



HOUSE BILL 2367 (AS INTRODUCED)

104th General Assembly - Spring 2025

IMPACT ANALYSIS

Summary Information

Population Change

- 5,400 fewer people in the Illinois Department of Corrections

Costs Change

- \$104.8 million saved in the first three years
- \$959.4 million in long-term savings to the State

Bill Summary

House Bill 2367 ([HB2367](#)) eliminates all Truth in Sentencing laws (TIS) percentage restrictions for new and current sentences.

All incarcerated persons currently subject to TIS, except those serving natural life sentences, would become eligible for day for day sentence credit instead of the current restrictions of 0 days, 4.5 days, or 7.5 days per month.

HB2367 requires the Illinois Department of Corrections to recalculate release dates for those affected within six months of the bill's effective date.

The bill also updates terminology, changing references from “inmates” to “incarcerated persons.”

Outcomes

HB2367 would remove TIS sentence credit restrictions of 75%, 85%, and 100% for people who are incarcerated. Moving forward, this proposal would provide day for day credit to all people serving non-life sentences in IDOC.

The requirement to recalculate release dates for people currently in custody would result in them receiving day for day credit for time already served.

The changes would increase access to sentence and programming credits—shortening length of stay.

Ultimately, HB2367 would reduce prison population.

Impacts

1.) Demographic Impact (Page 8)

- 53% of TIS admissions were Black
- 28% of TIS admissions were White
- 18% of TIS admissions were Hispanic

2.) Fiscal Impact (Page 14)

- Costs Avoided in First Three Years: \$104.8 million
- Total Projected Savings: \$959.4 million

3.) Victimization Impact (Page 19)

- Additional Victimization Costs: \$28.1 million



Illinois Sentencing Policy Advisory Council

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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.



Illinois Sentencing Policy Advisory Council

HOUSE BILL 2367 (INTRODUCED)

730 ILCS 5/3-6-3

Truth in Sentencing and Sentence Credits

Impact Analysis

First Year Potential Prison Population Change: **-5,400 People**

Short-Term Potential Net Present Value of Cost Decrease Over Three Years: **\$104,796,113**

Total Long-Term Potential Net Present Value of Cost Decrease Over Three Years: **\$959,396,046**

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Introduction

The Illinois Sentencing Policy Advisory Council (SPAC) is mandated to review sentencing policies and practices and examine how these policies and practices impact the criminal justice system in Illinois. One of SPAC's duties is to analyze data relevant to proposed sentencing legislation and its effect on current policies or practices.¹ SPAC monitors legislation and prepares impact statements when the data are available, valid, and reliable. These impact statements do not endorse or recommend any particular action on the legislation filed but instead are intended to inform the legislature and the public about the potential impact of legislation on the sentenced population.

¹ 730 ILCS 5/5-8-8.

This impact statement first summarizes the bill and explains the proposed changes. It then presents data on prison admissions and the prison population to identify how many persons would be impacted by the proposed changes had they been in effect for the past three years. This impact analysis then provides a projection on how the prison population would be impacted should the bill go into effect. Finally, SPAC provides a fiscal analysis by identifying cost changes associated if the bill were to pass.

Additional information about our impact analyses, projections, and costs are published in the [2024 Data, Costs, and Baseline Projection for Impact Analyses](#) document on our website.

Bill Summary

House Bill 2367 ([HB2367](#), as introduced) amends Section 3-6-3 of the Unified Code of Corrections. This section provides the rules and regulations surrounding sentence credits for people serving sentences in the Illinois Department of Corrections. For most offenses, incarcerated people are able to earn sentence credit for each day served as well as for other activities including work and education. This is often referred to as day for day credit. However, incarcerated people convicted of certain specified offenses are required to serve a minimum of 75%, 85%, or 100% of their sentence, depending on the offense. Sentence credits cannot reduce an incarcerated person's sentence beyond these thresholds if they are serving a sentence for an applicable offense. These restrictions are often referred to as Truth in Sentencing (TIS). A listing of all TIS offenses, including the minimum required percentage to be served, the public act that add the TIS restrictions, and the effective date is available in the Appendix.

HB2367 would eliminate these percentage requirements and make every incarcerated person eligible for one day of sentence credit for every day served, except for those serving life sentences. HB2367 also requires that the Illinois Department of Corrections recalculate the release date for incarcerated person's serving sentences that would be impacted by the legislation, in effect granting sentence credit for time already served within IDOC as well as treating any time remaining on the sentence as eligible for day for day credit. This recalculation would need to be completed within 6 months of its effective date.

