State of Illinois
Illinois Sentencing Policy Advisory Council

SPAC

Safe Neighborhoods Reform Act
Presumptive Minimum Sentence
730 ILCS5/5-4.5-110
2022 Update

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Key Findings

SPAC used the Illinois Department of Corrections (IDOC) sentencing data and Criminal History Record Information (CHRI) conviction data to analyze the relevant sentences for three years before and four years after the effective date of the Act. SPAC analyzed 15,391 prison sentences for Agg UUW or UUW-Felon from CY 2015 to CY 2021. 6,096 cases occurred after the effective date of the Act. After adjusting for other variables SPAC found:

- Compared to pre-Act sentences, post-Act sentences that were imposed on those with prior predicate convictions were about 2 times as likely to be at or above the minimum required under the Act, a statistically significant increase.

- The majority of sentences for Agg UUW and UUW-Felon were within the standard statutory sentence range both pre-Act and post-Act.

- While further studies would be required to reliably conclude the causal link, the results of this analysis were robust and consistent across several different models and methodologies, indicating that the Act likely resulted in more consistent, longer sentences for individuals with qualifying predicates.

- Sentences for offenses that were not targeted by the act did not change.

Other Findings:

- Although law enforcement changes likely impacted arrest patterns after 2018, the arrest data trends do not indicate that the Act decreased firearm possession. This is consistent with research on general deterrence consistently showing little to no impact of harsher sentences on crime rates.

- The number of downward departures is unknown due to inadequate data collection. Administrative conviction and sentence data analyzed in this report do not indicate the specific citations for sentencing enhancements for UUW nor factors used by the judge for downward departures.

Safe Neighborhoods Reform Act:
Presumptive Minimum Sentence for Unlawful Use of a Weapon

730 ILCS5/5-4.5-110
Public Act 100-0003

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Introduction

The Safe Neighborhoods Reform Act, (the Act) effective January 1, 2018, increased the minimum prison sentences for repeat offenders convicted of Unlawful Use of a Weapon by a Felon (UUW-Felon) and Aggravated Unlawful Use of a Weapon (Agg UUW) if the person's criminal history includes a conviction for one or more violent crimes specified in the statute.[1] Judges can depart from this presumptive minimum if they find that a departure is warranted based on factors enumerated in the statute. If a departure is granted, the judge must make a record of the reasons for the departure. The law also mandates that the Sentencing Policy Advisory Council (SPAC) report on the effects of the new law. The Act sunsets on January 1, 2024.
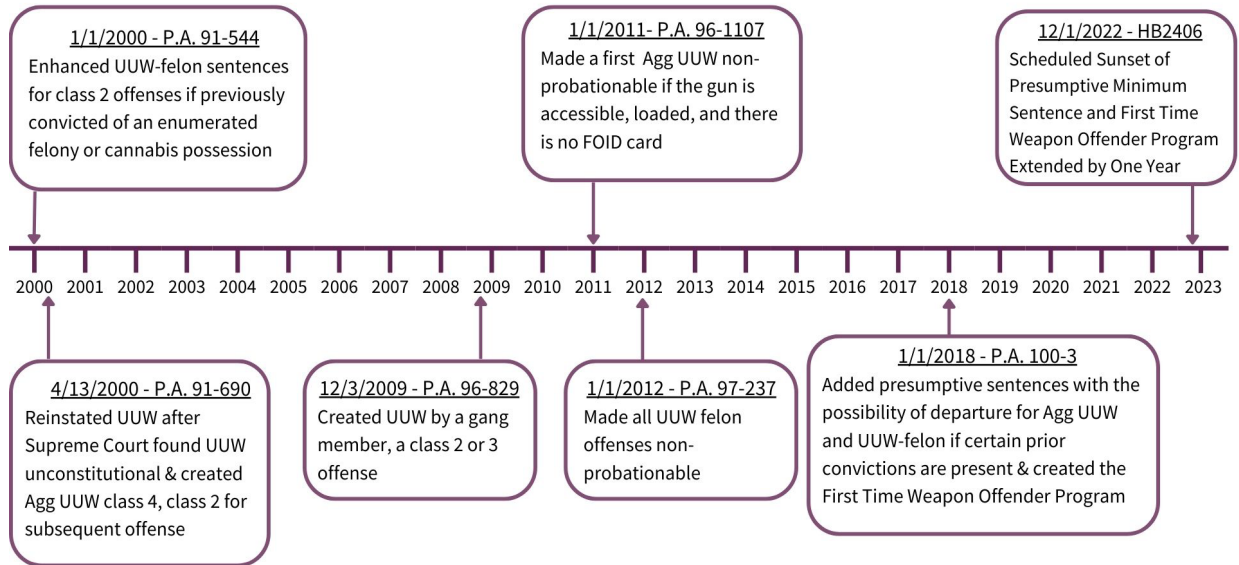
This legislation was the last in a line of proposals over the course of four years that sought to address gun violence in Chicago. In his comments on the floor of the Senate, then-Senator Kwame Raoul articulated that the intent of his bill was to target repeat offenders with violent criminal histories because they were the most likely to become shooters. This was the cohort of people who would be subjected to the higher minimum sentence of 7 years with the safety valve of a sentence within the normal range if there was a judicial finding that the departure was justified.[2] Keeping this group in prison longer would give some relief to high crime communities through incapacitation and the safety valve allowed judges to avoid imposing a sentence they felt was not justified by the facts of the case. SPAC provided data analysis on criminal history, recidivism rates, and recidivism patterns for gun offenders throughout the negotiation of the bill marking the first time this type of analysis was used to target a sentencing policy to a specific cohort of people within an offense category. This approach was itself a departure from the blanket sentence enhancements for possessing a weapon that had been the norm for several decades with little impact on gun and violent crime in Illinois.[3] Figure 1 shows the progression of UUW sentence enhancements since the year 2000.

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[1] 720 ILCS5/5-4.5-110(d)

[2] Senate Floor Debate Transcript for April 6, 2017, p. 22-23.

[3] SPAC reports for prior UUW research. All SPAC reports are available at: https://spac.illinois.gov/publications/research-reports.

Figure 1: UUW Legislative History

1/1/2000 - P.A. 91-544
Enhanced UUW-felon sentences for class 2 offenses if previously convicted of an enumerated felony or cannabis possession

1/1/2011- P.A. 96-1107
Made a first Agg UUW non-probationable if the gun is accessible, loaded, and there is no FOID card

12/1/2022 – HB2406
Scheduled Sunset of Presumptive Minimum Sentence and First Time Weapon Offender Program Extended by One Year

4/13/2000 - P.A. 91-690
Reinstated UUW after Supreme Court found UUW unconstitutional & created Agg UUW class 4, class 2 for subsequent offense

12/3/2009 - P.A. 96-829
Created UUW by a gang member, a class 2 or 3 offense

1/1/2012 - P.A. 97-237
Made all UUW felon offenses non-probationable

1/1/2018 - P.A. 100-3
Added presumptive sentences with the possibility of departure for Agg UUW and UUW-felon if certain prior convictions are present & created the First Time Weapon Offender Program

Unlawful Use of a Weapon (UUW) laws in Illinois have changed multiple times over the past twenty years (see Figure 1). The Act amends the sentencing provisions for both UUW-Felon and Agg UUW, increasing the minimum sentence for people with a qualifying predicate conviction in their criminal history. The statute lists 26 qualifying predicate offenses. If a convicted person has a required predicate, the statute requires a presumptive minimum prison sentence of 7 years for UUW-Felon and 6 years for Agg UUW convictions. A judge may depart from these new minimums based on specific factors in the statute and must state on the record the evidence and factor(s) that justify the departure. The Act also requires SPAC to report annually to the Governor and General Assembly the number of people sentenced, and trends related to the change in the law.

