

HOUSE PROPOSAL

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CHANGES TO TRUTH-IN-SENTENCING GOOD-TIME SENTENCING CREDIT RESTRICTIONS
730 ILCS 5 SECTIONS 3-6-3 AND 3-7-6

TOTAL PRESENT VALUE OF BENEFITS IN REDUCED FISCAL COSTS: between \$439 million and \$686 million
TOTAL PRESENT VALUE OF VICTIMIZATION COSTS FOR PROPOSED CHANGES: \$28 million

NET BENEFITS RANGE (BENEFITS MINUS COSTS): between \$411 million and \$657 million

NOTE: DUE TO THE LENGTH OF STAY IN PRISON FOR THESE OFFENSES, NET BENEFITS WILL BE NOT BE FULLY REALIZED UNTIL THE CURRENT LONG-TERM POPULATION BEGINS EXITING IDOC, PHASING IN OVER THE NEXT 10 YEARS AND GROWING OVER THE NEXT 40 YEARS.

This proposal amends the Unified Code of Corrections to reduce truth-in-sentencing (TIS) restrictions as follows:

- (1) Permits offenders convicted of murder 7.5 days of sentence credits per month, resulting in a length of stay of 75% rather than 100% of the sentence imposed;
- (2) Allows up to 8.5 days of credit for the majority of offenses currently limited to 4.5 days of good-time credit each month;
- (3) Increases the number of allowed credits for gunrunning, drug-induced homicide, and meth-related child endangerment from 7.5 days per month to 10.5 days per month; and
- (4) Removes the restriction on earning good-time sentence credits for drug offenses.

These changes are applied to all new admissions to prison and allow the Illinois Department of Corrections (IDOC) to award sentence credits to the current prison population if they demonstrate good behavior after the proposal becomes effective. This proposal creates benefits over many years so SPAC applied both a 2% and a 5% discount rate to future savings to find the net present value of cash flows in future years.¹ This methodology produced the high and low estimates in Table 1.

Table 1. Total Change in Costs

Impact on State Costs and Public Safety		
Reduced Bed-Years for IDOC		23,655
Benefits: IDOC Costs Avoided	High Estimate	\$685,728,000
	Low Estimate	\$439,431,000
Additional Victimization Costs		\$28,249,000
Net Benefits (Benefits minus Costs)	High Estimate	\$657,479,000
	Low Estimate	\$411,182,000

¹ This technique is common for businesses and governments to address the decreased value of both future costs and future benefits. In effect, this takes into consideration the time value of money—a dollar today is worth more than a dollar ten years from now.

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

SPAC analyzed admissions to IDOC from 2012-2015 and the current prison population for the offenses subject to truth-in-sentencing to estimate the proposal’s impact. This proposal impacts the current resource use in IDOC in two ways: (1) resource use in future years is reduced by changing the sentence credit restrictions on all admissions to IDOC, reducing the length of time served for these individuals; (2) individuals currently in IDOC subject to truth-in-sentencing may be eligible for new good-time credits starting on the effective date of this measure. The largest immediate impact is realized by changing sentence credit restrictions for the current IDOC population.

Table 2. Number of Individuals Subject to Truth-in-Sentencing in Illinois Department of Corrections²

Most Serious Class	Truth-in-Sentencing Admissions from Court, FY13-15			June 30, 2015 Population		
	100%	85%	75%	100%	85%	75%
Murder	666	--	--	3,892	--	--
Class X	--	2,229	168	--	6,677	359
Class 1	--	594	9	--	1,171	9
Class 2	--	645	4	--	800	3
Class 3	--	13	2	--	9	--
Class 4	--	76	--	--	65	--
Subtotal	666	3,557	183	3,892	8,722	371
TOTAL	4,406			12,985		
<i>Percent of Total Admits and Prisoners</i>	6%			28%		

To estimate the impact on future admissions, SPAC used the past three years’ admissions to prison and selected those individuals subject to truth-in-sentencing. Using the jail time already served and minimum sentence for each individual, SPAC estimated the projected release date under both current law and the proposal. A similar analysis, with an additional calculation subtracting the prison time already served, was done for the IDOC population as of June 30, 2015. This method does not account for revocations of good-time credit, additional programming credits, or unpredictable future events (pardons or clemencies, overturned convictions, new offenses while in prison, etc.).

These numbers are then used to calculate the cost to the system had this measure been in effect for the past three fiscal years.³ Because this law also affects the current population beginning on the effective date, SPAC also counted the impact on the June 30, 2015 inmate population.

