

SENATE BILL 3349
 REDUCES AND REMOVES REQUIRED MANDATORY SUPERVISED RELEASE (MSR) TERMS
 730 ILCS 5/5-8-1

INSUFFICIENT DATA TO SUPPORT A FULL ANALYSIS

Senate Bill 3349 ([SB3349](#)) reduces the required Mandatory Supervised Release (MSR) period for Class X felonies, excluding some sex offenses, from 3 years to 18 months and reduces the MSR period for Class 1 and Class 2 felonies from 2 years to 12 months.¹ SB3349 also provides that MSR shall not be imposed on individuals leaving prison for Class 3 and Class 4 felonies unless the Prisoner Review Board (PRB) determines it is necessary based on a validated risk and needs assessment and the period is limited to 6-12 months, depending on felony class level. Due to data limitations, SPAC was unable to estimate the fiscal impact of this change on the Illinois Department of Corrections (IDOC). There was sufficient data to determine which individuals admitted to IDOC would have been impacted had this proposed measure been in effect over the past three years.

For the last three fiscal years, FY2017 through 2019 99% of total admissions to prison (48,674) would have been impacted if SB3349 were in effect. Excluded sex offenses account for 1,400 admissions. Table 1 below provides SB3349 eligibility for new sentence admissions to IDOC over the last three fiscal years.

Table 1: Three Years of IDOC Admissions Eligible for SB3349

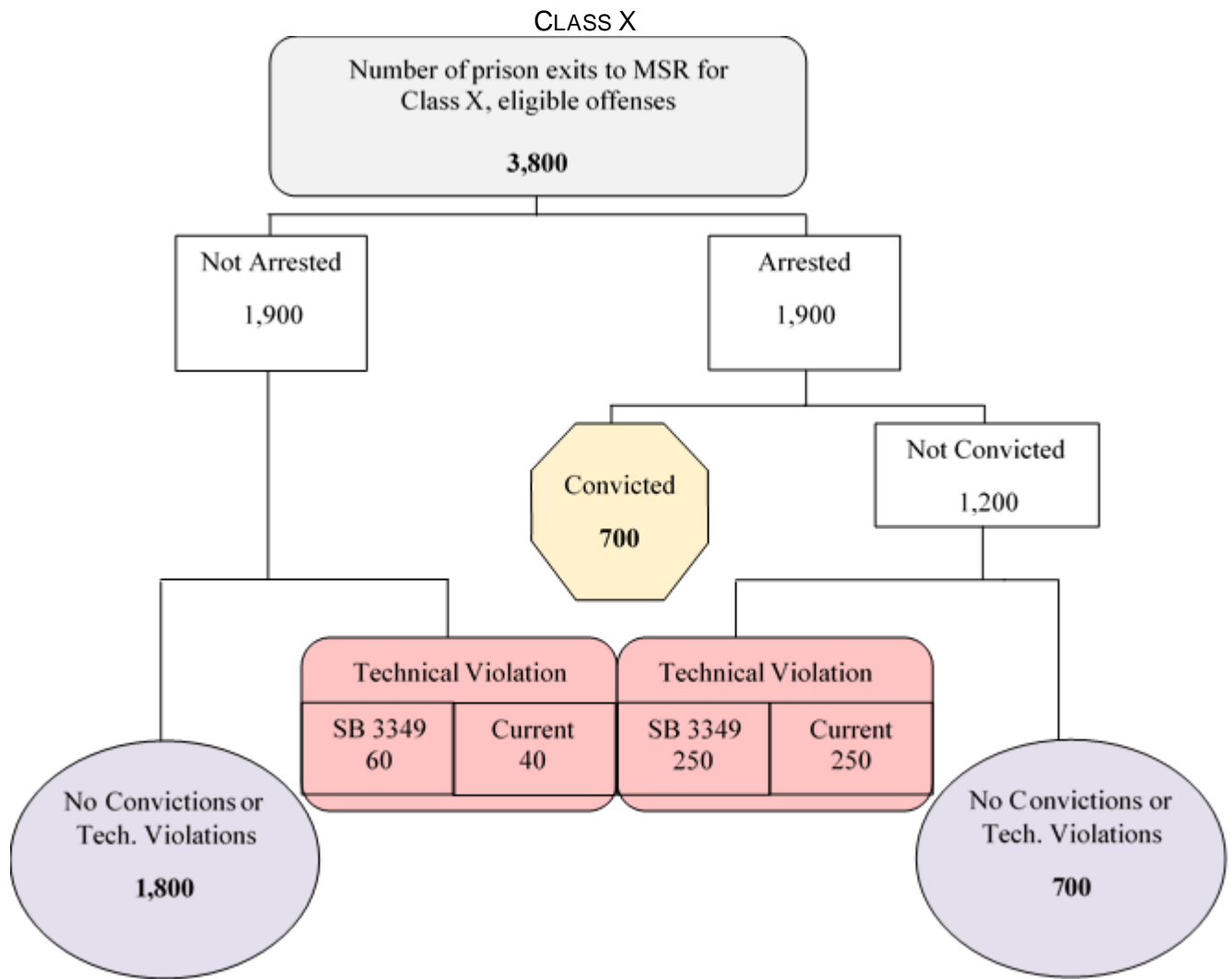
Offense Class	Percent of Total Admissions	Total New Sentence Admissions	Ineligible Offenses	Eligible Offenses	Percent Eligible
Class X	9%	4,457	619	3,838	86%
Class 1	12%	6,075	191	5,884	97%
Class 2	23%	11,633	490	11,143	96%
Class 3	20%	10,087	36	10,047	99%
Class 4	35%	17,820	64	17,753	99%
Total	99%	50,081	1,400	48,674	97%