This report is the second in a series of analyses that describes changes in sentencing practices from before and after the Act's effective date using time series trends, descriptive statistics, and multivariate regression models. This report first briefly describes data and methodology and then presents the updated results through the end of 2021.

Key Findings

SPAC used the Illinois Department of Corrections (IDOC) sentencing data and Criminal History Record Information (CHRI) conviction data to analyze the relevant sentences for three years before and four years after the effective date of the Act. SPAC analyzed 15,391 prison sentences for Agg UUW or UUW-Felon from CY 2015 to CY 2021. 6,096 cases occurred after the effective date of the Act. After adjusting for other variables SPAC found:

- Overall, sentences that occurred post-Act were about 2 times as likely to be sentenced at or above the minimum required under the Act compared to sentences that occurred pre-Act for those with prior predicate convictions, a statistically significant increase.

- The majority of sentences for Agg UUW and UUW-Felon were within the standard statutory sentence range both pre-Act and post-Act.

- While further studies would be required to reliably conclude the causal link, the results of this analysis were robust and consistent across several different models and methodologies, indicating that the Act likely resulted in more consistent, longer sentences for individuals with qualifying predicates.

- Sentences for offenses that were not targeted by the act did not change.

Other Findings:

- Although law enforcement changes likely impacted arrest patterns after 2018, the arrest data trends do not indicate that the Act decreased firearm possession. This is consistent with research on general deterrence consistently showing little to no impact of harsher sentences on crime rates.

- The number of downward departures is unknown due to inadequate data collection. Administrative conviction and sentence data analyzed in this report do not indicate the specific citations for sentencing enhancements for UUW nor factors used by the judge for downward departures.

- In early 2020, the Conference of Chief Circuit Judges approved a sentencing order for these cases that collected the data needed to analyze the impact of the Act, including factors cited in support of downward departures. As of October 2022, SPAC had received a small number of forms that was substantially fewer than the number of convictions and sentences in administrative data. SPAC provided a list of cases lacking orders to the AOIC which requested Clerks to report the sentencing orders to SPAC. From the response received it became apparent that the orders were not being used. Going forward SPAC will undertake a rigorous outreach to clerks and criminal court judges to explain the need for the data collected by the sentencing order.

Data & Methodology

SPAC analyzed data from the Illinois State Police's CHRI system and IDOC's Offender 360 (O360) case management system, as well as annual extracts provided by the IDOC Planning and Research Unit. CHRI data are all arrests, convictions, and sentences that originated from a booking fingerprint. Information is available about the person, offenses charged, dates of arrests and dispositions, and sentences. IDOC O360 and IDOC extract data have detailed information about the sentence and person being sentenced. CHRI may have missing data or delays in data entry that could impact the findings of this report. IDOC data are generally of high quality and more complete.

CHRI data were connected to the O360 prison sentence data to check for the presence of prior arrests and convictions as well as to find the arrest date related to the O360 prison sentence. The current IDOC and CHRI data do not explicitly indicate if the sentence for Agg UUW or UUW-Felon are the result of the Act or a downward departure. However, the sentence length is available in the data and is used as the outcome of interest in these analyses.

SPAC constructed a dataset from CHRI and O360 to analyze sentences after accounting for criminal history, particularly identifying qualifying predicate convictions listed in the Act. Sentence data were analyzed using several statistical techniques to compare sentences of those with predicate convictions before and after the Act's effective date while adjusting for other factors that may be correlated with sentence length. If the law impacted sentences, the data should show a statistically significant increase in the likelihood of a longer prison sentence when adjusting for other factors like demographics and criminal histories.

The seven years between 2015–2021 can be split by the Act's effective date of January 1, 2018. The pre-effective period runs from the start of 2015 to the end of 2017 and the post-effective period runs from January 1, 2018, until the end of 2021. SPAC created two groups of individuals and used multivariate regression analysis to test several hypotheses:

- **Post-Act**: The target group of individuals with qualifying predicate offenses who were arrested and sentenced after the effective date of the Act. SPAC hypothesized that there would be both an increased probability of a longer sentence in this group compared to Pre-Act.

- **Pre-Act**: People with predicate convictions in their history who were arrested before January 1, 2018. This is the comparison group and includes those sentenced after the Act if they were arrested prior to 2018.

The primary comparisons in these analyses focus on sentences and their post-Act and pre-Act arrest timing.

# Agg UUW and UUW-Felon – Aggregate Trends

Arrests and Convictions

Trends in arrests and convictions for Agg UUW and UUW-Felon from 2010 to 2021 are shown in Figure 2. In total, there were 10,930 arrests for both Agg UUW and UUW-Felon in 2021, a 148% increase from 2010. Overall, Arrests for Agg UUW and UUW-Felon were relatively stable from 2010 to 2015. Aggravated UUW arrests had a substantial increase from 2,121 in 2015 to a peak of 6,966 arrests in 2021, a 228% increase. UUW-Felon arrests increased from 2,450 in 2015 to a peak of 3,964 arrests in 2021, a 62% increase. From 2010 to 2017, UUW-Felon accounted for over 50% of arrests of these arrests. However, in 2017, Agg UUW arrests started to outnumber UUW-Felon arrests and by 2021, accounted for nearly 65% of arrests for these two offenses. Although law enforcement changes likely impacted arrest patterns after 2018, the arrest data trends do not indicate that the Act decreased firearm possession. This is consistent with overall body of empirical research on general deterrence showing that harsher sentences have minimal impact on crime.[4]

Convictions for Agg UUW and UUW-Felon both remained mostly stable from 2010 to 2016. After 2017, Agg UUW convictions continued to increased year over year, while UUW-Felon convictions remained stable. Because of COIVD-19 court closures, convictions for Agg UUW and UUW-Felon declined over 60% from 2019 to 2020. In 2021, Agg UUW convictions increased 216% from 2020 to 2,162 convictions reported, the largest number of convictions in the 12 years period analyzed. UUW-Felon convictions increased 127% from 2020 to 2021 with 1,272 convictions reported, but still stayed 11% below the 2019 peak.

