containing controlled substance	<i>Class 1 (4-15 years)</i>	<i>Class A</i>	
	(a)(7.5)(B) 100-400 grams or 200-600 objects containing controlled substance	<i>Class 1 (6-30 years)</i>	<i>Class A</i>	
	(a)(7.5)(C) 400-900 grams or 600-1,500 objects containing controlled substance	<i>Class 1 (8-40 years)</i>	<i>Class A</i>	
	(a)(7.5)(D) 900 or more grams or more than 1,500 objects containing controlled substance	<i>Class 1 (10-50 years)</i>		
Pentazocine, methaqualone, phencyclidine (PCP), ketamine, or any salts or isomers thereof	(a)(8), (9), (10), or (10.5) 30 grams or more	<i>Class 1</i>	<i>Class A</i>	
Any other Schedule I or Schedule II substance not otherwise included	(a)(11) 200 grams or more	<i>Class 1</i>	<i>Class A</i>	
Anabolic Steroid	(d) any anabolic steroid	First offense	<i>Class C</i>	<i>Class C</i>
		Second offense	<i>Class B</i>	<i>Class B</i>

Table 6. Methamphetamine Control and Community Protection Act Revisions under SB2295 SA1

Methamphetamine Control and Community Protection Act		Possession 720 ILCS 646/60	
Drug Amounts Specifically Described 720 ILCS 646/60		Current Law	Proposed
720 ILCS 646/60(b)	(1) less than 5 grams	<i>Class 3</i>	<i>Class A</i>
	(2) 5-15 grams	<i>Class 2</i>	<i>Class A</i>
	(3) 15 – 100	<i>Class 1</i>	<i>Class A</i>
	(4) 100 – 400	<i>Class X</i>	
	(5) 400 – 900	<i>Class X (8-40 years)</i>	
	(6) More than 900	<i>Class X (10-50 years)</i>	<i>Class A</i>

▪ **FELONY PROPERTY OFFENSES:**

SB2295 SA1 reduces property offenses from felony status to Class A misdemeanors when the value of the property is less than \$2,500.⁵ Although the value of the property stolen or damaged determines the punishment and class of offense, Illinois data do not distinguish the property values. Because of this data limitation, SPAC was unable to calculate the fiscal impact of this aspect of SB 2295.

SPAC used IDOC data from 2013, 2014, and 2015 for the number of sentences for theft, retail theft, deceptive practices, and property damage. During these three fiscal years, the data show:

Table 7. Property Offenses Admissions to Prison over Past Three Years

	Number Admitted to Prison	Average Pretrial Detention (years) ¹	Average Prison Time Served (years)	Total Average Time in Custody (years)
Theft	2,616	0.41	1.04	1.45
Retail Theft	4,218	0.27	0.59	0.86
Deceptive Practices	73	0.31	0.87	1.18
Criminal Damage	263	0.35	0.67	1.02
Criminal Defacement	12	0.42	0.30	0.72
Total	7,182	0.33	0.79	1.12

¹ For those who were admitted to prison.

SPAC was able to review 2013 property offense data reported to the National Incident-Based Reporting System (NIBRS) for Rockford, Illinois (the only Illinois jurisdiction that reported the detailed NIBRS data in 2013); national data; and data from a selection of neighboring states. The tables showing the results are on the following pages. Based on these data, it is a reasonable expectation that roughly 15% of all Illinois thefts or retail thefts would be affected (*i.e.*, they are for items valued between \$500 and \$2,500 for theft and between \$300 and \$2,500 for retail theft). For deceptive practices and damage to property, it is a reasonable expectation that roughly 26% of all Illinois offenses would be affected.

Cumulatively, SB2295 SA1's changes would result in around 90% of all property offenses being reduced to misdemeanor offenses. These data may not fully be representative of property offenses in Illinois, but it allows some evaluation of the scope of the proposed legislation. Table 4 shows the number of offenses that fall within three buckets: currently misdemeanor, *i.e.* below current felony thresholds, felonies affected by SB2295 SA1, and above the new felony threshold.

Table 8. Analysis of National Property Offenses That Would Have Been Affected by SB2295 SA1

Percent of National Property Offenses, Recorded Value of Loss				
Value of Property	Theft	Retail Theft	Deceptive Practices	Damage Property
Currently Misdemeanor	74.9%	80.4%	62.8%	59.3%
Affected by SB2295	17.0%	15.2%	26.6%	28.3%
Above SB2295 Felony Threshold	5.3%	2.6%	5.9%	4.9%
Higher Level Felony				1.3%
Unknown Cases	2.8%	1.7%	4.7%	6.2%
Total Analyzed Cases	2,118,032	800,550	302,002	527,409

⁵ Specifically, SB2295 SA1 increases the value for felony offenses of criminal defacement of property (720 ILCS 5/21-1.3), criminal damage of property (720 ILCS 5/21-1), deceptive practices (720 ILCS 5/17-1), retail theft (720 ILCS 5/16-25), and theft (720 ILCS 5/16-1).