Additionally, HB2367 provides that people serving a term of natural life imprisonment shall be eligible to earn sentence credit, which can be applied to their sentence if it is reduced to something less than a term of natural life imprisonment. This is not allowed under current law. Finally, the proposal revises language to describe those previously known as "prisoners" or "inmates" as "incarcerated persons".

SPAC was able to estimate the impact from eliminating TIS provisions and shifting to day for day sentence credit allowance for all incarcerated people.

Data and Methodology Overview

SPAC utilized data from the Illinois Department of Corrections (IDOC) Planning and Research Division from the past three fiscal years, 2022 through 2024, to determine what the impact of these policies would have been had they been in effect.

Illinois Department of Corrections (IDOC) Data

Prison and parole admissions, exits, and population census data come from IDOC's Planning and Research Division. The IDOC data includes detailed demographic information as well as sentencing and offense-level data, including sentence characteristics, offense type and class, prior incarcerations, admission and exit types, programming credits for exits, projected and actual parole dates, and pre-trial credited time from mittimus, among other information.

Methodology Overview

To calculate the cost of the criminal justice system and how it would have been expected to change had HB2367 been in effect for the past three fiscal years, SPAC used IDOC data on (a) the number of prison admissions and the prison population sentenced for TIS offenses, (b) the average lengths of stay in IDOC facilities, and (c) past spending on prisons and mandatory supervised release.² SPAC used only variable cost changes in the incarcerated population and did not estimate costs for staffing changes.

SPAC estimated the impact of HB2367 on lengths of stay as follows:

- Each person admitted to prison or in the prison population had the total length of their sentence(s) calculated using their projected length of stay, TIS percentage and pre-trial detention. This calculation factored in the estimated length of stay and the TIS percentage associated with their primary holding offense. This calculation was made by multiplying a person's total length of stay by the corresponding TIS percentage.
- Projected lengths of stay and release dates were then adjusted to reflect the elimination of TIS percentages under HB2367, with 50% as the new percentage assumption. The projected length of stay was calculated by multiplying a person's total sentence length by 50% as opposed to its prior corresponding TIS percentage.
- Those currently subject to TIS credit restrictions would also potentially be eligible for programming and earned discretionary sentences. SPAC did not estimate any additional credits beyond day for day sentence credits in cost calculations. As a result, our estimated cost decreases may be underestimated.

² Local costs were estimated from SPAC survey of county budgets and adjusted for inflation, https://archive.icjia.cloud/files/spac/Quantifying_County_Adult_Criminal_Justice_Costs_in_Illinois_120616-20200106T17365237.pdf.

- Projected lengths of stay and release dates were adjusted for mortality using recent Centers for Disease Control life tables.³
- The total cost of incarceration for each person was estimated under the current system and under the reductions from HB2367, with costs discounted in the future using a 3% social discount rate.
- The projected exit date from prison onto MSR was changed to reflect the reduced length of stay in prison and the net present costs were re-estimated, with costs discounted in the future using a 3% social discount rate. The vast majority of people on MSR are discharged within three years but some offenses involve a post-release supervision period of up to life. All MSR terms are capped at 6 years for this analysis.
- The same methodology was applied to the June 30th, 2021 prison population to assess the impact of HB2367 over the past three years, adjusting costs to reflect the remaining time people spent in prison.
- Life sentences are excluded in all analyses.

³ Arias E, Xu JQ, Tejada-Vera B, Murphy SL, Bastian B. U.S. state life tables, 2020. National Vital Statistics Reports; vol 71 no 2. Hyattsville, MD: National Center for Health Statistics. 2022. DOI: <https://dx.doi.org/10.15620/cdc:118271>.

Prison Data

SPAC used Illinois Department of Corrections (IDOC) data from fiscal years 2022 through 2024 to provide an offense class breakdown of IDOC new sentence **admissions** and the **population** data for offenses amended by HB2367 in Table 1, which are all TIS offenses. Table 1 also provides the average jail credit, sentence, length of stay from TIS prison exits, projected length of stay from prison admissions, age at custody, and number of prior incarcerations.