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[4] The National Academies of Science Committee on Causes and Consequences of High Rates of Incarceration conclude that "the evidence base demonstrates that lengthy prison sentences are ineffective as a crime control measure." National Research Council. (2014). The Growth of Incarceration in the United States: Exploring Causes and Consequences. Committee on Causes and Consequences of High Rates of Incarceration, J. Travis, B. Western, and S. Redburn, Editors. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

Figure 2: Arrests and Convictions for Agg UUW and UUW-Felon
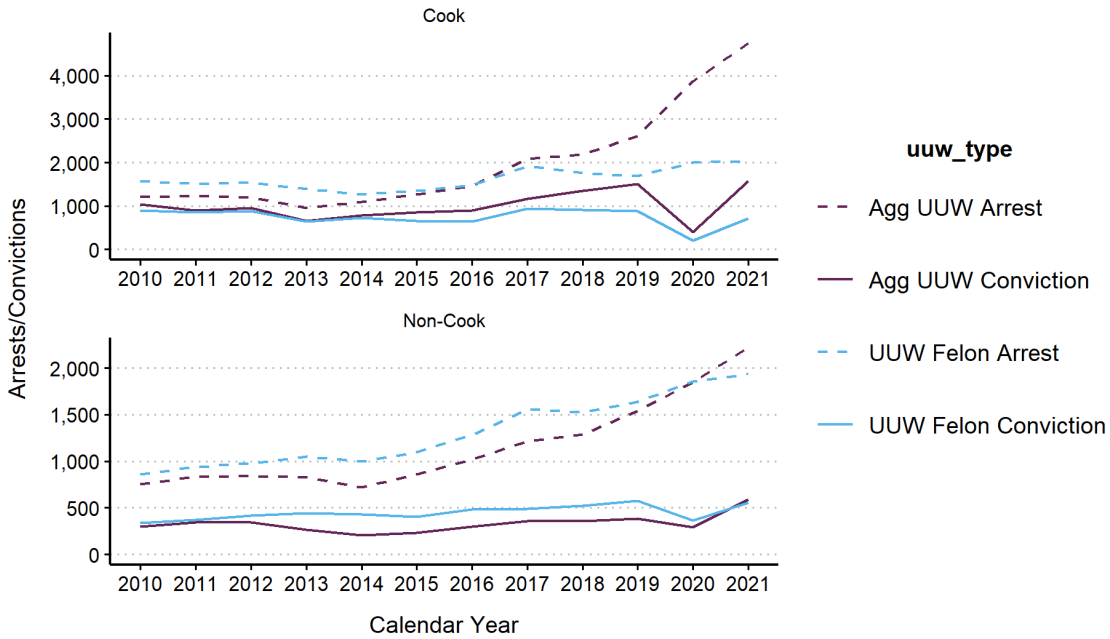
CHRI Sentences

Figure 3 below shows trends in sentences for Agg UUW and UUW-Felon over this period.[5] CHRI has missing data for convictions and sentences and may still be impacted by data entry backlogs at the time of this report but patterns in the available data are informative of trends. Like Figure 2, COVID had a substantial impact on sentences in 2020 and residual effects in 2021. In 2018, probation sentences overtook prison sentences as the most common sentence for Agg UUW. Due to COVID, sentences for Agg UUW declined 70% and prison sentences for UUW-Felon declined 66% in 2020. In 2021, Agg UUW had more prison sentences than 2019. UUW-Felon prison sentences increased, but still remained below pre-pandemic levels.

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[5] Probation sentences which were revoked and sentenced to prison are classified in this figure by the initial probation sentence.

Figure 3: CHRI Sentences for Agg UUW and UUW–Felon Convictions
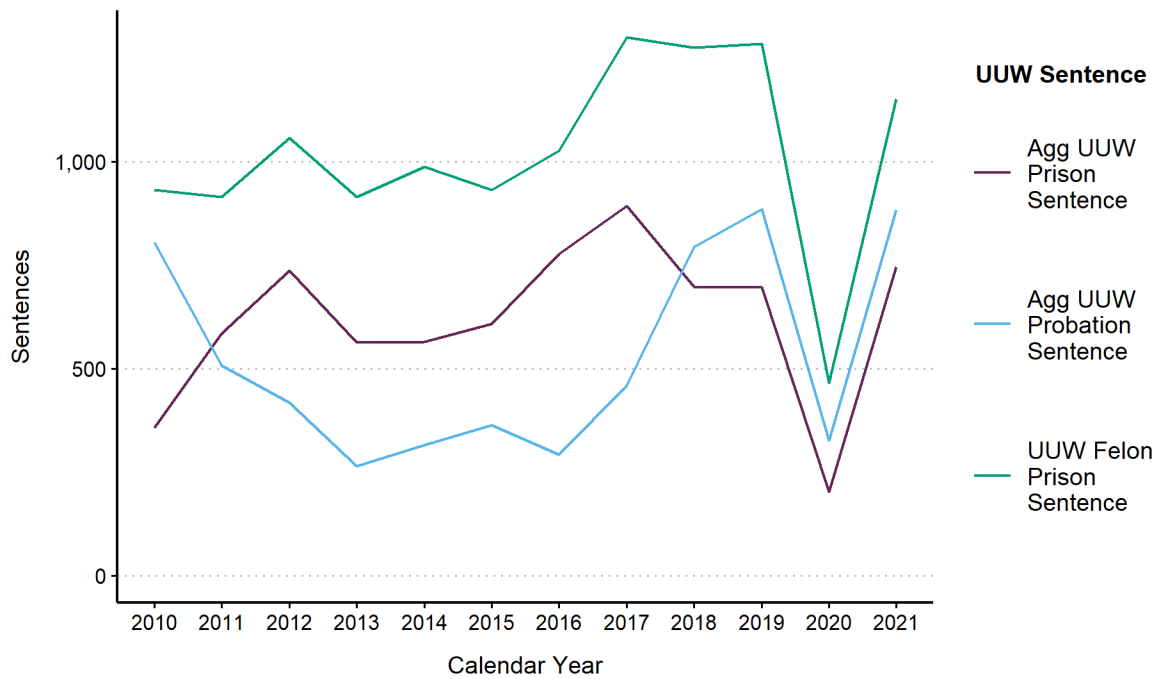
DOC Admissions

Figure 4 shows the trends in prison admissions, by year, for Agg UUW and UUW-Felon. Trends show relative stability until 2020 and 2021, when admissions were impacted by court closures from COVID. Agg UUW admissions peaked in 2021, with an increase to 895 admissions, a 134% increase from 2020. UUW-Felon admissions peaked at 985, a 122% increase from 2020.

Figure 4: Admissions to IDOC for Agg UUW and UUW-Felon
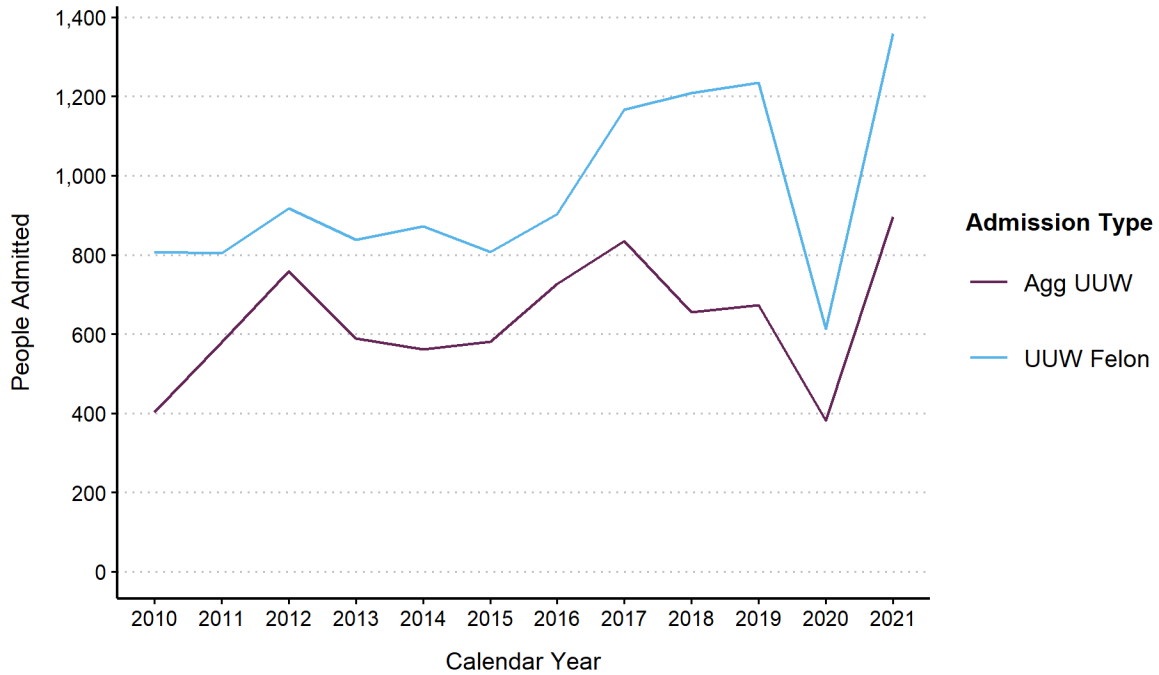
Analyses of Sentence-Level Data – Descriptive Statistics