SPAC is now using the total per capita cost of incarceration, \$41,052, in its fiscal impact methodology in order to more accurately calculate total taxpayer costs for prison operations. This total cost of incarceration includes the pension, retirement, and health benefits for the IDOC employees. These costs are not included in IDOC’s appropriations but are paid by Illinois taxpayers. This higher per capita cost is used only when the estimated change in inmate population is expected to be large enough to affect staffing. Small changes, defined as less than a housing unit (800 inmates), would only affect the marginal cost, \$6,405 per person, which is the operational expenses that change immediately with increases or

² Appendix A shows the number of inmates subject to each subsection of the truth-in-sentencing law.

³ With long sentences, some offenders’ length of stay will result in *de facto* life sentences. SPAC conservatively counts reductions in lengths of stay only before the individual’s 60th birthday. This life expectancy assumption is consistent with U.S. Sentencing Commission’s *de facto* life sentence category of sentences of 39.2 years (470 months). This approach may underestimate the costs avoided for changing long sentences but it is consistent with Illinois life expectancies and national research.

decreases in the number of people in prison. These expenses pay for such items as food, clothing, and medical expenses.

Table 3. Proposed Changes to Truth-in-Sentencing Credit Restrictions

	Section	Offense	Current Law	Proposed
No Change	i	Terrorism	No sentence credit	No change
Murder from 100% to 75%	i	First Degree Murder	No sentence credit	7.5 days/month
85% reduced to 72%	ii	Attempted Terrorism, Attempted or Solicit Murder	4.5 days/month	8.5 days/month
	ii	Intentional Homicide of Unborn Child	4.5 days/month	8.5 days/month
	ii	Aggravated Kidnapping	4.5 days/month	8.5 days/month
	2.5	Aggravated Arson	4.5 days/month	8.5 days/month
	ii	Criminal Sexual Assault, Predatory Criminal Sexual Assault of a Child, or Aggravated Criminal Sexual Assault	4.5 days/month	8.5 days/month
	ii and iii	Armed Habitual Criminal, Armed Violence with Category I or II Weapon With Great Bodily Harm	4.5 days/month	8.5 days/month
	ii, iii, vii, and 2.4	Aggravated Battery With Firearm, Machine Gun, or Silenced Weapon, Aggravated Battery of Senior Citizen or Child, Aggravated Domestic Battery, or Heinous Battery	4.5 days/month	8.5 days/month
	iii	Home Invasion, Armed Robbery, or Vehicular Hijacking With Great Bodily Harm	4.5 days/month	8.5 days/month
	2.3 and 2.6	Aggravated DUI (Section 11-501(d)(1)(C) or (F))	4.5 days/month	8.5 days/month
	ii, iii, iv, and 2.4	Aggravated Discharge of Firearm: With Machine Gun, Silenced Weapon, Great Bodily Harm, or Without Great Bodily Harm	4.5 days/month	8.5 days/month
	vi	Second or Subsequent Luring a Minor	4.5 days/month	8.5 days/month
75% reduced to 65%	v	Gunrunning	7.5 days/month	10.5 days/month
	v	Drug-Induced Homicide	7.5 days/month	10.5 days/month
	v	Aggravated Methamphetamine-Related Child Endangerment	7.5 days/month	10.5 days/month
TIS Eliminated	v	Calculated Criminal Drug Conspiracy, Criminal Drug Conspiracy, Streetgang Criminal Drug Conspiracy, Narcotics Racketeering, and Methamphetamine Conspiracy (greater than 100 grams)	7.5 days/month	Day-for-day
	v	Controlled Substance and Methamphetamine Trafficking	7.5 days/month	Day-for-day
	v	Money Laundering (clause (c)(4) or (5) of Section 29B1)	7.5 days/month	Day-for-day
	v	Class X Felony for Delivery of Controlled Substance	7.5 days/month	Day-for-day
	v	Delivery of Methamphetamine, Participation and Aggravated Participation of Meth Manufacturing, and Possession and Aggravated Possession with Intent to Deliver Meth	7.5 days/month	Day-for-day

To estimate the IDOC costs over time, SPAC analyzed what future populations would be, had the proposed measure been in effect for the past three years. Using this methodology, IDOC could expect the following changes in its population:

Table 4. Proposed Impact on IDOC’s Population

Years from Implementation	Impact from 3 Years of Admissions	Impact from Current Inmate Population	Total Impact
Year 1	1	73	74
Year 3	213	702	916
Year 5	420	508	928
Year 10	266	596	863
Year 20	198	535	733
Year 30	104	516	620