Table 1: Total Prison Admissions, Population, Average Jail Credits, Sentence Length, and Length of Stay by Offense Class

	Truth in Sentencing Percentage		
	100%	85%	75%
Class M Admissions	615	0	0
Class X Admissions	0	1,920	152
Class 1 Admissions	0	676	15
Class 2 Admissions	0	764	2
Class 4 Admissions	0	60	0
Total Admissions	615	3,420	169
Class M Population	4,343	5	0
Class X Population	0	6,104	266
Class 1 Population	0	1,054	12
Class 2 Population	0	813	2
Class 4 Population	0	52	0
Total Population	4,343	8,028	280
Average Jail Credit	5.4	2.0	1.3
Average Sentence	38.5	10.6	11.4
Average Length of Stay, FY 2022 - 2024 Prison Exits	15.2	6.9	6.1
Average Projected Length of Stay	41.3	11.2	8.2
Average Age of Custody	29.11	33.36	37.13
Average Number of Prior Incarcerations	0.78	0.78	0.92

Note: Average jail credit and sentence length are from prison admissions and length of stay is from prison exits, all measured in years. Average projected length of stay is also from prison admissions and is based on the time difference, in years, between a person's custody date and the date that they are projected to exit prison onto mandatory supervised release (MSR). Life sentences are excluded. 85% Class M offenses are intentional homicide of an unborn child, 720 ILCS 5/9-1.2.

Additionally, SPAC used Illinois Department of Corrections (IDOC) data from fiscal years 2022 through 2024 to identify **admissions** and the June 30th, 2024 prison **population** for specific offense types amended by HB2367, which are provided in Table 2.

Table 2: Total Prison Admissions and Population by Offense Type

Offense Type	Truth in Sentencing Percentage		
	100%	85%	75%
Homicide	615	281	39
Armed Robbery	0	26	0
Armed Violence	0	6	0
Arson	0	28	0
Assault and Battery	0	1,018	0
DUI (Liquor)	0	249	0
Home Invasion	0	1	0
Kidnapping	0	47	0
Residential Burglary	0	20	0
Sexual Assault	0	1,036	0
Weapons Possession	0	708	8
Controlled Substance Violation	0	0	121
Bribery	0	0	1
Total Admissions	615	3,420	169
Homicide	4,343	1,129	70
Armed Robbery	0	112	0
Armed Violence	0	31	0
Arson	0	54	0
Assault and Battery	0	1,680	0
DUI (Liquor)	0	312	0
Home Invasion	0	49	0
Kidnapping	0	217	0
Residential Burglary	0	46	0
Sexual Assault	0	3,442	0
Weapons Possession	0	956	6
Controlled Substance Violation	0	0	203
Bribery	0	0	1
Total Population	4,343	8,028	280

Note: Life sentences are excluded.

Table 3 shows demographics for new court admissions and the prison population that were admitted on a TIS sentence of 75%, 85%, or 100% and would have been impacted by HB2367. Demographic characteristics analyzed include race, sex, region, and age group.

Table 3: Demographics of Admissions to DOC FY 2022 through FY 2024

Characteristic	FY 2022 - 2024 Admissions		June 30, 2024 Prison Population	
	Count	Percent	Count	Percent
Race				
Black	2,237	53.2%	6,942	54.9%
White	1,171	27.9%	3,352	26.5%
Hispanic	744	17.7%	2,243	17.7%
Other	52	1.2%	114	0.9%
Sex				
Female	212	5.0%	570	4.5%
Male	3,992	95.0%	12,081	95.5%
Region				
Cook	1,811	43.1%	6,096	48.2%
Collar	550	13.1%	1,584	12.5%
Urban	1,114	26.5%	3,092	24.4%
Rural	727	17.3%	1,878	14.8%
Age Group				
18 to 24 years	797	19.1%	617	4.9%
25 to 34 years	1,569	37.6%	3,373	27.0%
35 to 44 years	1,057	25.3%	4,229	33.9%
45 to 54 years	493	11.8%	2,581	20.7%
Over 55 years	258	6.2%	1,670	13.4%
Total	4,204	-	12,651	-

Note: Technical violators, consecutive sentences, and sexually dangerous person commitments are excluded.

Prison Population Projection

The potential impact of HB2367 on the prison population shows about a 4,200 to 5,400 decrease in the prison population in the first year and a long-term reduction of about 7,100 to 7,400 people. The decrease is from eliminating TIS credit restrictions for people currently incarcerated and future prison admissions.