Demographic statistics for the entire sample of sentences (with and without prior predicate convictions) are available in Table 1. UUW-Felon accounted for 61% of prison sentences imposed; the remainder were Agg UUW. Black Males make up a majority of people sentenced to DOC for both Agg UUW and UUW-Felon. The vast majority of Agg UUW sentences to prison are from Cook County while only a small majority of UUW-Felon sentences are from Cook County. On average, individuals sentenced to IDOC for UUW-Felon are older than those sentenced for Agg UUW.

Table 1: Demographic Statistics for All Sentences Analyzed

Characteristic	Agg UUW N=6,045		UUW Felon N=9,366	
	Count	Percent	Count	Percent
Sex				
Female	148	2.4%	167	1.8%
Male	5,897	97.6%	9,199	98.2%
Race				
Black	4,837	80.0%	7,013	74.9%
Hispanic	872	14.4%	836	8.9%
Other	55	0.9%	57	0.6%
White	281	4.6%	1,460	15.6%
County				
Non-Cook	875	14.5%	4,044	43.2%
Cook	5,170	85.5%	5,322	56.8%
Arrest Age				
18-24	3,958	65.5%	3,013	32.2%
25-40	1,839	30.4%	5,273	56.3%
41-60	189	3.1%	1,028	11.0%
Over 60	9	0.1%	42	0.4%
Unknown	50	0.8%	10	0.1%

Table 2 provides descriptive statistics about the current offense and the prior history of the individuals. There is a relatively equal number of pre-Act sentences and post-Act sentences for both Agg UUW and UUW-Felon. People convicted of UUW-Felon, on average, had more extensive criminal histories. Nearly 30 percent of UUW-Felon cases had over 15 prior arrests and over one third had at least one prior violent, firearm, or predicate offense conviction. Just over half of Agg UUW sentences had five or fewer prior arrests and no prior convictions.

Table 2: Current Sentence and Prison Characteristics Statistics for All Sentences Analyzed

Characteristic	Agg UUW N = 6,045		UUW Felon N = 9,366	
	Count	Percent	Count	Percent
Timing				
Pre-Act	3,638	60.2%	5,586	59.6%
Post-Act	2,407	39.8%	3,780	40.4%
Offense Class				
2	1,207	20.0%	5,783	61.7%
3	0	0.0%	3,583	38.3%
4	4,838	80.0%	0	0.0%
Longer Sentence				
Longer Sentence	295	4.9%	1,480	15.8%
Not Longer Sentence	5,750	95.1%	7,886	84.2%
Predicate Status				
No Prior Predicate	5,071	83.9%	6,501	69.4%
Prior Predicate	974	16.1%	2,865	30.6%
Prior Arrests				
0	569	9.4%	165	1.8%
1-5	2,681	44.4%	2,027	21.6%
6-10	1,299	21.5%	2,432	26.0%
11-15	633	10.5%	1,767	18.9%
16+	724	12.0%	2,481	26.5%
Unknown	139	2.3%	494	5.3%
Prior Convictions				
0	2,996	49.6%	654	7.0%
1-2	1,929	31.9%	3,612	38.6%
3-5	729	12.1%	3,081	32.9%
6-10	235	3.9%	1,289	13.8%
11+	17	0.3%	236	2.5%
Unknown	139	2.3%	494	5.3%

Just over 30% of UUW-Felon sentences had a prior predicate conviction, while 16% of Agg UUW sentences had a prior predicate conviction. Agg UUW and UUW-Felon were the most common predicate offenses that made the sentence eligible for the new presumptive minimum term.

Table 3[6] provides the qualifying predicate convictions that make the individual eligible for an enhanced sentence.

Table 3: Prior Predicate Offense Convictions by Category

Prior Predicate Offense	Agg UUW N = 1,047		UUW-Felon N = 3,012	
	Count	Percent	Count	Percent
Agg UUW, when Weapon is a Firearm	737	70.4%	1,382	45.9%
UUW by a Felon, when Weapon is a Firearm	235	22.4%	1,144	38.0%
First Degree Murder	32	3.1%	226	7.5%
Armed Robbery	91	8.7%	441	14.6%
Aggravated Discharge of a Firearm	35	3.3%	138	4.6%
Defacing Identification Marks of Firearms	35	3.3%	115	3.8%
Armed Violence	34	3.2%	105	3.5%
Any Other Predicate Offense in the Act	35	3.3%	164	5.4%

While the Act imposes a presumptive minimum prison term of six years for Agg UUW for those with a qualifying predicate conviction, it is not intended to impact sentences in cases without a qualifying predicate conviction. Table 4 provides the average sentence length and the distribution of sentences that did not qualify for the sentence enhancement. These sentences remained consistent with those imposed prior to the Act.

Table 4: Agg-UUW Sentence Lengths for those without Prior Predicates

Characteristic	Pre-Act N = 3,193		Post-Act N = 1,878	
	Count	Percent	Count	Percent
Longer Sentence				
At least 6 years	84	2.6%	37	2.0%
Less than 6 Years	3,109	97.4%	1,841	98.0%
Mean (Median)	1.85 (1.00)		1.74 (1.00)	

Table 5 provides the sentence information for those that had a prior predicate conviction. These descriptive statistics are not adjusted for other factors that may be associated with sentence lengths and should be interpreted with caution.

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[6] Percentages provided are based on only those with a prior predicate conviction. All qualifying predicate offenses are listed in 730 ILCS 5/5045-110(a).

Table 5: Agg-UUW Sentence Lengths for those with Prior Predicates

Characteristic	Pre-Act N = 445		Post-Act N = 529	
	Count	Percent	Count	Percent
Longer Sentence				
At least 6 years	74	16.6%	100	18.9%
Less than 6 Years	371	83.4%	429	81.1%
Mean (Median)	3.28 (3.00)		3.02 (3.00)	

There was a substantial difference in the number of cases that received a sentence of 6 years or longer between Table 4 with no prior predicate conviction and Table 5 sentences with prior predicate conviction. Those with prior predicate convictions were eight to nine times as likely to receive a sentence over six years. However, the majority of these sentences were still within the standard statutory prison sentence lengths of 1-3 years for Class 4 and 2-5 years for Class 3 crimes both before and after the effective date of the Act.

Cases involving a prior predicate conviction had substantially longer prison sentences than those without prior predicate convictions. However, sentences remained relatively stable from pre-Act to post-Act for those who had a prior predicate conviction with only a 2% increase in those receiving a sentence of six year or more. There was no substantive change over time in sentence lengths for cases without a prior predicate conviction. These descriptive statistics are not adjusted for other factors that may be associated with sentence lengths. To account for those factors, SPAC utilizes multivariate statistical models, those results are provided in the next section.