Based on these distributions, approximately 1,200 individuals might have been affected by these proposals over these three years, or 17% of the admissions. Importantly, this estimate assumes that the reported values in NIBRS match the value proven during trial. Because factors other than the value of the property stolen affect the sentence imposed, SPAC was unable to accurately determine the fiscal impact of changing the value threshold for these property offenses. The following tables show the distribution of values for the Rockford police department and other neighboring states.

Table 9. Percent of NIBRS Property Incidents That Fall within SB2295 SA1's Thresholds

Theft								
Value of Property	National	Rockford, Illinois	Iowa	Kentucky	Michigan	Missouri	Ohio	Wisconsin
Less than \$500	74.9%	80.0%	77.4%	70.9%	75.9%	75.2%	76.7%	78.4%
\$500 to \$2,500	17.0%	13.5%	15.2%	20.2%	15.3%	16.4%	16.5%	14.7%
Greater than \$2,500	5.3%	4.2%	5.2%	5.9%	4.8%	5.8%	4.8%	3.5%
Unknown	2.8%	2.3%	2.1%	3.0%	4.0%	2.7%	1.9%	3.3%
Total Offenses Reported	2,118,032	7,267	50,477	74,242	171,139	26,892	232,852	50,511
Retail Theft								
Value of Property	National	Rockford, Illinois	Iowa	Kentucky	Michigan	Missouri	Ohio	Wisconsin
Less than \$300	80.4%	81.5%	78.2%	86.7%	79.6%	77.2%	77.9%	85.5%
\$300 to \$2,500	15.2%	13.9%	16.9%	12.3%	15.6%	17.5%	17.1%	12.3%
Greater than \$2,500	2.6%	2.9%	3.2%	0.6%	2.6%	3.6%	3.1%	1.4%
Unknown	1.7%	1.7%	1.7%	0.5%	2.1%	1.7%	1.9%	0.8%
Total Offenses Reported	800,550	2,811	28,498	25,191	72,958	11,372	56,762	14,275
Deceptive Practices								
Value of Property	National	Rockford, Illinois	Iowa	Kentucky	Michigan	Missouri	Ohio	Wisconsin
Less than \$150	62.8%	57.4%	64.8%	63.9%	68.4%	61.4%	76.1%	61.0%
\$150 to \$2,500	26.6%	29.8%	26.6%	27.4%	20.7%	29.4%	17.2%	27.1%
Greater than \$2,500	5.9%	5.2%	5.1%	6.6%	4.9%	6.4%	3.8%	7.0%
Unknown	4.7%	7.5%	3.5%	2.1%	6.0%	2.9%	2.9%	4.9%
Total Offenses Reported	302,002	1,022	6,258	12,758	30,764	1,809	19,342	6,204
Damage to Property								
Value of Property	National	Rockford, Illinois	Iowa	Kentucky	Michigan	Missouri	Ohio	Wisconsin
Less than \$300	59.3%	56.9%	62.2%	53.9%	60.8%	58.4%	61.8%	59.6%
\$300 to \$2,500	28.3%	30.9%	26.1%	33.2%	25.6%	27.2%	28.6%	27.6%
\$2,500 to \$10,000	4.9%	4.3%	4.3%	5.8%	4.4%	5.6%	4.4%	5.9%
Greater than \$10,000	1.3%	0.8%	1.3%	1.6%	1.1%	1.9%	0.8%	1.3%
Unknown	6.2%	7.1%	6.1%	5.6%	8.1%	6.9%	4.3%	5.5%
Total Offenses Reported	527,409	6,425	16,188	15,429	17,059	4,035	65,947	4,820

Source: SPAC analysis of NIBRS, 2013

CHANGES TO PROPERTY OFFENSE PENALTIES UNDER SB2295 SA1:

Table 10. Theft Revisions under SB2295 SA1

Theft 720 ILCS 5/16-1		
Offense Statute	Current Law	Proposed
(b)(1) Misdemeanor Class A <i>Not from a Person</i>	<i>Under \$500</i>	<i>Under \$2,500</i>
(b)(1.1) Class 4 Felony <i>Committed in School, Place of Worship, or of Governmental Property</i>	<i>Under \$500</i>	<i>Provision Stricken</i>
(b)(2) Class 4 Felony <i>Second or Subsequent Theft, Robbery, or Property Offense</i>	<i>Under \$500</i>	<i>Provision Stricken</i>
(b)(4) Class 3 Felony	<i>\$500-\$10,000</i>	<i>\$2,500-\$10,000</i> <i>“From a person” distinction eliminated</i>
(b)(4.1) Class 2 Felony <i>Committed in School, Place of Worship, or of Governmental Property</i>	<i>Between \$500 and \$10,000</i>	<i>Provision Stricken</i>
(b)(5.1) & (6.1) Class 1 & Class X <i>Committed in School, Place of Worship, or of Governmental Property</i>	<i>\$10,000-\$100,000</i> <i>Over \$1000</i>	<i>Provision Stricken</i>

