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HOUSE BILL 1614

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

INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

House Bill 1614 (HB1614) proposes increasing the dollar value required for felony theft and retail theft to $2,000 and amends some criminal history requirements for penalty enhancements. The current law and this proposal are described fully on page 6. By increasing the property value, fewer individuals would meet the threshold value, resulting in fewer felony convictions and fewer admissions to the Illinois Department of Corrections (IDOC).

SPAC used criminal history records information (CHRI) from state fiscal years 2016, 2017, and 2018 to calculate the number of arrests, convictions, and sentences for theft and retail theft, and IDOC data from the same years for IDOC admissions, exits, and prison population. During the past three years, the data show:

Three Years		Theft	Retail Theft
Arrests		28,043	51,983
Convictions		9,511	16,982
Withheld Judgements		2,762	6,821
Standard Probation	Class 1	65	-
	Class 2	328	7
	Class 3	2,155	2,031
	Class 4	577	2,574
	Total Probation	4,201	5,867
IDOC Admissions	Class X	-	-
	Class 1	44	-
	Class 2	97	901
	Class 3	1,081	2
	Class 4	682	2,370
	Total Prison	1,913	3,273
June 30,2018 Prison Population	Class X	8	-
	Class 1	45	-
	Class 2	60	2
	Class 3	414	227
	Class 4	203	310
	Total Prison Population	730	539
Average Sentence Imposed		2.84	1.85
Average Pretrial Detention Time Served		.57	.46
Average Prison Time Served		.95	.63

Illinois does not report the property values of thefts into any statewide database. Therefore, SPAC uses the National Incident-Based Reporting System (NIBRS) to provide some perspective on the dollar value of crimes.[1] The NIBRS includes data reported from Rockford, Illinois, **the only Illinois jurisdiction that reported detailed NIBRS data in 2016**, neighboring states, and national data. These data are shown as the best available information, but the data are not sufficient for a fiscal impact analysis and not necessarily representative of thefts in Illinois.

SPAC PARTIAL PRISON POPULATION PROJECTION
Note: this projection assumes Illinois property values match NIBRS values

A population projection answers the question "What if these policies were enacted?" To answer the question, the projection first asks what the estimated prison population would be without any change to the current policy. In the graph below, the red line in the projection shows the baseline, status quo projection of the prison population estimated for June 30th of each year. On June 30, 2028, the status quo projection estimates 39,146 individuals would be held in prison.

The dotted line answers the what if question: If the felony dollar value thresholds were raised and national incident-based data approximate the value of thefts and retail thefts, a net decrease of about 900 inmates each year would be expected as a result of HB1614 and the projection estimates 38,249 individuals would be held in prison.