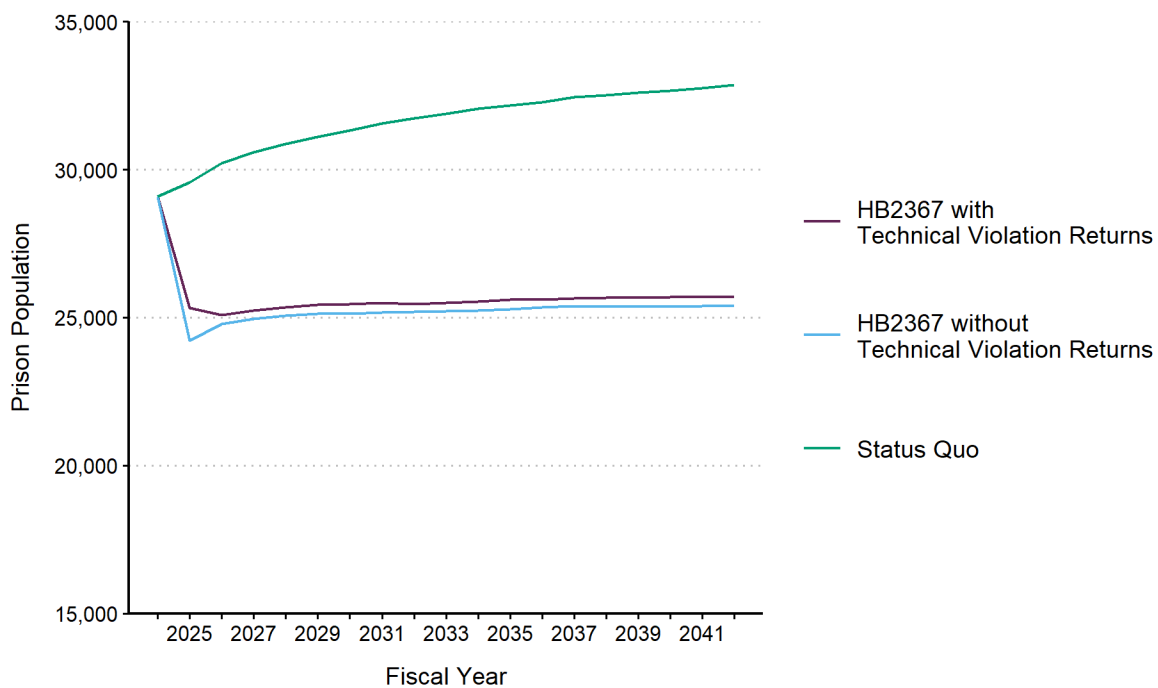
The long-term reduction in the prison population is partially dependent on the technical violation return rate. SPAC calculated a status quo projection and two projections for HB2367 that differ based on treatment of technical violations. In calculating the status quo projection, SPAC assumed that admissions, sentences, and IDOC discretionary sentence credit awards would remain consistent with FY 2024 admissions and recent exits. This assumes no changes to TIS. The status quo population projection estimate for June 30, 2025 is about 29,600, which then increases by about 200 people on average per year.

The first HB2367 projection assumes that none of the people who would exit from prison because of changes to their TIS credit calculations would return to prison for a technical violation. This projection shows a decrease of about 5,400 people in the first year and a long-term reduction of about 7,400 by 2042. This reduction is attributable to shortened lengths of stay resulting from recalculation in the first year after the bill would go into effect. After the initial decline in the prison population, the population is projected to gradually increase and then level out, stabilizing around 25,400 people by 2042.

The second HB2367 projection assumes that technical violation admissions to prison would approximate patterns in recent years for those exiting on TIS offenses. This would reduce the size of the potential impact by about 1,000 people in the first year, and the average length of stay for a technical violation is typically about one year or less. Therefore, technical violations would reduce the size of the population change initially, but the reduction would be modest and would in effect delay the release from prison for those who immediately violate MSR conditions. The probabilities and technical violation lengths of stay are available in the appendix.

Overall, HB2367 would decrease the size of the prison population, but the size of the decrease would depend on the technical violation rate. Figure 1 shows the status quo projection and both HB2367 projections.