Table 11. Retail Theft Revisions under SB2295 SA1

Retail Theft 720 ILCS 5/16-25		
Offense Statute	Current Law	Proposed
(f)(1) Misdemeanor Class A	<i>Under \$300</i>	<i>Under \$2,500</i>
Class 4 Felony <i>By emergency exit</i>		<i>Provision Stricken</i>
(f)(2) Class 4 Felony Class 3 Felony <i>By emergency exit</i>	<i>Under \$300</i> <i>Second or subsequent</i>	<i>Provision Stricken</i>
(f)(3) Class 3 Felony Class 2 Felony <i>By emergency exit</i>	<i>More than \$300</i>	<i>More than \$2,500</i>
		<i>Provision Stricken</i>

Table 12. Deceptive Practice Revisions under SB2295 SA1

Deceptive Practice 720 ILCS 5/17-1		
Offense Statute	Current Law	Proposed
(D)(1) Misdemeanor Class A	<i>Under \$150</i>	<i>Under \$2,500</i>
(D)(2) Class 4 Felony	<i>Exceeds \$150</i>	<i>Exceeds \$2,500</i>
(D)(3) Class 4 Felony	<i>Three or more bad checks</i>	<i>Provision Stricken</i>
(D)(4) Class 4 Felony	<i>Three or more implements of check fraud</i>	<i>Provision Stricken</i>

Continued on the following pages –

Table 13. Criminal Damage to Property Revisions under SB2295 SA1

Criminal Damage to Property 720 ILCS 5/21-1		
Offense Statute	Current Law	Proposed
(d)(1)(A) Misdemeanor Class B <i>Tamper or Open Fire Hydrant or Equipment</i>	<i>Up to 6 months in jail</i>	<i>Same</i>
(d)(1)(B) Misdemeanor Class A <i>Damage Property or Deposit Stink Bomb</i>	<i>Under \$300</i>	<i>Under \$2,500</i>
(d)(1)(C) Class 4 Felony <i>Damage Property or Deposit Stink Bomb Committed in School, Place of Worship, Farm, or Memorial to Police, Firefighters, or any Member of Military</i>	<i>Under \$300</i>	<i>Provision Stricken</i>
(d)(1)(D) Class 4 Felony <i>Injure Domestic Animal Without Consent of Owner</i>	<i>Under \$10,000</i>	<i>Reduced to Misdemeanor Class A</i>
(d)(1)(E) Class 4 Felony <i>Shoot Firearm at Train</i>		<i>Reduced to Misdemeanor Class A</i>
(d)(1)(F) Class 4 Felony <i>Damage Property or Deposit Stink Bomb</i>	<i>Between \$300 and \$10,000</i>	<i>Between \$2,500 and \$10,000</i>
(d)(1)(G) Class 3 Felony <i>Damage Property, Deposit Stink Bomb, or Injure Animal when Committed in Protected Place</i>	<i>Between \$300 and \$10,000</i>	<i>Provision Stricken</i>
(d)(1)(H) Class 3 Felony <i>Damage Property, Deposit Stink Bomb, or Injure Animal</i>	<i>Between \$10,000 and \$100,000</i>	<i>Between \$10,000 and \$100,000</i>
(d)(1)(I) Class 2 Felony <i>Damage Property, Deposit Stink Bomb, or Injure Animal when Committed in Protected Place</i>	<i>Between \$10,000 and \$100,000</i>	<i>Provision Stricken</i>
(d)(1)(J) Class 2 Felony <i>Damage Property, Deposit Stink Bomb, or Injure Animal</i>	<i>Exceeds \$100,000</i>	<i>Exceeds \$100,000</i>
Class 1 Felony <i>Damage Property, Deposit Stink Bomb, or Injure Animal when Committed in Protected Place</i>	<i>Between \$10,000 and \$100,000</i>	<i>Provision Stricken</i>

Table 14. Criminal Defacement of Property Revisions under SB2295 SA1

Criminal Defacement of Property 720 ILCS 5/21-1.3		
Offense Statute	Current Law	Proposed
(b)(1) Misdemeanor Class A	<i>Under \$300</i>	<i>Under \$2,500</i>
Class 4 Felony <i>Committed in Protected Place</i>	<i>Under \$300</i>	<i>Provision Stricken</i>
Class 4 Felony <i>Second or subsequent</i>	<i>Under \$300</i>	<i>Provision Stricken</i>
Class 4 Felony	<i>Exceeds \$300</i>	<i>Exceeds \$2,500</i>
Class 3 <i>Committed in Protected Place</i>	<i>Exceeds \$300</i>	<i>Provision Stricken</i>

SB2295 SA1 also removes subparagraph (2)(B), which requires a mandatory minimum fine of \$500 for any Class 3 or Class 4 felony.