Under current policy individuals leaving prison may (a) be successful and stay out of the criminal justice system, (b) be revoked on a technical violation, (c) be rearrested and revoked to prison before a reconviction, or (d) be sentenced to prison for a new crime. Under SB3349, the time the person is eligible to be revoked under (b) or (c) is shortened but it does not affect (d). Further, prosecutors may be more inclined to pursue convictions if the potential for revocation is reduced.

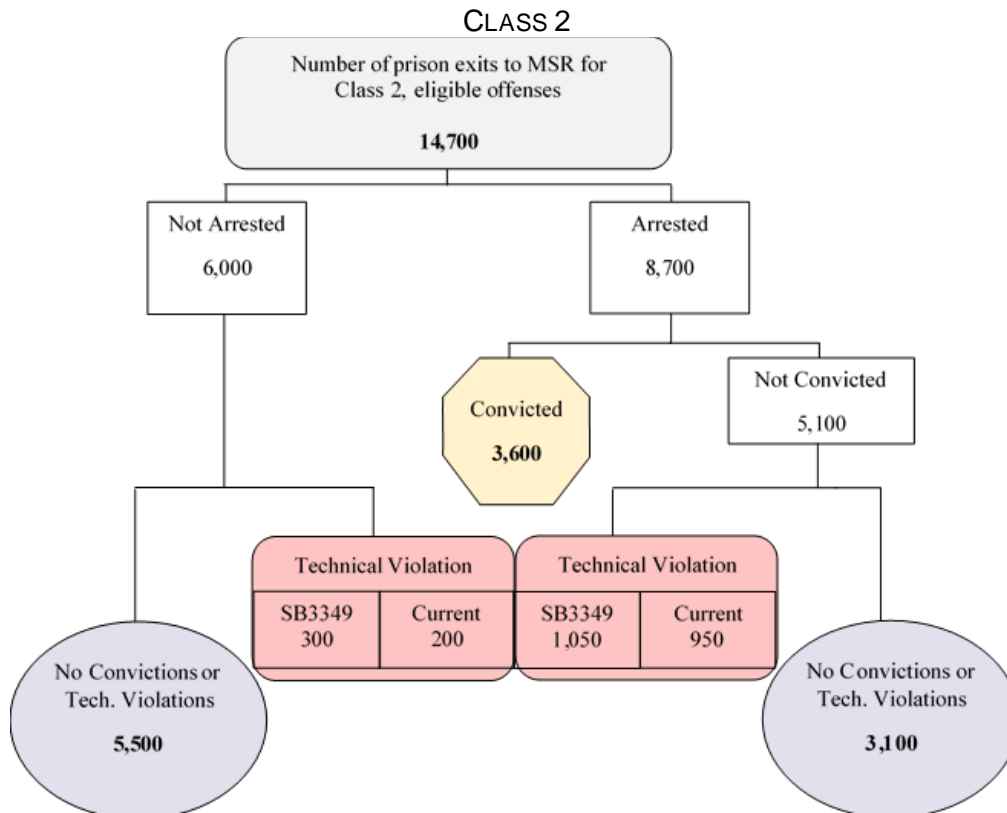
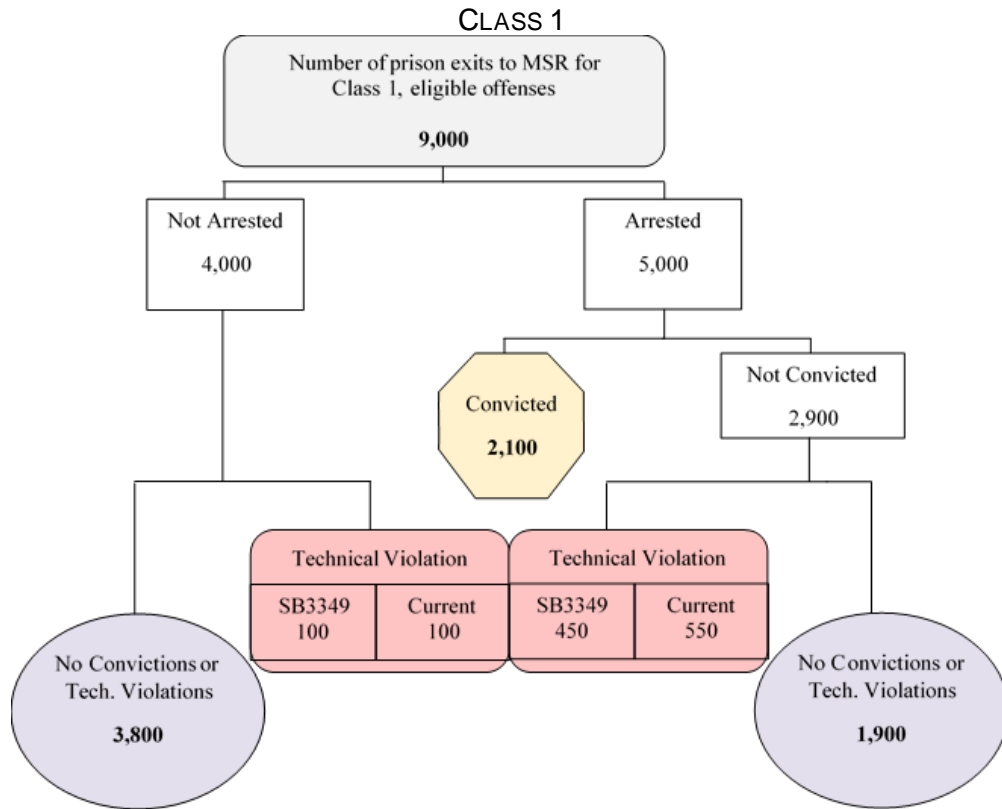
¹ Predatory criminal sexual assault, sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, and aggravated child pornography under sections 720 ILCS 5/11-20.1B, 720 ILCS 11-20.3, or 720 ILCS 11-20.21 with sentencing under subsection 720 ILCS 5/11-20.1(c)(5) are excluded from the Class X MSR reduction. Criminal sexual assault and manufacture or dissemination of child pornography are excluded from the Class 1 and Class 2 MSR reduction.