Distributions for Agg UUW sentences with a prior predicate in the pre-Act sentences and the post-Act sentences are shown in Figure 5. There was a notable increase at the new presumptive minimum sentence of 6 years over time increasing from about 9% in the pre-Act sentences to 15% in the post-Act sentences. Shifts in the tails of the sentence distribution account for why the average sentence from pre-Act sentences to post-Act sentences decreased while the percent receiving the new presumptive minimum of six years increased. The percent of sentences at the lowest and highest ends of the distribution changed, with sentences of 1 or 2 years increasing from 38% to 47% from pre-Act sentences to post-Act sentences and sentences above six years decreasing from 10% to 5%.

Figure 5: Sentence Distribution by Timing Agg UUW with Predicate Offense
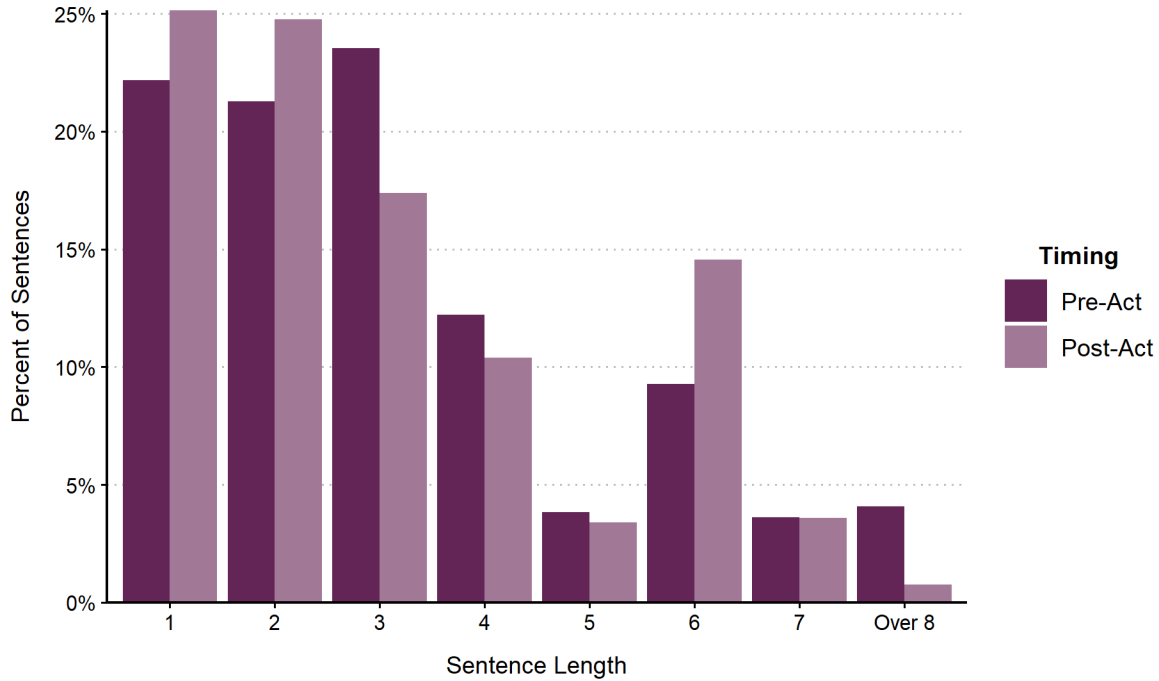
The Act imposes a presumptive minimum prison term of seven years for UUW-Felon for a person with a qualifying predicate conviction. Table 6 provides the average sentence length and the distribution of sentences that received the minimum sentence required by the Act for UUW-Felon sentences with no prior predicate conviction. Table 7 provides the sentence information for those that had a prior predicate conviction. These descriptive statistics are not adjusted for other factors that may be associated with sentence lengths. To account for those factors, SPAC utilizes multivariate statistical models, those results are provided in the next section.

Table 6: UUW-Felon Sentence Lengths for those without Prior Predicates

Characteristic	Pre-Act N = 3,843		Post-Act N = 2,658	
	Count	Percent	Count	Percent
Longer Sentence				
At least 7 Years	469	12.2%	327	12.3%
Less than 7 Years	3,374	87.8%	2,331	87.7%
Mean (Median)	4.20 (3.50)		4.02 (3.00)	

For UUW-Felon, the majority of sentences with or without prior predicate convictions were within the standard statutory range for Class 3 (2-5 years) and Class 2 (3-7 years) crimes but there were substantial differences based on prior predicate convictions and the timing of the sentence. Twelve percent of post-Act sentences with no predicate were sentenced to 7 or more years, compared to 30%

of sentences with a predicate. Within the prior predicate group, there is a substantial shift in the number of people who received a sentence of 7 or more years, increasing from about 20% in pre-Act sentences to 30% in post-Act sentences. These are also unadjusted for other factors that may be associated with sentence lengths.

Table 7: UUW–Felon Sentence Lengths for those with Prior Predicates

	Pre-Act N = 1,743		Post-Act N = 1,122	
Characteristic	Count	Percent	Count	Percent
Longer Sentence				
At least 7 Years	352	20.2%	332	29.6%
Less than 7 Years	1,391	79.8%	790	70.4%
Mean (Median)	4.97 (4.00)		5.01 (4.00)	

Figure 6 provides the sentence distribution for UUW-Felon with prior predicates for pre-Act sentences and post-Act Sentences. Sentences at the new presumptive minimum of 7 years increased from 7% of sentences pre-Act to 16% of sentences post-Act.

Figure 6: Sentence Distribution by Timing for UUW–Felon with Predicate Offense
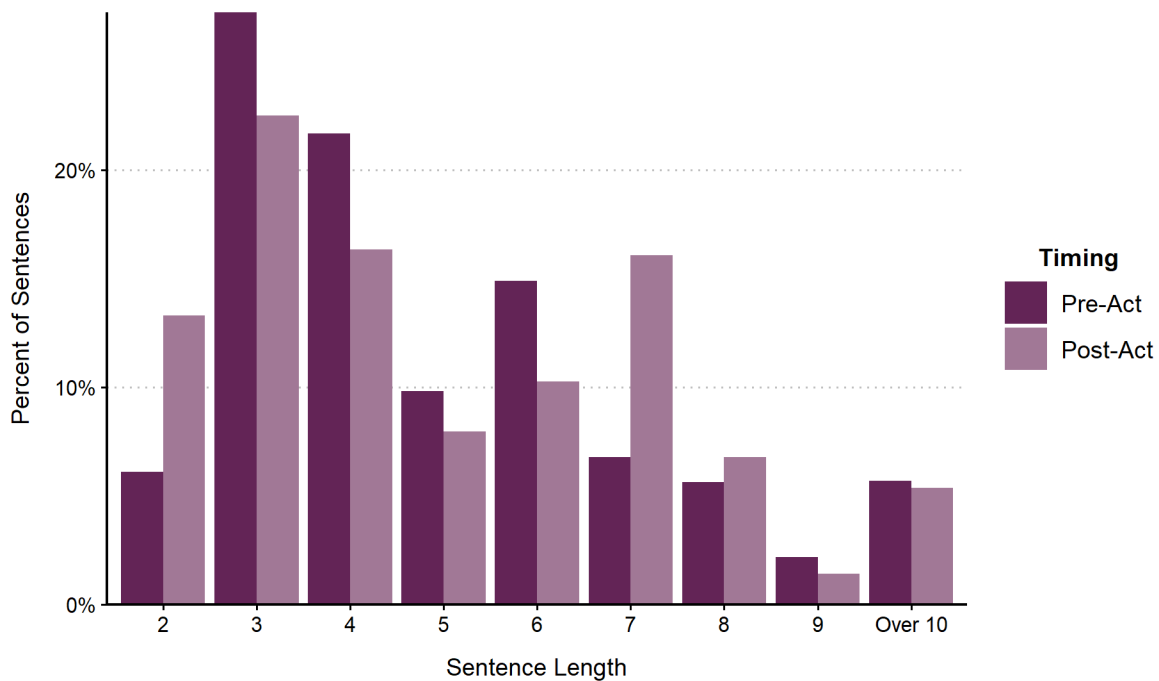
Analyses of Sentence-Level Data – Multivariate Regression Models