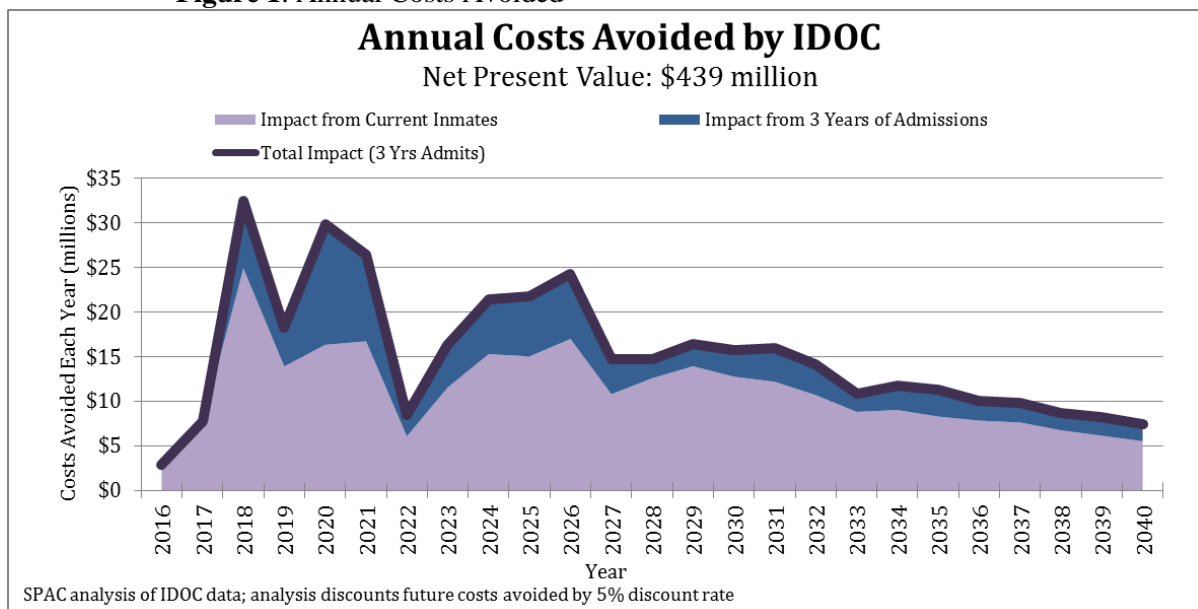
The impact of this proposal would grow over the first few years and then continue at a sustainable level over time. The impact on the three year admission to prison cohort grows until year five and then decreases over the next few decades.

Table 5. Proposal’s Fiscal Impact

	Impact from Current Inmate Population	Impact from 3 Years of Admissions	Total Impact
Net Present Value (2% discount rate)	\$521,461,000	\$163,817,000	\$685,278,000
Net Present Value (5% discount rate)	\$329,652,000	\$109,779,000	\$439,431,000

These total costs avoided are spread out over the next 40 years. A significant number of the current population is serving sentences with an average length of stay of 40 years, which results in a long delay before the benefits are realized. The annual costs avoided until 2040 (25 years from the effective date) are shown in Figure 1 below.

Figure 1. Annual Costs Avoided



Reducing length of stay through the proposed sentence credits also shortens the incapacitation of these offenders which will produce victimization costs, i.e. recidivism events, that offset the IDOC costs avoided. Using data on the recidivism rates and types of crimes committed by people convicted of each category of offense, SPAC estimated that the total dollar value of victimization costs due to a shorter incapacitation period for these offenders is \$28.2 million.

SPAC calculates the incapacitation effect in two ways:

- Offenders may age out—because the average age at exit would be younger, the recidivism rate may be slightly higher as younger felons generally recidivate more (*Recidivism Benefits* in Table 6 below). Here, negative victim benefits are additional victimizations and associated victim costs. SPAC reviewed historical data from IDOC and from the state’s Criminal History Record Information (CHRI) to find recidivism rates at each age from 18 through 60 and applied these recidivism rates and trends to the age offenders would have exited prison had the bill been in effect.⁴
 - The estimate presented here calculates the victim effects due to changes in recidivism for three age groups: those offenders under 27, who have falling recidivism rates with increased age; those offenders between 28 and 36 with rising recidivism rates; and those offenders older than 37, who exhibit gradual reductions in recidivism rates. Because 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 fully explains this methodology: http://www.icjia.state.il.us/spac/pdf/Victimization_Supplement_0415.pdf
- Crimes are delayed because offenders are incapacitated meaning crimes occur later or earlier due to the timing of the offenders’ release (*Incapacitation Benefits* in Table 7). Because a dollar not stolen today is worth more than a dollar stolen tomorrow, crime delays create benefits to crime victims. This effect is referred to as the social discount rate. SPAC applied a 3% discount rate to victimizations under the different incapacitation lengths to estimate the possible benefit of delayed crime.

SPAC’s methodology assumes there is a correlative effect between age and timing of recidivism due to incarceration/incapacitation. More research is necessary to determine further victim impacts and causal relationships between incarceration and victimization.

