

## HOUSE BILL 3614 TRUTH-IN-SENTENCING REFORM

730 ILCS 5/3-6-3

CHANGES TO GOOD-TIME SENTENCING CREDIT RESTRICTIONS

**PROJECTED IDOC POPULATION IMPACT: -366 PEOPLE OVER 5 YEARS; -756 OVER 10; -968 OVER 15; -1,112 OVER 20 YEARS**

**TOTAL PRESENT VALUE OF BENEFITS IN REDUCED FISCAL COSTS: between \$144 and \$227.5 million**  
**TOTAL PRESENT VALUE OF VICTIMIZATION COSTS FOR PROPOSED CHANGES: \$8.5 million**

**NET BENEFITS (BENEFITS MINUS COSTS): between \$135.6 and \$219.1 million**

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

House Bill 3614 ([HB3614](#)) amends the Unified Code of Corrections to reduce truth-in-sentencing (TIS) restrictions as follows:

- (1) Permits people convicted of murder to receive 7.5 days of sentence credits per month, resulting in a length of stay of 75% rather than 100% of the sentence imposed;
- (2) Permits up to 8.5 days of credit for the majority of offenses currently limited to 4.5 days of good-time credit each month, resulting in a length of stay of 72% rather than 85% of the sentence imposed;
- (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 would apply to new admissions and to those currently incarcerated for the affected offenses, with credit accruing as of the effective date of the act. No credit can be awarded for time served prior to the effective date. This proposal creates benefits over many years. For example, the benefits of reducing a 40-year sentence are not fully realized until close to 2060. To account for this timeframe, SPAC applied both a 2% and a 5% social discount rate to find the net present value of cash flows that accrue in future years.<sup>1</sup> This methodology produced the high and low estimates in **Table 1**, depending on the rate used.

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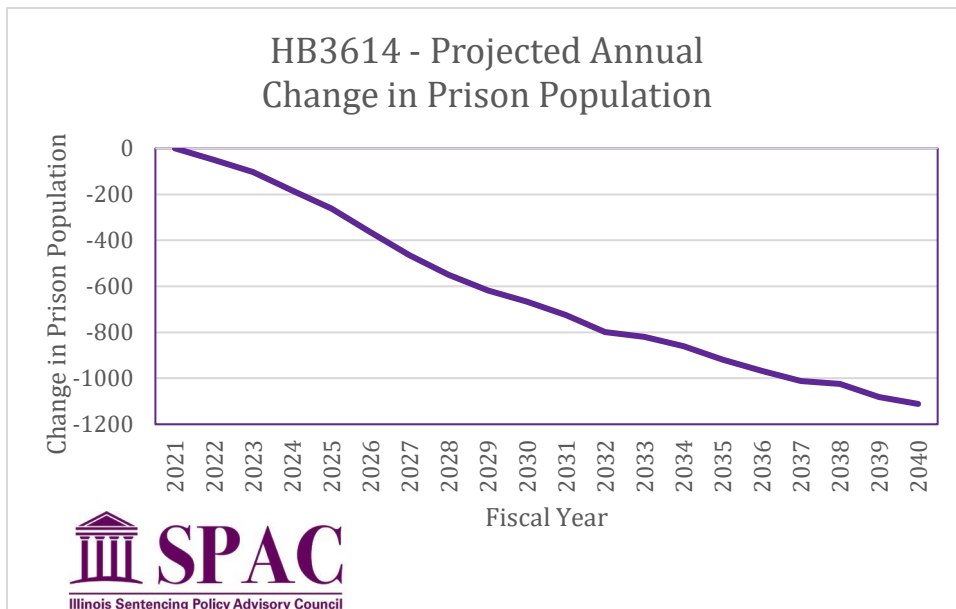
<sup>1</sup> This technique is common for businesses and governments to address the decreased value of both future costs and future benefits. In effect, this takes into consideration the time value of money—a dollar today is worth more than a dollar ten years from now.

**Table 1. Truth-in-Sentencing Change in Costs**

<b>Impact on State Costs and Public Safety</b>		
<b>Reduced Bed-Years for IDOC</b>		31,273
<b>Benefits: IDOC Costs Avoided</b>	High Estimate	\$227,511,852
	Low Estimate	\$144,064,804
<b>Victimization Costs (Recidivism Events)</b>		<b>\$8,454,105</b>
<b>Net Benefits (Benefits minus Costs)</b>	<b>High Estimate</b>	\$219,057,747
	<b>Low Estimate</b>	\$135,610,699