Projection 1. SPAC Prison Population Projection, HB1614

SPAC Prison Population Projection
Theft and Retail Theft Estimates

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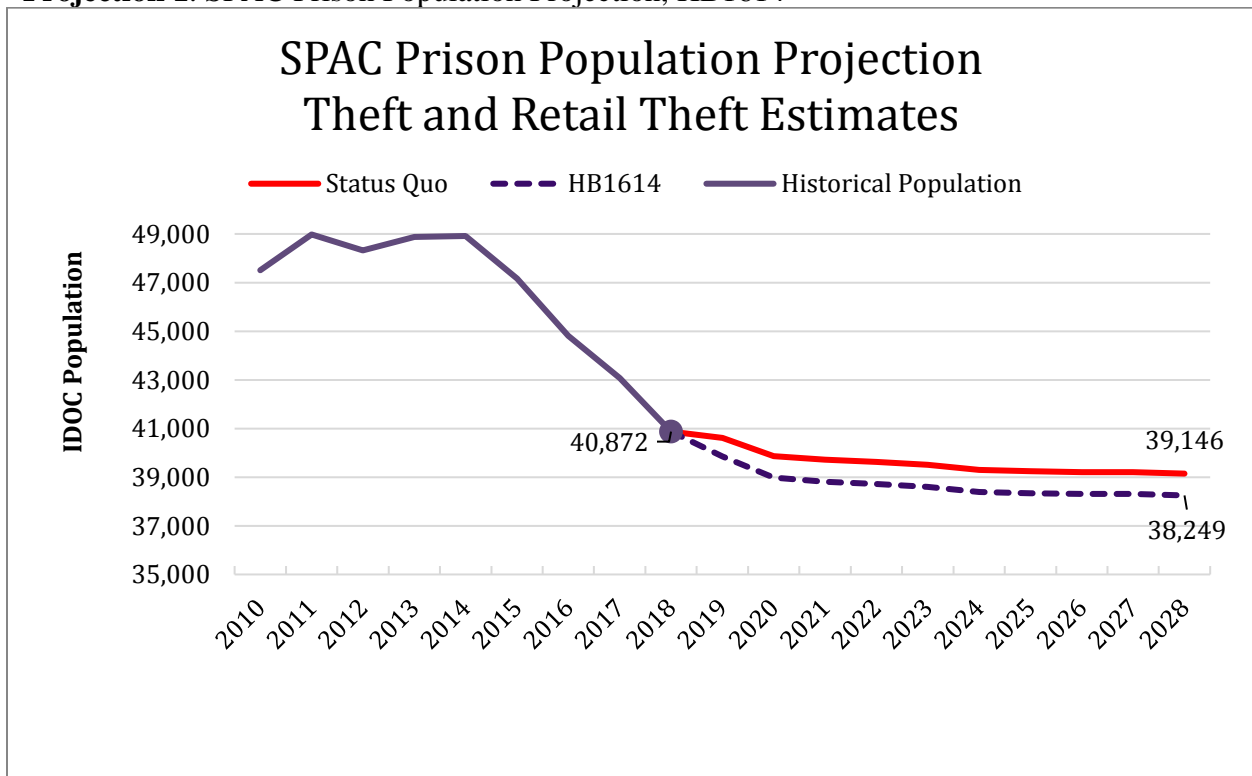
[1] National Archive of Crime Justice Data, Uniform Crime Reporting Program Data: National Incident-Based Reporting System, 2016 (ICPSR 37066), available at https://www.icpsr.umich.edu/icpsrweb/NACJD/studies/37066

The status quo projection relies on the assumption that admissions, sentences, and IDOC practices remain consistent with the recent year, FY2018. The projection is the result of altering that assumption by reducing prison admissions by the percent of felony cases that fall between the current felony thresholds and the proposal based on the national data. Changes to crime or recidivism rates are not accounted for in the projection.

The model uses the following assumptions:
- The projection relies on national NIBRS data, which is not representative of Illinois crime. Due to lack of other data sources, SPAC assumes the national data is representative to provide an estimate of potential impact. **Because of the NIBRS data gaps for metropolitan areas and Illinois generally, this estimate may either over or underestimate the true impact of these proposals.** The projection took the midpoint between the national average and the average value in Rockford, Illinois.
- For individuals convicted of theft, SPAC reduced the number of admissions to account for 30% of those who received felony convictions instead receiving misdemeanor convictions because of HB1614. SPAC derived these percentages from analysis of NIBRS data from 2016, including information available from Rockford, Illinois, in the national dataset.
- For individuals convicted of retail theft, SPAC reduced the number of admissions to account for 6% of those who received felony convictions instead receiving misdemeanor convictions because of HB1614. SPAC derived these percentages from analysis of NIBRS data from 2016, including information available from Rockford, Illinois, in the national dataset.
- For all the above crimes, SPAC assumes no change in arrests, charges, convictions, or sentencing other than the above modifications.