Figure 1: SPAC Prison Population Projection - HB2367



Prison Population Projection Breakdown

Under HB2367, the prison population is projected to decrease from around 29,000 to about 24,200 within the first year after the bill’s effective date (i.e. 2024 to 2025). In the absence of HB2367, the status quo population is projected to increase from about 29,000 to about 29,600 by 2025. Thus, the prison population is projected to decrease by about 5,400 people within the first year of HB2367 relative to the status quo population projection, unless recidivism and technical violations decrease the size of the reduction.

These 5,400 people, or “initial exits”, represent all people who would still be in prison in the first year if the law was unchanged, but would be released within the first year if HB2376 were to go into effect. A demographic characteristic breakdown of these initial exits is provided in Table 4.

Table 4: Initial Exits Demographics

Characteristic	June 30, 2025 Projected Prison Population	
	Count	Percent
Race		
Black	3,055	56.4%
Hispanic	1,008	18.6%
Other/Unknown	44	0.8%
White	1,312	24.2%
Sex		
Male	5,145	94.9%
Female	274	5.1%
Region		
Cook	2,909	53.7%
Collar	665	12.3%
Urban	1,191	22.0%
Rural	653	12.1%
Age Group		
18 to 24 years	148	2.8%
25 to 34 years	1,184	22.2%
35 to 44 years	1,804	33.8%
45 to 54 years	1,285	24.1%
Over 55 years	911	17.1%
Total	5,419	

Note: Technical violators, consecutive sentences, and sexually dangerous person commitments are excluded.

An offense-class breakdown of initial exits is provided in Table 5, as well as the average jail credit, sentence, age of custody, and number of previous incarcerations. Based on the numbers provided in Table 5, SPAC estimates that the majority of initial exits will be comprised of 85% TIS Class X and 100% TIS first-degree murder offenses.

Table 5: Initial Exits by Offense Class

Offense Class	Truth in Sentencing Percentage		
	100% TIS	85% TIS	75% TIS
Class M Offenses	1,579	7	0
Class X Offenses	0	2,736	110
Class 1 Offenses	0	499	4
Class 2 Offenses	0	421	0
Class 4 Offenses	0	27	0
Total Offenses	1,579	3,690	114
Average Jail Credit	3.5	1.9	1.6
Average Sentence	27.2	7.3	9.0
Average Age of Exit	45.9	42.6	44.1
Average Projected Age of Exit	56.2	46.2	46.3
Average Number of Prior Incarcerations	1.2	0.8	0.8

Note: Average Projected Age of Exit estimates the average age of exit in the absence of HB2367.

An offense-type breakdown of these initial exits is provided in Table 6. All 100% TIS offenses would be Class M, or first degree murder offenses, one form of homicide. The majority of 85% TIS offenses would be composed of other forms of homicide, weapons possession, assault and battery, and sexual assault. Seventy-five percent TIS (75% TIS) offenses would be primarily composed of controlled substance violations.

Table 6: Initial Exits by Offense Type

Offense Type	Truth in Sentencing Percentage		
	100% TIS	85% TIS	75% TIS
Homicide*	1,579	456	33
Kidnapping	0	110	0
Assault and Battery	0	928	0
Home Invasion	0	35	0
Armed Robbery	0	38	0
Residential Burglary	0	16	0
Arson	0	34	0
Weapons Possession	0	500	1
Armed Violence	0	19	0
Sexual Assault	0	1,412	0
DUI (Liquor)	0	142	0
Controlled Substance Violation	0	0	80
Total Offenses	1,579	3,690	114

* The homicide offense type is primarily composed of first degree murder and attempted murder offenses.

Cost Analysis Summary

This section broadly shows the SPAC estimates for the total government cost changes and changes within each cost center had HB2367 been in effect from fiscal years 2022 to 2024. The costs shown in this analysis are: (1) the total marginal costs for the complete prison and MSR length of stay of people **admitted** to prison from fiscal years 2022 to 2024, and (2) the total marginal costs for the **remaining** prison length of stay and MSR length of stay for people in the prison **population** on June 30, 2021.

The cost estimates include costs for incarceration and supervision from fiscal years 2022 to 2024 and in the future, with costs incurred in the future discounted to reflect the time value of money. More detailed cost analyses are provided in the next section. An explanation and formula for discounting costs is available in the Appendix. The fiscal analysis without discounted future values is available upon request.