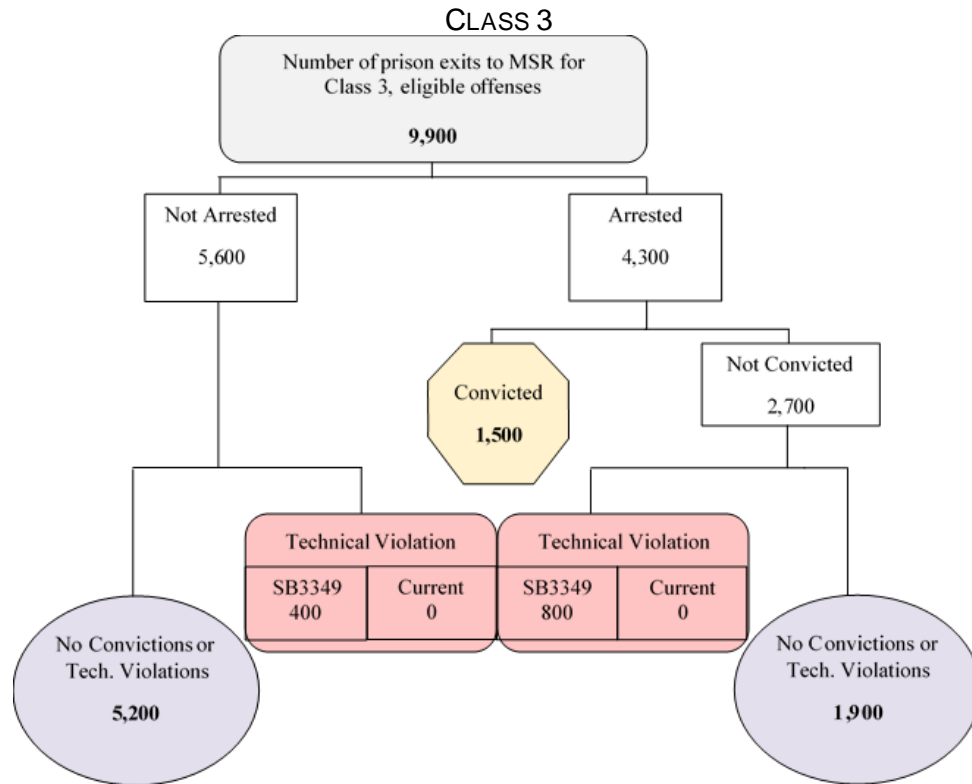
Consequently, SPAC could not reliably calculate the impact of shorter supervision periods on returns to prison.

To provide a point of reference for each of these four possible outcomes, SPAC analyzed three years of eligible prison exits, the point in time of rearrests and technical violations, and conviction outcomes for rearrests. SPAC divided the technical violation returns into (1) the SB3349 period (*i.e.*, the shortened MSR period set by this proposed measure) and (2) the time between the new cutoff and the current MSR period (*i.e.*, current MSR).² Each figure below provides a flowchart of the eligible exits for each felony class, Technical violations that occur in the SB3349 time period would have still been eligible for revocation had the measure been in effect for the past three years. The tables following the flow charts breakout events within the current and proposed MSR frameworks.



² MSR period was calculated using IDOC’s projected time served on MSR, *i.e.*, the difference between the date of release from prison and the discharge date.





Note: for most Class 3 felonies, the follow-up period was the same for SB3349 and current MSR periods.