The following pages describe each offense in more detail.[2]

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[2] 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.
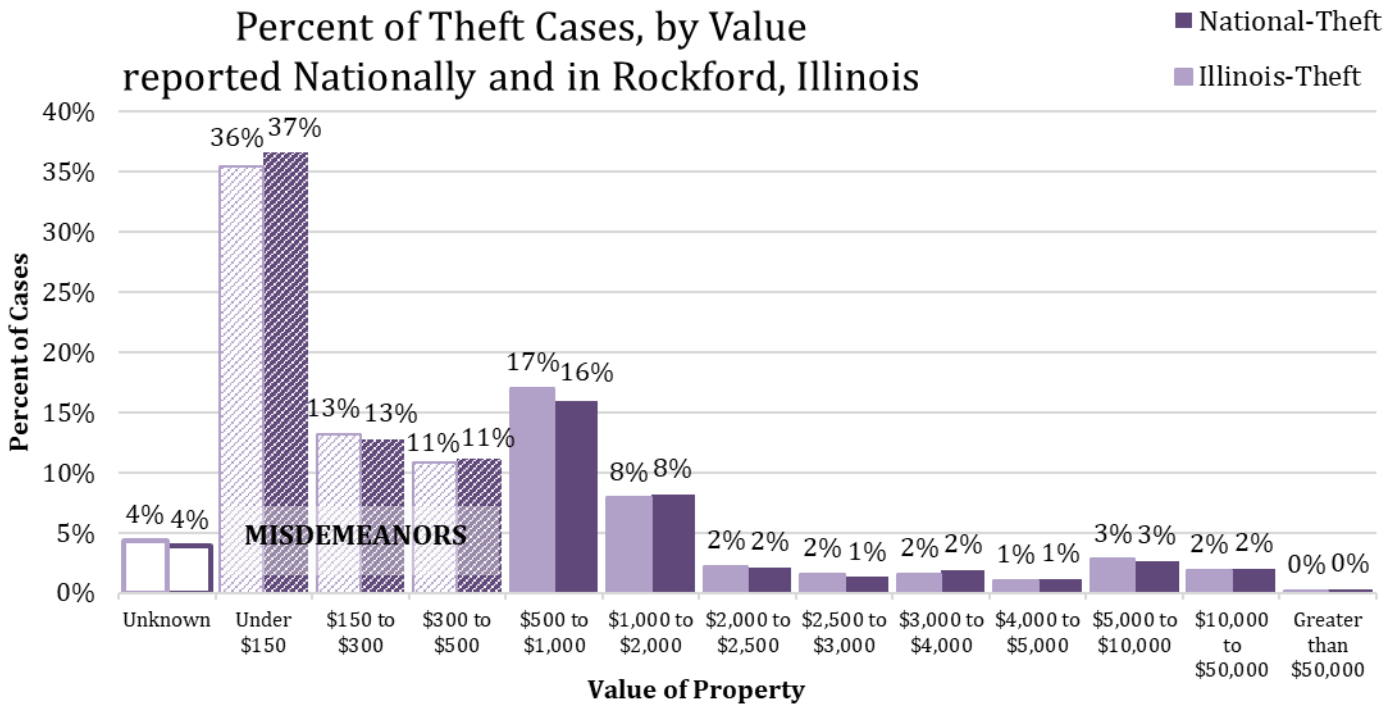
Theft
720 ILCS 5/16-1

Analysis of NIBRS data shows that roughly 60% of thefts are for items valued at less than $500. Of those cases with more than $500 in stolen property, about 11% of theft cases had stolen property valued at more than $2,000. This proposal would decrease the number of incarcerated individuals convicted under a Class 4 felony and increase the number of misdemeanors. Analysis of NIBRS data reported in Rockford, Illinois, shows that 24% of known theft incidents fall between $500 and $2,000 in stolen property.[3]

The estimates above assume that the reported values in NIBRS are consistent with the value that could be proven during trial and that other factors are not present.[4] Because factors other than the value of the property stolen affect the sentence imposed, SPAC could not accurately determine the fiscal impact of changing the value threshold for theft offenses.

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

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

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[3] Four percent of cases in the dataset have unknown property values, due to missing data, unreported values, or data-entry errors.

[4] "When a charge of…theft of property . . . is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact. . ." 720 ILCS 5/16-1(c) & 720 ILCS 5/16-25(f)(3).