## **SPAC PRISON POPULATION PROJECTION –HB3614**

### **Projection 1. Truth-in-Sentencing Reform**



The HB3614 prison projection (Projection 1) shows a reduction in the annual prison population conditional on assumptions about future admissions. For the purposes of the projection, SPAC assumes that admissions, sentences, and IDOC discretionary sentence credit awards remain consistent with an average of FY2019 and FY2020 admissions. FY2020 new sentence admissions were anomalously low due to Covid-19 halting admissions and slowing the progress of court cases across the state. As of the end of CY2020, CHRI court disposition data showed court cases were still not progressing as regularly as in the past. SPAC expects convictions to increase as the state returns to pre-Covid volumes of court cases, but additional reforms such as the SAFE-T Act (Public Act 101-0652) may also impact convictions and sentences. By averaging the FY2019 and FY2020 admissions, the projection assumes that future admissions will be higher than FY2020 but not as high as FY2019.

The change depicted in Projection 1 shows a gradual reduction from the status quo due to increased good-time credits awarded and more inmates receiving the credits. Other impacts, such as changes to crime, arrests, felony filings, plea deals, convictions, or sentencing decisions, are speculative at this point and are not reflected in the SPAC model. The model does account for other discretionary and earned credits, such as supplemental and program credits, awarded by IDOC, but those credit awards are held constant between the status quo and the modeled scenario.

1. Truth-in-sentencing:
  - a. Current practices for revocations of good-time credit remain constant.
  - b. For the current inmate population, SPAC assumes they would receive good-time credit under the new rules going forward only and no additional credits for time already served.
  - c. SPAC applies the TIS changes to both concurrent and consecutive sentences.
  - d. SPAC assumes that time served for technical revocations for people subject to TIS do not substantially change. In practice, technical violators subject to TIS would receive more good-time credit and be released earlier. Changes in mandatory supervised release practices due to the SAFE-T Act are currently unknown at this point and not modeled.

**The projection model includes continuous admissions in future years. SPAC’s fiscal impact analyses are retrospective and only examine the past three years. Because of this difference, SPAC does not apply any fiscal calculations to the projection so that all fiscal impact analyses are directly comparable throughout each legislative session.**

## **TIS FISCAL IMPACT ANALYSIS**

SPAC looks retrospectively at the past three fiscal years, 2018 through 2020, to determine the fiscal impact of these policies had they been in effect. The data for arrests, convictions, IDOC admissions, and probation sentences are from Criminal History Record Information (CHRI, past three fiscal years available, FY2018-2020) and from the IDOC’s Planning and Research Division (past three fiscal years, FY2018-2020).

Table 2 shows the number of admissions over three years and the number of people in the IDOC population on June 30, 2017, for truth-in-sentencing offenses<sup>2</sup>. These people receive less credit for time served than the day for day credit given to those not subject to truth-in-sentencing. Because of the increased length of stay for these inmates, this cohort of the population has grown over time as admissions are greater than the number of exits per year for those subject to truth-in-sentencing.

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<sup>2</sup> The FY2017 prison population consists of the people incarcerated in state correctional centers on June 30<sup>th</sup>, 2017. This population is used for this analysis to show the impact on those incarcerated at the beginning of the three-year retrospective period and the FY2018-FY2020 admissions are used to show the impact on those admitted over the three-year retrospective period.

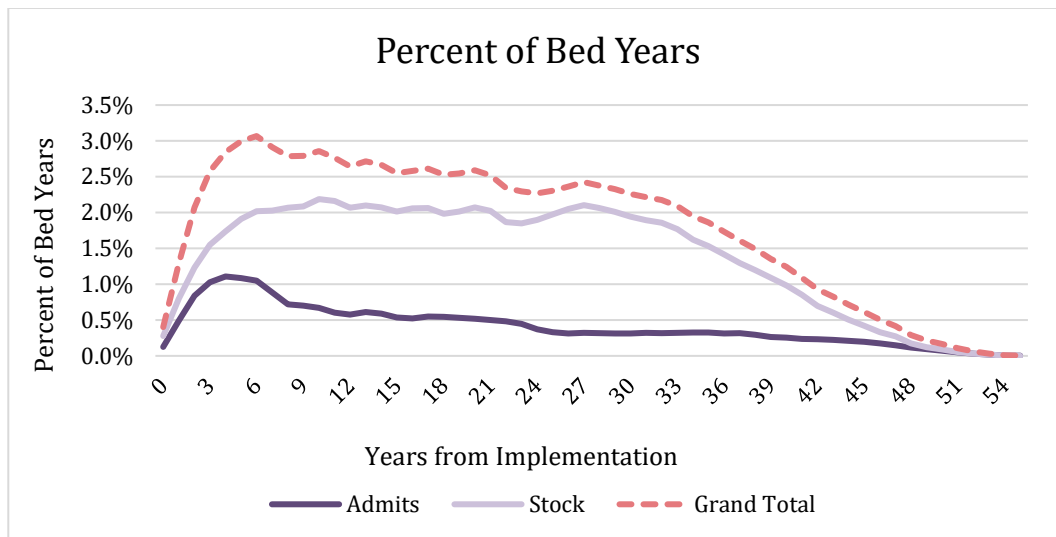
**Table 2.** Number of People Subject to Truth-in-Sentencing in IDOC