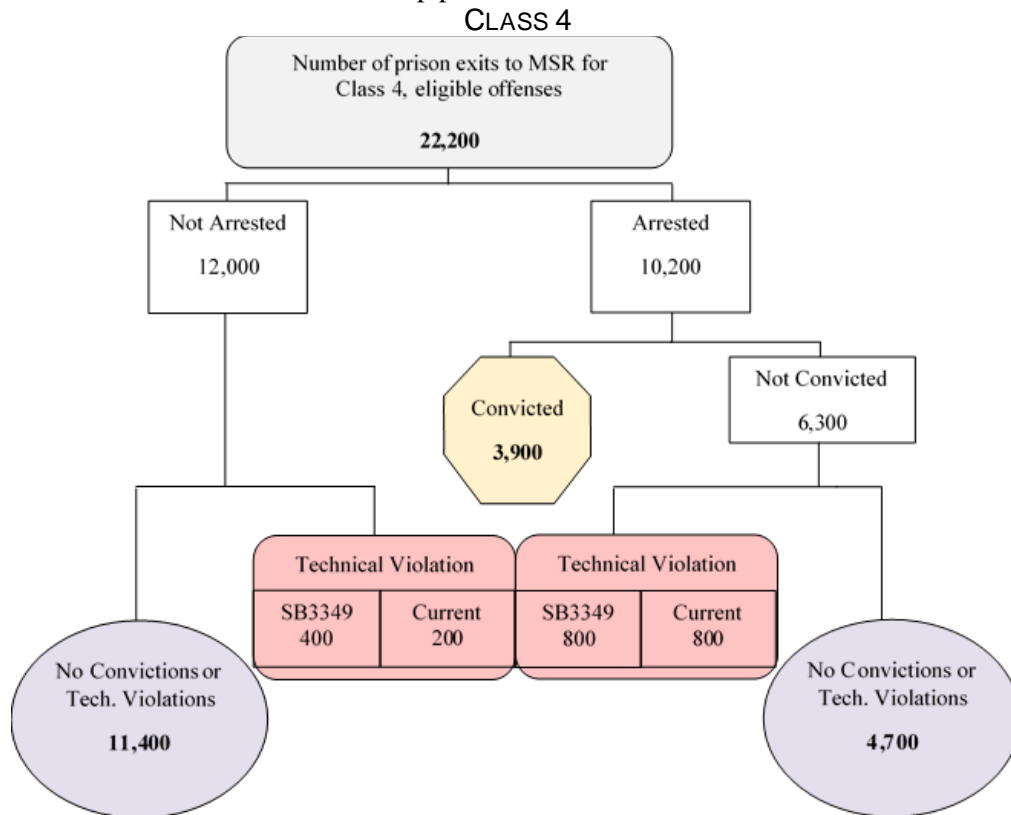


Table 2 below provides the percent of individuals who were not returned to IDOC; who were returned under the SB3349 time period, both on technical violations and on new sentences; who were returned to IDOC on the remaining MSR period; and who was returned to IDOC over a three-year period regardless of the MSR period. Note that the three-year return to IDOC rate provides a cumulative percent of individuals that were returned to IDOC at any point during the three years post release.

For the analysis of the SB3349 MSR period, individuals released on Class X felonies were followed for 18 months; individuals on Class 1, 2, and 3 felonies were followed for 12 months; and individuals on Class 4 felonies were followed for 6 months after their release from an IDOC facility.

Table 2: Return to IDOC, MSR Category Grouping

Felony Class	No Return	Returning to Prison Recidivism during MSR				Three Year Return	
		New, SB3349 MSR Period		Remaining MSR Period <i>(time between SB3349's MSR discharge and current law)</i>			
		Technical Violation	New Sentence	Technical Violation	New Sentence	Technical Violation	New Sentence
Class X	67%	15%	3%	11%	4%	26%	7%
Class 1	62%	13%	4%	11%	6%	24%	14%
Class 2	57%	16%	5%	11%	6%	28%	15%
Class 3	62%	15%	9%	1%	0%	17%	21%
Class 4	57%	7%	13%	7%	4%	14%	28%
Total	59%	21%		12%		41%	

Figure 1 provides a visual representation of the cumulative recidivism rate of all individuals returned to IDOC over three years. A spike occurs at day 0 (not shown below), a result of individuals being violated at the door of the institution, MSR being revoked, and the person being returned to prison on the same day. These events are known as gate violations and they reflect the lack of an approved host site and situations that render the person ineligible for community supervision.