The descriptive statistics presented previously are not adjusted for changes over time in demographics, criminal history, case complexity, and other factors. SPAC modeled the change in probability of sentence lengths at or above the new presumptive minimum sentence length using logistic regression models which adjust for these other factors. Sentence lengths were called "longer sentences" if they were at least six years for Agg UUW and seven years for UUW-Felon.

Likelihood for Presumptive Minimum Prison Sentence – Binary Logistic Regression

SPAC used a logistic regression model to examine the impact that variables such as timing, race, sex, sentencing county on the likelihood of receiving a longer sentence, the dependent variable. The primary independent variable to measure the impact of the Act was the timing variable, i.e.post-Act vs. pre-Act sentencing. Our model included additional variables like race, county age, offense class, and criminal history to control for the influence that those may have on the sentence imposed. These control variables allow for SPAC to adjust for the effects that the timing variable had on the sentence imposed while holding all other variables constant. Table 8 shows the results of models for the pooled sample of all Agg UUW and UUW-Felon sentences for those with a qualifying predicate conviction and those without.

Overall, the model estimates that sentences that occurred post-Act were about 2 times as likely to be sentenced at or above the minimum required under the Act compared to sentences that occurred pre-Act for those with prior predicate convictions.[7] The model for those without a predicate conviction shows no statistical difference in the proportion getting a longer sentence between the two time periods.

Table 8: Binary Logistic Model, Entire Sample

Characteristic	All UUW with Prior Predicate			All UUW with No Prior Predicate		
	OR[1]	95% CI[1]	p-value	OR[1]	95% CI[1]	p-value
Timing						
Pre-Act	—	—		—	—	
Post-Act	2.03	1.71, 2.41	<0.001	1.01	0.86, 1.18	>0.9
County						
Non-Cook	—	—		—	—	
Cook	0.42	0.35, 0.52	<0.001	0.24	0.20, 0.29	<0.001
Race						
White	—	—		—	—	
Black	1.67	1.07, 2.68	0.028	0.89	0.72, 1.11	0.3

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[7] Sentences for people who were arrested prior to the effective date of the Act but sentenced after the effective date were not significantly different from sentences that occurred pre-Act.

Characteristic	All UUW with Prior Predicate			All UUW with No Prior Predicate		
	OR[1]	95% CI[1]	p-value	OR[1]	95% CI[1]	p-value
Other	1.29	0.77, 2.21	0.3	0.76	0.54, 1.06	0.11
Age Group						
25 and Over	—	—		—	—	
Under 25	0.77	0.62, 0.95	0.016	0.78	0.65, 0.94	0.009
Offense Class						
2	—	—		—	—	
3	0.10	0.07, 0.15	<0.001	0.25	0.21, 0.31	<0.001
4	0.03	0.02, 0.06	<0.001	0.01	0.00, 0.02	<0.001
Prior Arrests						
0				—	—	
1-5	—	—		0.75	0.46, 1.26	0.3
6-10	1.27	0.97, 1.66	0.084	0.96	0.59, 1.61	0.9
11-15	1.49	1.12, 1.98	0.006	1.09	0.67, 1.85	0.7
16+	1.46	1.10, 1.93	0.008	1.11	0.68, 1.88	0.7
Prior Gun Convictions						
No Prior Gun Conviction	—	—		—	—	
Prior Gun Conviction	0.93	0.68, 1.28	0.6	1.13	0.92, 1.38	0.3
Prior Violent Convictions						
No Prior Violent Conviction	—	—		—	—	
Prior Violent Conviction	1.03	0.86, 1.24	0.7	1.16	0.98, 1.37	0.080
Jailtime (Months)	1.05	1.04, 1.06	<0.001	1.06	1.05, 1.07	<0.001
Pseudo-R^2	0.19			0.25		

[1]OR = Odds Ratio, CI = Confidence Interval

SPAC modeled the probability of getting a longer sentence for only those with a predicate conviction separately for Agg UUW and UUW-Felon sentences (Table 9). Both have different underlying baseline probabilities. Dividing the offenses allows for separate estimates for the change in probability for each offense. Similar to Table 8, demographic and criminal history control variables are included.

The separate models generate similar results to the pooled model in Table 8 with a statistically significant increase in the likelihood of a longer sentence by about 2 times for post-Act Sentences compared to sentences that occurred pre-Act for both Agg UUW and UUW-Felon.[8]

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[8] SPAC also ran alternative models that separated those sentences that had arrests and sentences pre-Act and those that were arrested pre-Act but sentenced post-Act and found that there was no statistically significant difference between the two groups. SPAC also ran the same models with a time restriction, allowing only cases with no more than two years

Overall, these models provide evidence that for those with a prior predicate conviction, the probability of receiving a longer sentence increased if they were arrested and sentenced after the effective date of the Act compared to those arrested and sentenced prior. Only county (Cook being less likely to impose a longer sentence), class (less severe classes were far less likely to receive a longer sentence), and jail time (longer pretrial days credited were predictive of a longer sentence) were consistently statistically significant predictors across both models.

Table 9: Penalized Likelihood Model Prior Predicate Only

	Aggravated UUW with Predicate			UUW Felon with Predicate		
Characteristic	OR[1]	95% CI[1]	p-value	OR[1]	95% CI[1]	p-value
Timing						
Pre-Act	—	—		—	—	
Post-Act	1.92	1.26, 2.91	0.002	1.98	1.63, 2.39	<0.001
County						

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between the arrest and sentence to check for the influence of outliers. The odds of having a longer sentence for those with prior predicate convictions post-Act were slightly larger for the time restricted group.