Most Serious Class	Truth-in-Sentencing Admissions from Court, FY18-2020			June 30, 2017 Population		
	100%	85%	75%	100%	85%	75%
Murder	490	1	--	4,452	7	
Class X	--	1,805	118		6,778	426
Class 1	--	515	7		1,026	15
Class 2	--	631	3		809	3
Class 3	--	3	2		4	
Class 4		66	--	1	75	
<b>Subtotal</b>	490	3,021	30	4,452	8,699	444
<b>TOTAL</b>	<b>3,641</b>			<b>13,595</b>		
<i>Percent of Total Admits and Prisoners</i>	<b>8.4%</b>			<b>35%</b>		

Allowing more sentence credit for the current population accelerates exits from IDOC for 35% of the population. This application produces a population impact more quickly than if the increased credits are limited to only 8% of the new admissions.

The figure below shows the impact on both the FY2018-2020 admissions (“Admits” dark-purple line) and the FY2017 population in prison (“Stock” light-purple line) over time, including the total impact (“Grand Total” dotted line) had the bill been in effect on these groups of people. The largest percent of the bed-years saved occur in year 5 but a substantial portion occur over the next 50 years.

**Figure 1.** Proposed Impact of TIS Reform on IDOC's Population



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 3.** Proposal’s Fiscal Impact Over 40 Years, Current Value (2% discount rate)

Net Present Value (2% Discount Rate)	First Year	First 5 Years	Total Impact over 40 Years
Impact from Current Population	\$913,371	\$17,610,944	\$167,051,666
Impact from Three Years of Admissions	\$419,070	\$11,288,026	\$52,206,523
<b>Total</b>	<b>\$1,332,442</b>	<b>\$28,898,970</b>	<b>\$219,258,189</b>

Reducing length of stay through the proposed sentence credits also shortens the incapacitation of these people 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 prison term for these people is \$8.5 million.

**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 conservatively counts only IDOC costs avoided that occur before a person’s 75<sup>th</sup> birthday. This cut-off accounts for (a) average age at admission, (b) life expectancy for people at that age, and (c) the impact of incarceration on people’ health. However, almost 150 people in prisons were older than 75 on June 30, 2020 (1% 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 people subject to truth-in-sentencing are not included. This analysis only includes admissions over the past three years. However, the population projection shown on page 2 includes future admissions and models the policy change compared to the status quo, finding an eventual reduction of over 1,100 people in prison each year.

**DEMOGRAPHIC IMPACT OF PROPOSED LEGISLATION:**

The table below shows the race and gender of people admitted to IDOC and where TIS commitments to IDOC originate. Here, race is self-identified upon admission to prison. The “Other” includes self-identified: Asian/Island Pacific, Native American, and Unknown races. Note: these tables include only new court admissions and not admissions for technical violations.

**Table 4.** Past Three Years Admissions to IDOC for TIS Offenses by Race and Gender

	Male	Female	Total	Percent
Black	1,773	66	1,839	51%
White	979	77	1,056	29%
Hispanic	624	21	645	18%
Other	45	5	50	1%
<b>Total</b>	<b>95%</b>	<b>5%</b>	<b>3,590</b>	<b>100%</b>

**Table 5.** Top 10 Admitting Counties to IDOC for TIS Offenses over the Past Three Years

County	Number of Admissions	Percent
Cook	1,728	47%
Kane	135	4%
Winnebago	129	4%
St. Clair	108	3%
Peoria	106	3%
Madison	92	3%
DuPage	91	2%
Macon	86	2%
Lake	85	2%
Will	74	2%
Other	1,007	28%
<b>Total</b>	<b>3,641</b>	<b>100%</b>

**Table 6.** Past Three Years Admissions to IDOC for TIS Offenses by Race and Region

	Cook	Collar	Urban	Rural	Total
Black	1,135	131	449	124	<b>51%</b>
White	139	132	328	457	<b>29%</b>
Hispanic	410	153	49	33	<b>18%</b>
Other	27	8	6	9	<b>1%</b>
<b>Total</b>	<b>48%</b>	<b>12%</b>	<b>23%</b>	<b>17%</b>	<b>3,590</b>

*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.*