Figure 1: Cumulative Recidivism; Return to IDOC

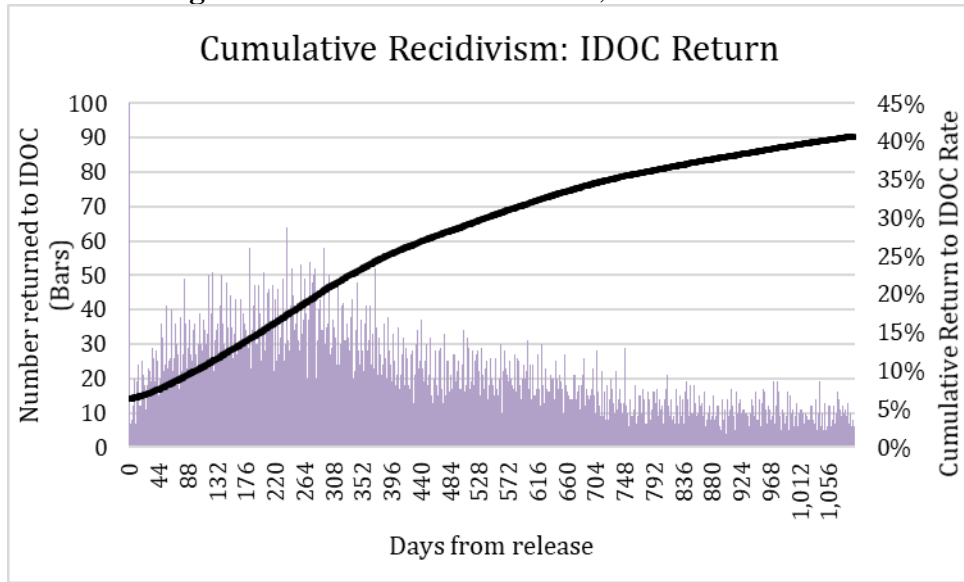
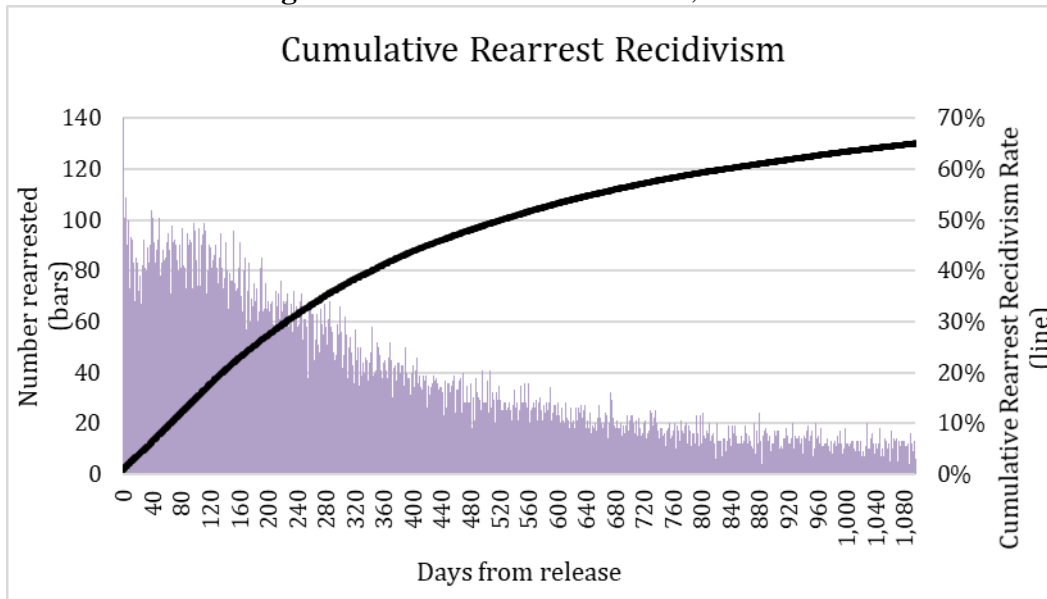


Figure 2 provides a visual representation into the timing of rearrest for individuals who have exited from IDOC over three years. Unlike Figure 1 above, which is the return to prison recidivism, Figure 2 shows only rearrest rates and does not reflect returns to prison or convictions for new crimes.

Figure 2: Cumulative Recidivism; Rearrest



REARRESTS BY TIMING, CLASS, AND RACE

Table 3 below provides a breakdown by felony class and race of the arrest and violation scenarios. The MSR period for the individuals below is determined by the MSR term imposed, based on the primary holding offense. This analysis does not take into consideration those individuals who might have had their MSR period discharged early.