Retail Theft
720 ILCS 5/16-25

Analysis of NIBRS data shows that roughly 83% of retail thefts are for items valued at less than $300. This proposal increases the property value thresholds for a felony, which decreases the number of individuals that would be convicted of Class 4 felonies and increase the number of offenses that would be classified as misdemeanors. Analysis of NIBRS data reported in Rockford, Illinois, shows that of those cases with more than $300 in stolen property, about 1% of retail theft cases involved property valued at more than $2,000, meaning almost 99% would change from felonies to misdemeanors based on property values.[5]

The estimates above assume that the reported values in NIBRS are consistent with the value that could be proven at trail. Factors other than the value of the property, such as criminal hisotry and use of an emergency exit, also determine whether retail theft classifies as a felony or misdemeanor under Illinois law.[6] Because these other factors impact the treatment of retail theft, SPAC could not determine the fiscal impact of changing only the value threshold for retail theft offenses.

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

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

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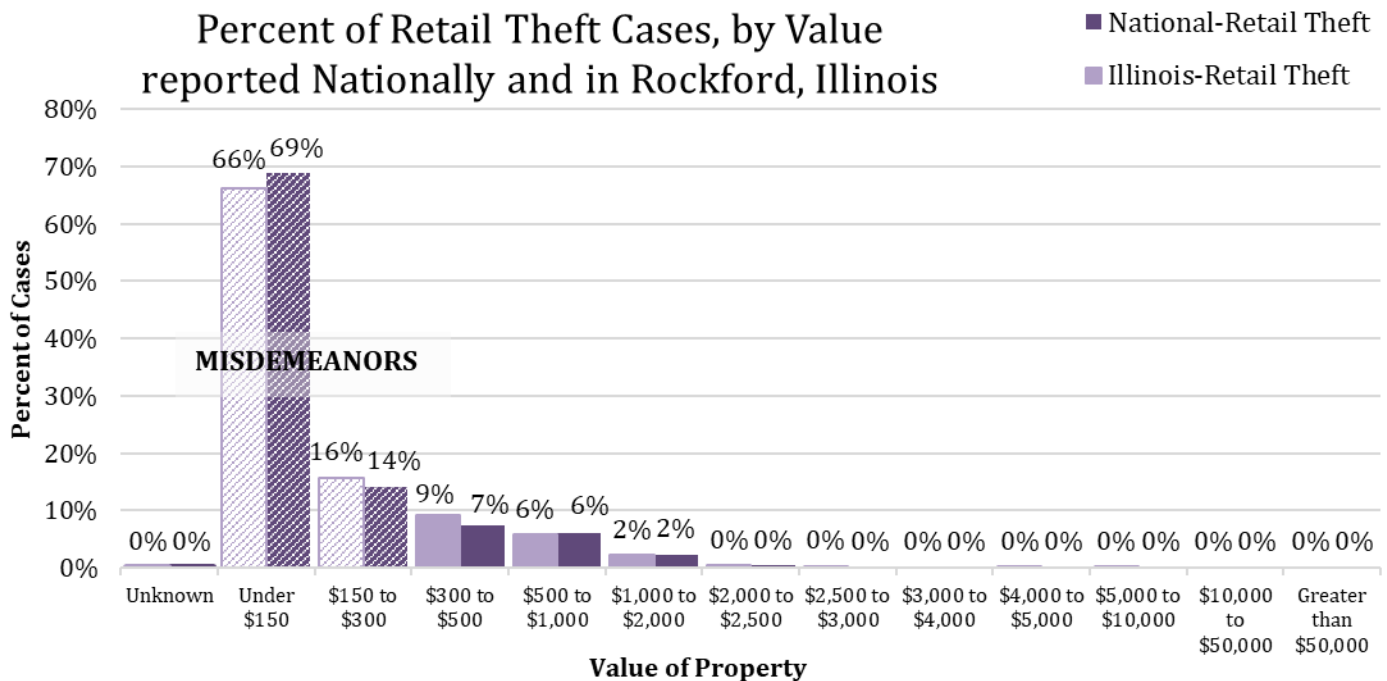
[5] Less than 1% of cases in the NIBRS dataset have unknown property values, due to missing data, unreported values, or data-entry errors.
[6] "When a charge of…theft of property . . . is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact…." 720 ILCS 5/16-1(c) & 720 ILCS 5/16-25(f)(3).