This cost analysis assumes that people who exit prison under HB2367 do not return to prison for a technical violation. A cost analysis that assumes technical violation rates and lengths of stay would be similar to recent patterns in technical violation readmission to prison is available in the Appendix. These cost analyses are similar because only a relatively small portion of those exiting would return for a technical violation- and would typically be incarcerated for an additional year or less in prison. This would result in a cost shift- from time on MSR to IDOC for the costs of the time spent in prison on the technical violation.

Table 7 compares the current costs with the proposed costs had HB2367 been in effect for the last three years. SPAC did not estimate any changes impacting local costs (probation and jails operated by counties) from HB2367 and therefore this table includes only cost changes for state government. Overall, costs would have decreased by \$987,535,373 under this proposal. Victimitizations occurring sooner due to reductions in length of stay in prison and increased victimization rates from people exiting at a younger age were estimated to increase costs by \$28,139,327 (see Table 13), and are added to the total difference in this table to produce the estimated net present value decrease of \$959,396,046 in costs over the past three years.

Table 7: Total Government Cost Changes Over Three Years

Group	Total Current Cost	Total Proposed Cost	Total Cost Difference
Admissions	\$470,044,562	\$302,927,834	\$167,116,728
Population	\$1,597,946,072	\$777,527,427	\$820,418,645
Total	\$2,067,990,633	\$1,080,455,261	\$987,535,373

Figure 2 shows the costs avoided through fiscal year 2050. Initially, prison costs are avoided but partially offset by the increase in costs for MSR that would be required sooner from HB2367. In the short-term, \$104,796,113, or 11%, of costs avoided would have occurred in the first three years.

Figure 2: HB2367 Changes in Cost over Time

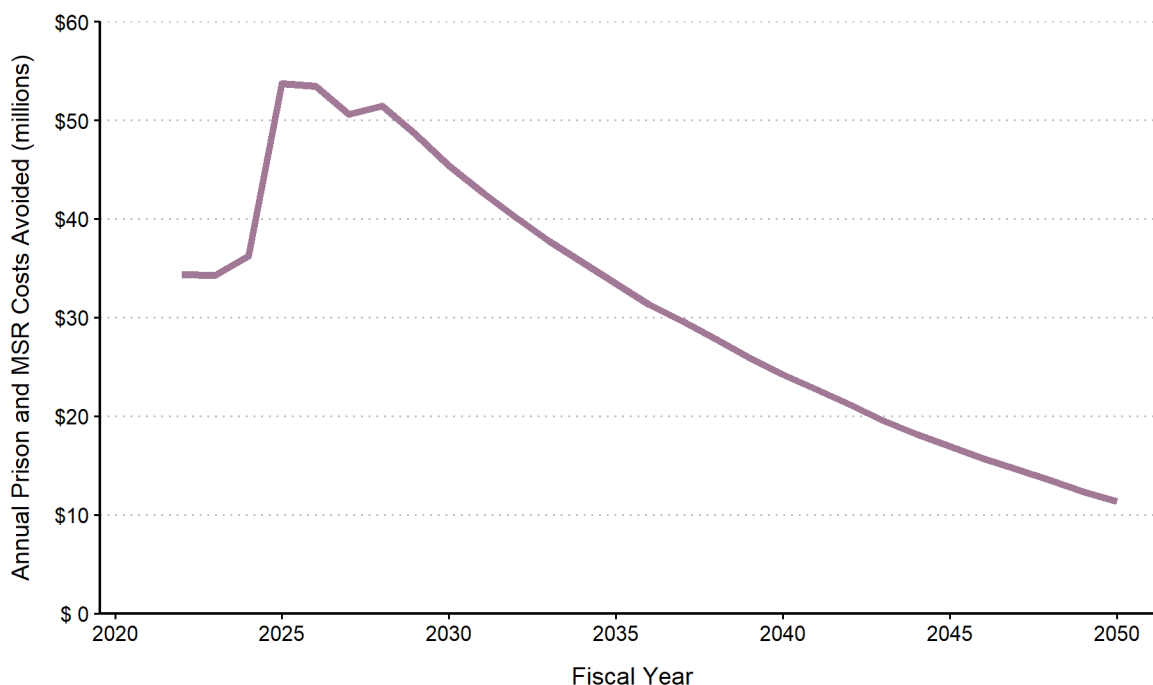


Table 8 breaks down the government cost changes into prison and MSR cost centers to see the specific change had HB2367 been in effect for the last three years on each cost center. As previously mentioned, SPAC does not estimate any changes to pretrial (jail) or probation and excluded these from the table.