Table 3: MSR Term Outcome by Class and Race

Class X	Not Rearrested				Rearrested				Total			
	No Rearrest, No Technical Violation		No Rearrest, Technical Violation		Arrest and No Technical Violation and No Conviction		Arrest and Technical Violation		Arrest and Reconviction		Total	Percent
Black	770	34%	81	4%	532	23%	379	17%	520	23%	2,282	100%
White	462	61%	24	3%	109	14%	57	8%	108	14%	760	100%
Other	546	69%	8	1%	72	9%	55	7%	113	14%	794	100%
Total	1,778	46%	113	3%	700	18%	491	13%	754	20%	3,836	100%

Class 1	Not Rearrested				Rearrested				Total			
	No Rearrest, No Technical Violation		No Rearrest, Technical Violation		Arrest and No Technical Violation and No Conviction		Arrest and Technical Violation		Arrest and Reconviction		Total	Percent
Black	1,823	34%	133	2%	1,267	23%	706	13%	1,474	27%	5,403	100%
White	1,251	51%	69	3%	437	18%	189	8%	497	20%	2,443	100%
Other	704	59%	14	1%	188	16%	82	7%	203	17%	1,191	100%
Total	3,778	42%	216	2%	2,159	24%	977	11%	1,907	21%	9,037	100%

Class 2	Not Rearrested				Rearrested				Total			
	No Rearrest, No Technical Violation		No Rearrest, Technical Violation		Arrest and No Technical Violation and No Conviction		Arrest and Technical Violation		Arrest and Reconviction		Total	Percent
Black	2,536	30%	244	3%	1,967	24%	1,305	16%	2,291	27%	8,343	100%
White	2,158	46%	258	5%	794	17%	503	11%	994	21%	4,707	100%
Other	806	49%	48	3%	289	17%	151	9%	361	22%	1,655	100%
Total	5,500	37%	550	4%	3,574	24%	1,959	13%	3,122	21%	14,705	100%

Class 3	Not Rearrested				Rearrested				Total								
		No Rearrest, No Technical Violation		No Rearrest, Technical Violation		Arrest and No Technical Violation and No Conviction		Arrest and Technical Violation		Arrest and Reconviction		Total	Percent				
Black	2,556	49%		173	3%		1,129	22%		450	9%		919	18%		5,227	100%
White	2,133	57%		191	5%		652	17%		281	7%		504	13%		3,761	100%
Other	534	58%		21	2%		125	14%		60	7%		175	19%		915	100%
Total	5,223	53%		385	4%		1,548	16%		791	8%		1,956	20%		9,903	100%

Class 4	Not Rearrested				Rearrested				Total								
		No Rearrest, No Technical Violation		No Rearrest, Technical Violation		Arrest and No Technical Violation and No Conviction		Arrest and Technical Violation		Arrest and Reconviction		Total	Percent				
Black	6,203	46%		267	2%		3,266	24%		1,087	8%		2,672	20%		13,495	100%
White	3,398	57%		267	4%		1,007	17%		407	7%		898	15%		5,977	100%
Other	1,801	66%		44	2%		291	11%		130	5%		452	17%		2,718	100%
Total	11,402	51%		578	3%		3,861	17%		1,624	7%		4,725	21%		22,190	100%

DEMOGRAPHICS OF THOSE IMPACTED

Table 4 shows the race and gender of offenders who exited from IDOC between FY2014 and 2016. Table 5 shows where these commitments to IDOC originate. Finally, Table 6 shows the relationship between geography and race for offenses that are eligible to receive reduced MSR terms or have their MSR terms removed under SB3349. Here, race is self-identified upon admission to prison. The “Other” includes self-identified Asian/Island Pacific, Native American, and Unknown races.