Table 6. Increased Recidivism Victimization

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
	P	N x P = N'	K	L' - L = D	K x D = E	(Convictions : Recidivism) = Z	V3	N' x E x Z x V3	
	18 to 27	33.6%	2,456	-2.1%	-2.24	4.7%	1.65	-\$70,457	-\$13,430,910.50
	28 to 36	29.3%	2,137	0.3%	-2.24	-0.7%	1.65	-\$70,457	\$1,669,489.05
	37 to 50	26.7%	1,950	-0.7%	-2.24	1.6%	1.65	-\$70,457	-\$3,554,597.65
	Total	89.6%	7299*						-\$15,316,019

*Total number of offenders. The numbers in age groups above does not include those over 50

Table 7. Incapacitation Costs Due to Increased Victimization

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	L' - L = D	V1	$V1 / [(1+0.03)^D] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	10.49	8.25	2.24	\$27,657	\$25,885	-\$1,772	7,299	-\$12,933,311
							Total	-\$12,933,311

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.

LIMITATIONS AND ASSUMPTIONS

- The analysis excludes the cost of state supervision during mandatory supervised release. While MSR supervision is not directly affected, technical violations or returns to prison are still subject to the limitations on good-time credit accrual based on the original admission. These impacts are not counted and would increase the costs avoided for IDOC.
- SPAC does not include the local costs for detaining individuals who are arrested but not convicted or given a withheld judgment.
- SPAC counts offenders only under their most serious offense. Some offenders may have second or third offenses that are subject to truth-in-sentencing.
- The capital costs of buildings and prison beds are not included.
- SPAC conservatively counts only IDOC costs avoided that occur before an individual's 60th birthday. This cut-off accounts for (a) average age at admission, (b) life expectancy for individuals at that age, and (c) the impact of incarceration on individuals' health. However, almost 2,000 individuals were older than 60 in prisons on June 30, 2015 (3.4% of the prison population). This conservative estimate likely underestimates the true size of the impact.
- The size of the benefits and costs depend on the social discount rates used in the calculations. For the high and low estimates, 2% and 5% were used, respectively, to provide a range of plausible estimates for the current value of costs avoided over the next several decades. For the incapacitation effect on victimization costs, 3% was used to show social value in delaying crime.
- Cumulative impacts of continual admissions of offenders subject to truth-in-sentencing are not included. This analysis only includes admissions over the past three years. Assuming these admissions will remain constant at about 1,400 offenders per year, the cumulative impact in year ten after implementation would be 1,200 fewer people.

Appendix A: Number of Individuals in IDOC on June 30, 2015, Subject to Truth-in-Sentencing

Type of Offense	Number of People	Percent of IDOC's Population
First Degree Murder	3,892	8.3%
Predatory Criminal Sexual Assault	1,957	4.1%
Attempted Murder	1,066	2.3%
Aggravated Battery with Firearm	893	1.9%
Aggravated Criminal Sexual Assault	841	1.8%
Criminal Sexual Assault	828	1.8%
Armed Habitual Criminal	705	1.5%
Aggravated Domestic Battery	445	0.9%
Aggravated Discharge Firearm	384	0.8%
Aggravated DUI (Great Bodily Harm or Death)	378	0.8%
Aggravated Battery of Child	286	0.6%
Possession with Intent or Delivery of Controlled Substance	212	0.4%
Aggravated Kidnapping	209	0.4%
Home Invasion with Great Bodily Harm	201	0.4%
Armed Robbery with Great Bodily Harm	181	0.4%
Aggravated Arson	83	0.2%
Armed Violence with Weapon with Great Bodily Harm	70	0.1%
Solicit Murder, Murder-for-Hire	59	0.1%
Drug-Induced Homicide	48	0.1%
Participation in Methamphetamine Manufacturing	42	0.1%
Heinous Battery	41	0.1%
Aggravated Vehicular Hijacking with Great Bodily Harm	29	0.1%
Aggravated Battery of Senior Citizen	21	0.0%
Vehicular Invasion	18	0.0%
Reckless Homicide	17	0.0%
Criminal Drug Conspiracy	14	0.0%
Controlled Substance Trafficking	13	0.0%
Aggravated Participation in Meth Manufacturing	13	0.0%
Possession with Intent to Deliver Meth	11	0.0%
Other Truth-in-Sentencing Offense	29	0.1%
<i>Total Subject to Truth-in-Sentencing</i>	<i>12,986</i>	<i>27.5%</i>
<i>Not Subject to Truth-in-Sentencing</i>	<i>34,180</i>	<i>72.5%</i>
IDOC Population, as of June 30, 2015	47,166	100%