Table 8: Government Cost Center Changes

Cost Center	Admissions			Population		
	Current Cost	Proposed Cost	Cost Change	Current Cost	Proposed Cost	Cost Change
Prison	\$419,489,010	\$245,574,908	\$-173,914,102	\$1,447,955,822	\$582,815,256	\$-865,140,566
MSR	\$50,555,552	\$57,352,925	\$6,797,374	\$149,990,249	\$194,712,171	\$44,721,922

Cost Analysis Breakdown

The following describes the impact that HB2367 would have on the different areas of the Illinois criminal justice system. A narrative section describes each impact and how SPAC estimated the dollar value of the impact.

Impact of Proposed Legislation on County Jails

Costs avoided over three years: **\$0**

HB2367 would not have impacted the cost for county jails. This is because HB2367 changes the amount of sentence credits that people can earn for day for day requirements but does not change the amount of time that people will spend in jail pretrial. Because the time people spend in jail pretrial will not change, the cost will neither increase nor decrease.

Impact of Proposed Legislation on Local Probation

Costs avoided over three years: **\$0**

HB2367 would not have impacted the cost for local probation. This is because HB2367 changes the amount of sentence credits that people can earn for day for day requirements but does not change the amount of time that people will spend on probation. Because the time people spend on probation will not change, the cost will neither increase nor decrease.

Impact of Proposed Legislation on State Prisons

Costs avoided over three years: **\$1,039,054,668**

HB2367 would have decreased the cost for state prisons. This is because HB2367 mandates that people in prison for offenses under truth in sentencing requirements would now be eligible to earn day for day credits. This means that instead of being required to serve 75%, 85%, or 100% of their sentence, people would now only be required to serve 50% of their sentence⁴. Because people would have been in prison for a shorter length of time, the cost incurred by state prisons would decrease.

To determine the proposed cost of this legislation on state prisons, SPAC estimated the total prison costs that would have occurred had these policies been in place from FY 2022 to 2024 for the **admissions** during those years and the **population** beginning in FY 2022. For each year, beginning with 2022, SPAC estimated how much of the year each person would be incarcerated for under the current law and HB2367 and multiplied that by the discounted prison costs. These are net present values and were discounted using a 3% social discount rate. Length of stay is adjusted to reflect mortality given their age at admission for admissions and age on June 30, 2024 for the population.

⁴ These people would receive statutory sentence credits of up to 50% of their sentence, requiring them to serve 50% of their sentence under the assumption that zero additional credits have been earned due to programming. However, these people would still be eligible to earn additional credits from programming available to them while in prison.

Overall, SPAC estimated that a decrease in the length of stay from the elimination of TIS provisions proposed in HB2367 would decrease prison costs by about \$1.04 billion. These estimates are reflected in Tables 9 and 10.

Table 9 represents the costs avoided based solely on IDOC **admissions**. The estimated cost decrease for IDOC admissions from shorter average length of stay for each TIS group would be approximately \$53.7 million, \$115.9 million, and \$4.3 million for 100% TIS, 85% TIS, and 75% TIS, respectively. The total estimated cost decrease for IDOC admissions from shorter average length of stay would be approximately \$173.9 million.

Table 9: DOC Cost Calculation - Admissions

TIS Group	Prison Cost	Current Sentences	Current Avg. LOS	Proposed Avg. LOS	Current Cost (Discounted)	Proposed Cost (Discounted)
100%	\$11,473	615	29.7	15.2	\$135,620,036	\$81,934,016
85%	\$11,473	3,420	8.3	4.5	\$271,521,268	\$155,625,422
75%	\$11,473	169	6.9	4.2	\$12,347,707	\$8,015,471

Table 10 represents the costs avoided based solely on the IDOC **population** already incarcerated on June 30th, 2021. The estimated cost decrease for the IDOC population from shorter average length of stay for each TIS group would be approximately \$462.9 million, \$391.2 million, and \$11.1 million for 100% TIS, 85% TIS, and 75% TIS, respectively. The total estimated cost decrease for the IDOC population from shorter average length of stay would be approximately \$865.1 million.