Table 2: Past Three Years Exits from IDOC for Eligible Offenses Under SB3349

Class X			
	Male	Female	Total
Black	2,189	93	2,282
White	675	85	760
Hispanic	724	43	767
Other	24	3	27
Class X Total	3,612	224	3,836
Class 1			
	Male	Female	Total
Black	5,143	260	5,403
White	2,125	318	2,443
Hispanic	1,069	68	1,137
Other	49	5	54
Class 1 Total	8,386	651	9,037
Class 2			
	Male	Female	Total
Black	7,872	471	8,343
White	4,063	644	4,707
Hispanic	1,509	81	1,590
Other	53	12	65
Class 2 Total	13,497	1,208	14,705

Class 3			
	Male	Female	Total
Black	4,639	588	5,227
White	3,030	731	3,761
Hispanic	775	87	862
Other	42	11	53
Class 3 Total	8,486	1,417	9,903
Class 4			
	Male	Female	Total
Black	12,222	1,273	13,495
White	4,781	1,196	5,977
Hispanic	2,461	153	2,614
Other	70	34	104
Class 4 Total	19,534	2,656	22,190

Table 3: Admitting Counties for Exits Over Last Three Fiscal Years for Offenses Eligible Under SB3349

Class X		
County Name	Number of Exits	Percent of Total
Cook	2,091	55%
Winnebago	192	5%
DuPage	141	4%
Will	135	4%
Kane	135	4%
Macon	105	3%
McLean	78	2%
Madison	77	2%
Lake	70	2%
St. Clair	67	2%
Other	745	19%
Total	3,836	100%
Class 1		
County Name	Number of Exits	Percent of Total
Cook	4,339	48%
Winnebago	377	4%
Will	374	4%
DuPage	315	3%
Kane	243	3%
Peoria	226	3%
Lake	203	2%
Sangamon	200	2%
McLean	192	2%
St. Clair	181	2%
Other	2,387	26%
Total	9,037	100%

Class 2		
County Name	Number of Exits	Percent of Total
Cook	7,562	51%
Will	508	3%
Winnebago	485	3%
DuPage	381	3%
Madison	325	2%
Champaign	316	2%
Lake	313	2%
Peoria	308	2%
Macon	298	2%
Kane	297	2%
Other	3,912	27%
Total	14,705	100%
Class 3		
County Name	Number of Exits	Percent of Total
Cook	4,178	42%
Will	502	5%
Winnebago	433	4%
DuPage	361	4%
Lake	352	4%
Kane	242	2%
Madison	228	2%
Sangamon	220	2%
Macon	218	2%
Champaign	191	2%
Other	2,978	30%
Total	9,903	100%

Class 4		
County Name	Number of Exits	Percent of Total
Cook	13,404	60%
Will	1,017	5%
Lake	618	3%
Winnebago	598	3%
DuPage	593	3%
Champaign	496	2%
Macon	416	2%
Madison	343	2%
Peoria	313	1%
Kane	297	1%
Other	4,095	18%
Total	22,190	100%

Table 4: Race by Geographic Region for Exits Over Past Three Years Offenses Eligible Under SB3349

Class X					
	Cook	Collar	Urban	Rural	Total
Black	1,474	181	497	130	59%
White	149	117	241	253	20%
Hispanic	458	192	65	52	20%
Other	10	5	3	9	1%
Total	55%	13%	21%	12%	3,836
Class 1					
	Cook	Collar	Urban	Rural	Total
Black	3,294	501	1,249	359	60%
White	405	368	654	1,016	27%
Hispanic	627	322	124	64	13%
Other	13	21	9	11	1%
Total	48%	13%	23%	16%	9,037
Class 2					
	Cook	Collar	Urban	Rural	Total
Black	5,821	648	1,475	399	57%
White	656	600	1,346	2,105	32%
Hispanic	1,060	337	101	92	11%
Other	25	15	7	18	0%
Total	51%	11%	20%	18%	14,705
Class 3					
	Cook	Collar	Urban	Rural	Total
Black	3,048	765	1,077	337	53%
White	588	511	955	1,707	38%
Hispanic	522	220	54	66	9%
Other	20	18	10	5	5%
Total	42%	15%	21%	21%	9,903
Class 4					
	Cook	Collar	Urban	Rural	Total
Black	10,093	1,076	1,760	566	61%
White	1,347	1,043	1,530	2,057	27%
Hispanic	1,912	478	117	107	12%
Other	52	23	21	8	0%
Total	60%	12%	15%	12%	22,190

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