	720 ILCS 5/16-1 - Theft	
	Current Law	**HB1614**
(b)(1)	Theft less than $500 Class A	Theft less than $2,000 Class A
(b)(1.1)	Theft less than $500 from protected place Class 4	Theft less than $2,000 from protected place Class 4
(b)(2)	Theft less than $500 if previously convicted of any type of property crime Class 4	Theft less than $2,000 if previously convicted of a _felony_ theft Class 4
(b)(4)	Theft $500-$10,000 Class 3	Theft $2,000-$10,000 Class 3
(b)(4)	Theft less than $500 from a person Class 3	_-- no change --_
(b)(4.1)	Theft $500-$10,000 if in protected place Class 2	Theft $2,000-$10,000 if in protected place Class 2
(b)(4.1)	Theft less than $500 from a person if in protected place Class 2	_-- no change --_
(b)(5) et seq.	Theft greater than $10,000	_-- no change --_
	720 ILCS 5/16-25 – Retail Theft	
	Current Law	**HB1614**
(b)	Retail theft by emergency exit	Retail theft by emergency exit
(f)(1)	Retail theft less than $300 less than $150 for fuel Class A	Retail theft less than $2,000 less than $150 for fuel Class A
(f)(1)	Theft shielding device Class A (1st time) Class 4 (2nd or more time)	_-- no change --_
(f)(1)	Less than $300 by emergency exit Class 4	Less than $2,000 by emergency exit Class 4
(f)(2)	Retail theft less than $300 less than $150 for fuel if previously convicted of any type of property crime Class 4	Retail theft less than $2,000 less than $150 for fuel if previously convicted of a _felony_ theft Class 4
(f)(2)	Less than $300 by emergency exit if previously convicted of any type of property crime Class 3	Less than $2,000 by emergency exit if prior conviction of a _felony_ theft Class 3
(f)(3)	Retail theft greater than $300 Class 3 or Class 2	Retail theft greater than $2,000 Class 3 or Class 2

DEMOGRAPHIC IMPACT OF PROPOSED LEGISLATION:

Table 1 shows the race and gender of offenders admitted to IDOC. Table 2 shows where these commitments to IDOC originate. Finally, Table 3 shows the relationship between geography and race for Theft and Retail Theft commitments to state prisons. Here, race is self-identified upon admission to prison. The "Other" includes self-identified Hispanic, Asian/Island Pacific, Native American, and Unknown races.

Table 1(a) Past Three Years Admissions to IDOC for **Theft**

	Male	**Female**	**Total**	**Percent**
Black	773	51	824	**46%**
White	698	133	831	**46%**
Hispanic	120	10	130	**7%**
Other	6	3	9	**1%**
Total	**89%**	**11%**	**1,794**	

Table 1(b) Past Three Years Admissions to IDOC for **Retail Theft**

	Male	**Female**	**Total**	**Percent**
Black	1,408	362	1,770	**54%**
White	842	398	1,240	**38%**
Hispanic	181	51	232	**7%**
Other	22	8	28	**1%**
Total	**75%**	**25%**	**3,272**	

Table 2(a). Top 10 Admitting Counties over Past Three Years for **Theft**

County	Number of Admissions	Percent
Cook	697	39%
Lake	98	6%
Will	86	5%
Madison	65	4%
Champaign	62	4%
DuPage	56	3%
Macon	37	2%
Sangamon	37	2%
Winnebago	33	2%
Peoria	31	2%
Other	592	2%
Total	**1,794**	**100%**