Characteristic	Aggravated UUW with Predicate			UUW Felon with Predicate		
	OR[1]	95% CI[1]	p-value	OR[1]	95% CI[1]	p-value
Non-Cook	—	—		—	—	
Cook	0.43	0.23, 0.81	0.009	0.39	0.31, 0.49	<0.001
Race						
White	—	—		—	—	
Black	2.28	0.59, 8.77	0.2	1.58	0.97, 2.56	0.065
Other	1.31	0.30, 5.61	0.7	1.31	0.74, 2.30	0.4
Age Group						
25 and Over	—	—		—	—	
Under 25	1.09	0.67, 1.76	0.7	0.70	0.55, 0.89	0.003
Offense Class						
2	—	—		—	—	
4	0.02	0.01, 0.04	<0.001			
3				0.11	0.08, 0.17	<0.001
Prior Arrests						
1-5	—	—		—	—	
6-10	1.18	0.63, 2.19	0.6	1.26	0.93, 1.70	0.13
11-15	1.53	0.78, 3.01	0.2	1.44	1.05, 1.98	0.023
16+	1.33	0.68, 2.59	0.4	1.44	1.06, 1.97	0.019
Prior Gun Convictions						
No Prior Gun Conviction	—	—		—	—	
Prior Gun Conviction	1.79	0.76, 4.25	0.2	0.82	0.58, 1.15	0.2
Prior Violent Convictions						
No Prior Violent Conviction	—	—		—	—	
Prior Violent Conviction	1.49	0.95, 2.33	0.082	1.01	0.82, 1.23	>0.9
Jailtime (Months)	1.04	1.02, 1.06	<0.001	1.06	1.05, 1.07	<0.001
Pseudo-R2	0.36			0.14		

[1]OR = Odds Ratio, CI = Confidence Interval

SPAC Supplemental Sentencing Orders

In early 2020, the Conference of Chief Circuit Judges approved a sentencing order (available in the Appendix) developed by SPAC for Agg UUW and UUW-Felon cases that collected the on the basis for

downward departures. This kind of information is not in the administrative data.[9] The sentencing order was distributed in 2020, but as of October 2022, SPAC had received substantially fewer orders than the number of convictions and sentences in administrative data. SPAC partnered with the AOIC to do outreach to clerks in counties with cases that appeared in the administrative data to meet the criteria for the enhanced sentences. SPAC compiled case lists and the AOIC sent notices out. The response made evident that the sentencing orders were not being used consistently. About half of all forms received were for cases that had no prior predicate convictions.

The vast majority of forms received were from outside of Cook County. The most common predicate offenses identified were for prior Agg UUW or UUW-Felon convictions. The most common departure reasons were the nature of the current or past offenses, the time elapsed since the predicate convictions, and in the interest of rehabilitation. As of this report, SPAC is not confident that the forms received comprise a representative sample sufficient to provide valid or reliable numerical estimates for the departure reasons.

Going forward, SPAC will work to connect with judges, prosecutors, and defense attorneys to advocate and educate about the importance of using the sentencing order to collect the data needed to provide a more robust analysis. This experience highlights the need to address data collection statutorily when policymakers require impact analysis or evaluation of new programs.

Conclusion

The Safe Neighborhoods Reform Act was developed using data analysis to target repeat offenders with specific criminal histories rather than passing a blanket sentence enhancement for Agg UUW and UUW-Felon. The goal was to limit its application to people with more serious risks of future violence. The results presented show that after the Act became law the likelihood of receiving a longer sentence in cases with a prior predicate increased. The results also indicate that the Act did not have the unintended consequence of increasing sentence lengths for all individuals who were sentenced for Agg UUW or UUW-Felon. Data on departures from the presumptive minimum sentences are not currently adequate to provide estimates. Going forward SPAC will continue to work on resolving data collection issues and analyzing the outcomes the Act produces. In the final analysis this bill demonstrates that it is possible to use data analysis to target more specific groups or conduct without producing negative unintended consequences. It also demonstrates that change is incremental. As more of these cases are resolved there may be changes in the likelihood or extent of longer sentences for repeat offenders. SPAC will continue to update this analysis as new data becomes available.

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[9] https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/c23ee56d-15ad-43a6-85bb-582c6887fff3/Unlawful%20Use%20of%20a%20Weapon.pdf

Appendix A

The regression models presented previously used maximum likelihood estimation for the full sample (Table 8) and penalized likelihood estimation for the smaller subset of only those with prior predicate convictions (Table 9). The penalized likelihood models adjusts for potential bias that may occur using maximum likelihood estimation when the number of cases in the model is smaller. The regression models in these analyses primarily used nominal and ordinal independent variables. A reference category exists for each of these which the estimated change in the odds ratios or mean sentence is calculated against. For example, if there is an estimated 1.5 odds ratio for Cook County sentences, it is interpreted as 1.5 times the odds of the reference category (in this case, non-Cook County sentences).

The following describe the variables and reference categories:

- Timing: reference category is pre-Act sentences, estimates are for post-Act sentences.

- County: reference category is non-Cook County sentences; estimate is for Cook County sentences.

- Race: reference category is white-sentenced people, the estimates are for black and other (Hispanic, Asian, etc.) sentenced people.

- Age: reference category is for people under 25 years old, the estimates are for 25 years old and above.

- Offense Class: For Agg UUW, the reference category is for Class 3 sentences and the estimates are for Class 4 sentences. For UUW Felon, the reference category is for Class 3 sentences and the estimates are for Class 2 sentences.

- Any prior gun convictions: reference category is for those without any prior convictions involving a firearm, estimates are for those with at least one prior conviction involving a firearm.

- Any prior violent convictions: reference category is for those without any prior violent convictions, estimates are for those with at least one prior violent conviction. Violent convictions are as defined in the Rights of Crime Victims and Witnesses Act, 725 ILCS 120/1, et seq.

- Prior arrests: reference category is for those with 16+ prior arrests, estimates are for those with 0, 1-5, 6-10, and 11-15 prior arrests.

- Jail time is not entered as ordinal or nominal and is instead entered as continuous, calculated in months.

Table 10: Current Offense Statistics for All Sentences Analyzed

Characteristic	Agg UUW N = 6,045[1]	UUW Felon N = 9,366[1]
Jail Time	271 (200)	309 (236)
Unknown	60	193
Case Time	411 (310)	423 (323)
Unknown	153	532
Sentence Years	2.03 (1.17)	4.39 (4.00)
Days to Serve	730 (420)	1,581 (1,440)

[1]Mean (Median)

Table 11: Priors for All Sentences Analyzed

Characteristic	Agg UUW		UUW Felon	
	Count[1]	Percent[1]	Count[1]	Percent[1]
Prior Gun Convictions				
No Prior Gun Conviction	4,705	79.7%	5,332	60.1%
Prior Gun Conviction	1,201	20.3%	3,540	39.9%
Unknown	139	139	494	494
Prior Violent Convictions				
No Prior Violent Conviction	4,972	84.2%	5,146	58.0%
Prior Violent Conviction	934	15.8%	3,726	42.0%
Unknown	139	139	494	494
Prior Arrests	7 (5)	7 (5)	12 (10)	12 (10)
Prior Convictions	1 (0)	1 (0)	3 (2)	3 (2)

[1]Mean (Median)

IN THE CIRCUIT COURT OF _____ COUNTY, ILLINOIS

_____ JUDICIAL CIRCUIT

SUPPLEMENTAL SENTENCING ORDER PURSUANT TO 730 ILCS 5/5-4.5-110 (DIVERSION FROM PRESUMPTIVE SENTENCING RANGE)

People of the State of Illinois,
 	
      Plaintiff
v.
 	