Table 2(b). Top 10 Admitting Counties over Past Three Years for **Retail Theft**

County	Number of Admissions	Percent
Cook	1,671	51%
Will	176	5%
DuPage	163	5%
Sangamon	102	3%
Lake	92	3%
St. Clair	91	3%
Winnebago	86	3%
Peoria	73	2%
Madison	71	2%
Macon	69	2%
Other	678	21%
Total	**3,272**	**100%**

Table 3(a) Race by Geographic Region County over Past Three Years for **Theft**

	Cook	Collar	Urban	Rural	Percent
Black	489	138	149	48	**46%**
White	115	112	202	402	**46%**
Hispanic	90	26	7	7	**7%**
Other	3	2	1	3	**1%**
Total	**39%**	**15%**	**20%**	**26%**	**1,794**

Theft Admissions to Prison
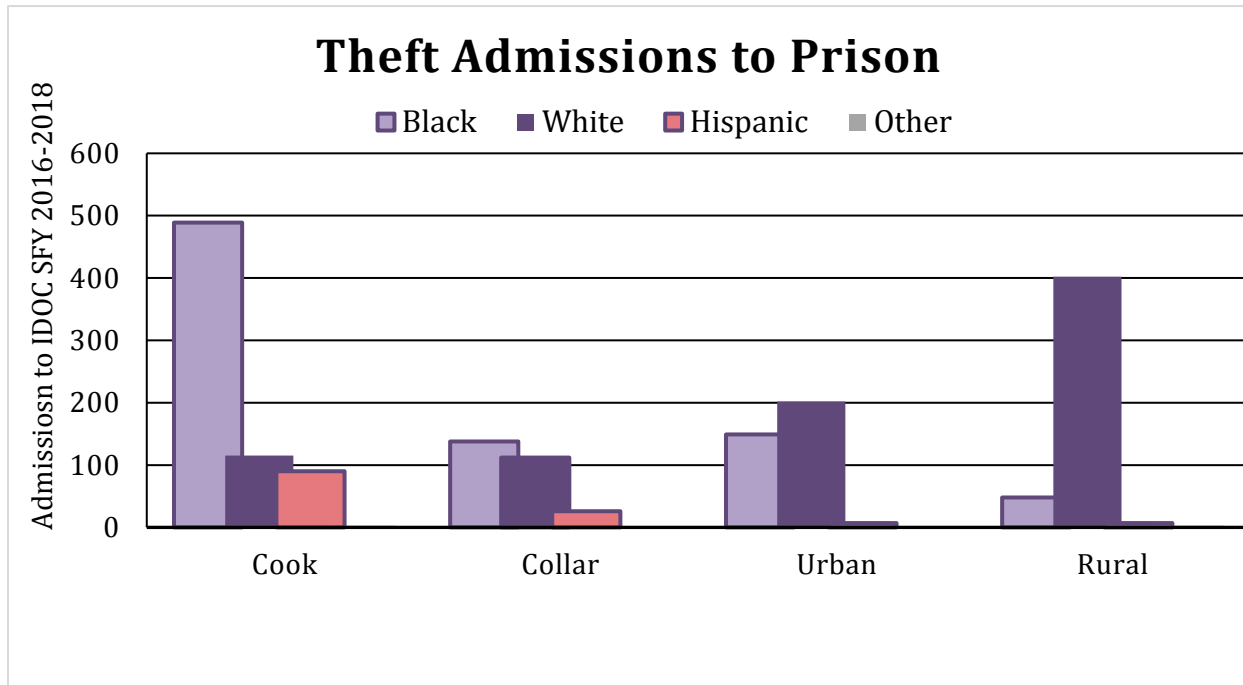
Table 3(b) Race by Geographic Region County over Past Three Years for **Retail Theft**

	Cook	Collar	Urban	Rural	Percent
Black	1,173	206	310	81	**54%**
White	324	232	377	307	**38%**
Hispanic	164	47	9	12	**7%**
Other	10	10	8	2	**1%**
Total	**51%**	**15%**	**22%**	**12%**	**3,272**