_____,
 	
      Defendant
	Case No: _____

1. Pursuant to the Unified Code of Corrections (730 ILCS 5/5-4.5-110(b)), the court finds that the defendant has been found guilty of:

☐ Unlawful Use of a Weapon (a firearm) by a Felon, 720 ILCS 5/24-1.1, Class: _____

☐ Aggravated Unlawful Use of a Weapon (a firearm), 720 ILCS 5/24-1.6, Class: .

and is eligible for sentencing pursuant to 730 ILCS 5/5-4.5-110(c) based on the defendant's criminal history which includes the following **qualifying predicates**:

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□ Aggravated unlawful use of a weapon under 720 ILCS 5/24-1.6, when the weapon is a firearm □ Unlawful use or possession of a weapon by a felon under § 24-1.1, when the weapon is a firearm □ First degree murder under § 9-1 □ Attempted first degree murder with a firearm □ Aggravated kidnapping with a firearm under § 10-2(a)(6) or (a)(7) □ Aggravated battery with a firearm under § 12-3.05(e) □ Predatory criminal sexual assault of child under § 11-1.40	□ Armed robbery under § 18-2 □ Vehicular hijacking under § 18-3 □ Aggravated vehicular hijacking under § 18-4 □ Home invasion with firearm under § 19-6(a)(3), (4), or (5) □ Aggravated discharge of a firearm under § 24-1.2 □ Unlawful sale or delivery of firearms under § 24-3 □ Defacing identification marks of firearms under § 24-5 □ Armed violence under § 33A-2 □ Other qualifying predicate(s): _____ _____

2. It is hereby ordered:

- □   A. The defendant is sentenced to a term of _____ years in the custody of the Department of Corrections, which is within the presumptive sentencing range pursuant to 730 ILCS 5/5-4.5-110(c); or

- □   B.   Pursuant to 730 ILCS 5/5-4.5-110(d)(2) there is a substantial and compelling justification that the sentence within the presumptive sentencing range would be unduly harsh and that a sentence otherwise authorized by law would be consistent with public safety and does not deprecate the seriousness of the offense. Therefore, the court departs from the presumptive sentencing range for the reason[s] listed below. The defendant is sentenced to a term of _____ years in the custody of the Department of Corrections.

□ The age, immaturity, or limited mental capacity of the defendant at the time of commission of the qualifying predicate or current offense, including whether the defendant was suffering from a mental or physical condition insufficient to constitute a defense but significantly reduced the defendant's culpability; □ The nature and circumstances of the qualifying predicate offense; □ The time elapsed since the qualifying predicate offense; The nature and circumstances of the current offense; ☐ The defendant's prior criminal history;	□ The defendant committed the qualifying predicate or current offense under specific and credible duress, coercion, threat, or compulsion; □ The defendant aided in the apprehension of another felon or testified truthfully on behalf of another prosecution of a felony; and □ Departure is in the interest of the person's rehabilitation, including employment or educational or vocational training, after taking into account any past rehabilitation efforts or dispositions of probation or supervision, and the defendant's cooperation or response to rehabilitation.

ENTERED: Date: _____

_____   _____

Judge   Judge No.

The following data is requested to facilitate analysis of the impact of 730 ILCS 5/5-4.5-110 as required by 730 ILCS 5 5/5-8-8(d)(4.5):

Date of arrest: _____

Defendant's date of birth: _____ Other convictions from this

arrest:

 Offense: Citation:

_____   _____

_____   _____

Statutory Requirements for Departure From Presumptive Sentencing Range

At the sentencing hearing conducted under 730 ILCS 5/5-4-1, the court may depart from the presumptive sentencing range provided in 730 ILCS 5/5-4.5-110(c) and impose a sentence otherwise authorized by law for the offense if the court, after considering any factor under 730 ILCS 5/5-4.5-110(d)(2) relevant to the nature and circumstances of the crime and to the history and character of the defendant, finds on the record substantial and compelling justification that the sentence within the presumptive sentencing range would be unduly harsh and that a sentence otherwise authorized by law would be consistent with public safety and does not deprecate the seriousness of the offense. *See* 730 ILCS 5/5-4.5-110(d)(1).

When departing from the presumptive sentencing range under 730 ILCS 5/5-4.5-110(c), the court shall specify on the record, the particular evidence, information, factor or factors, or other reasons which led to the departure from the presumptive sentencing range. When departing from the presumptive sentencing range, the court shall indicate on this form which departure factor or factors led to the sentence imposed. The sentencing order shall be filed with the clerk of the court and shall be a public record. *See* 730 ILCS 5/5-4.5-110(d)(3).

Definitions for purposes of 730 ILCS 5/5-4.5-110

"Firearm" has the meaning ascribed to it in Section 1.1 of the Firearm Owners Identification Card Act (430 ILCS 65/1.1). "Qualifying predicate offense" means the following offenses under the Criminal Code of 2012:

(A) Aggravated unlawful use of a weapon under Section 24-1.6 or similar offense under the Criminal Code of 1961, when the weapon is a firearm;

(B) Unlawful use or possession of a weapon by a felon under Section 24-1.1 or similar offense under the Criminal Code of 1961, when the weapon is a firearm;

(C) First degree murder under Section 9-1 or similar offense under the Criminal Code of 1961;

(D) Attempted first degree murder with a firearm or similar offense under the Criminal Code of 1961;

(E) Aggravated kidnapping with a firearm under paragraph (6) or (7) of subsection (a) of Section 10-2 or similar offense under the Criminal Code of 1961;

(F) Aggravated battery with a firearm under subsection (e) of Section 12-3.05 or similar offense under the Criminal Code of 1961;

(G) Aggravated criminal sexual assault under Section 11-1.30 or similar offense under the Criminal Code of 1961;

(H) Predatory criminal sexual assault of a child under Section 11-1.40 or similar offense under the

Criminal Code of 1961;
(I)   Armed robbery under Section 18-2 or similar offense under the Criminal Code of 1961;
(J)   Vehicular hijacking under Section 18-3 or similar offense under the Criminal Code of 1961;
(K)   Aggravated vehicular hijacking under Section 18-4 or similar offense under the Criminal Code of 1961;
(L)   Home invasion with a firearm under paragraph (3), (4), or (5) of subsection (a) of Section 19-6 or
        similar offense under the Criminal Code of 1961;
(M)   Aggravated discharge of a firearm under Section 24-1.2 or similar offense under the Criminal Code of
        1961;
(N)   Aggravated discharge of a machine gun or a firearm equipped with a devise designed or used for
        silencing the report of a firearm under Section 24-1.2-5 or similar offense under the Criminal Code
        of 1961;
(O)   Unlawful use of firearm projectiles under Section 24-2.1 or similar offense under the Criminal Code of
        1961;
(P)   Manufacture, sale, or transfer of bullets or shells represented to be armor piercing bullets, dragon's
        breath shotgun shells, bolo shells, or flechette shells under Section 24-2.2 or similar offense under
        the Criminal Code of 1961;
(Q)   Unlawful sale or delivery of firearms under Section 24-3 or similar offense under the Criminal Code of
        1961;
(R)   Unlawful discharge of firearm projectiles under Section 24-3.2 or similar offense under the
        Criminal Code of   1961;
(S)   Unlawful sale or delivery of firearms on school premises of any school under Section 24-3.3 or
        similar offense under the Criminal Code of 1961;
(T)   Unlawful purchase of a firearm under Section 24-3.5 or similar offense under the Criminal Code of 1961;
(U)   Use of a stolen firearm in the commission of an offense under Section 24-3.7 or similar offense under
        the Criminal Code of 1961;
(V)   Possession of a stolen firearm under Section 24-3.8 or similar offense under the Criminal Code of 1961;
(W)   Aggravated possession of a stolen firearm under Section 24-3.9 or similar offense under the
        Criminal Code of 1961;
(X)   Gunrunning under Section 24-3A or similar offense under the Criminal Code of 1961;
(Y)   Defacing identification marks of firearms under Section 24-5 or similar offense under the Criminal Code
        of 1961;
(Z)   Armed violence under Section 33A-2 or similar offense under the Criminal Code of 1961.
See 730 ILCS 5/5-4.5-110(a).