Table 10: DOC Cost Calculation - Population

TIS Group	Prison Cost	Current Sentences	Current Remaining Avg. LOS	Proposed Remaining Avg. LOS	Current Cost (Discounted)	Proposed Cost (Discounted)
100%	\$11,473	4,087	23.4	8.3	\$788,863,792	\$326,001,185
85%	\$11,473	7,833	8.4	3.1	\$641,144,997	\$249,948,035
75%	\$11,473	334	4.9	1.8	\$17,947,033	\$6,866,037

Impact of Proposed Legislation on State Supervision

Costs increased over three years: **\$51,519,296**

HB2367 would have increased costs for state supervision. Time spent on MSR is not changed across the current and proposed scenario and is reflective of projected MSR lengths during FY 2022 to 2024, which may currently be shorter. However, SPAC estimated a cost difference of discounted MSR costs based on the timing of when a person is released, which is sooner under HB2367, and is adjusted for mortality.⁵ Because people will be released onto MSR sooner under this proposal, the costs of MSR will increase. The present value of MSR costs will be greater due to the time value of money.

SPAC estimated the total MSR costs incurred to IDOC that would have occurred had these policies been in place from FY 2022 to 2024 for the **admissions** during those years and the **population** beginning in FY 2022. For each year beginning in 2022, SPAC estimated how much of the year each person would be on MSR for under the current law and HB2367 and multiplied that by the discounted MSR costs. These are net present values and were discounted using a 3% social discount rate and are censored at six years for those without a projected discharge date.

Overall, SPAC estimated that a decrease in the length of stay from the elimination of TIS provisions proposed in HB2367 would decrease prison costs by about \$52 million. These estimates are reflected in Tables 11 and 12.

Table 11 represents the cost increase to MSR based solely on IDOC **admissions**. The estimated cost increase to MSR for IDOC admissions from shorter average length of stay for each TIS group would be approximately \$2.4 million, \$4.3 million, and \$99,300 for 100% TIS, 85% TIS, and 75% TIS, respectively. The total estimated cost increase for MSR for IDOC admissions from shorter average length of stay would be approximately \$6.8 million.

Table 11: MSR Cost Calculation - Admissions

TIS Group	MSR Cost	Current Sentences	Median MSR Period	Current Cost (Discounted)	Proposed Cost (Discounted)
100%	\$5,074	615	3	\$3,000,977	\$5,400,734
85%	\$5,074	3,420	3	\$46,064,520	\$50,362,853
75%	\$5,074	169	2	\$1,490,055	\$1,589,338

⁵ A full explanation of discounting is available in the Appendix.

Table 12 represents the cost increase to MSR based solely on the IDOC **population**. The estimated cost increase to MSR for the IDOC population from shorter average length of stay for each TIS group would be approximately \$24.3 million, \$20 million, and \$425,000 for 100% TIS, 85% TIS, and 75% TIS, respectively. The total estimated cost increase for MSR for IDOC admissions from shorter average length of stay would be approximately \$44.7 million.

Table 12: MSR Cost Calculation - Population

TIS Group	MSR Cost	Current Sentences	Median MSR Period	Current Cost (Discounted)	Proposed Cost (Discounted)
100%	\$5,074	4,087	3	\$26,819,521	\$51,142,960
85%	\$5,074	7,833	3	\$118,675,418	\$138,649,098
75%	\$5,074	334	3	\$4,495,311	\$4,920,113

Impact of Proposed Legislation on Victims and Communities

Additional Costs over Three Years: **\$28,139,327**

HB2367 would have increased the cost to victims and communities. The mechanisms behind the increase in victimization costs are twofold, accounted for by changes in the length of time those in custody are incapacitated and their age at release from prison⁶.

HB2367 decreases the time served in prison by allowing sentences with TIS requirements of 100%, 85%, or 75% to be eligible to earn day for day credits. As a result, HB2367 incapacitates people for a shorter period of time. This advances potential costs associated with recidivism closer into the future, which means crime victims suffer from crimes sooner rather than later⁷. Because a dollar today is worth more than a dollar tomorrow, a social discount rate must be applied to these advanced potential costs.

The age at which a person would exit prison will also decrease due to shorter sentence lengths (i.e. decreased incapacitation). Research indicates that the older people get, the less likely they are to commit crimes; this “aging out effect” reduces crimes committed by those exiting prison later. But because the people in prison will be released earlier, the opposite is true. The recidivism rate will therefore increase relative to the status quo.

⁶ The incapacitation effect is a reduction or delay in crime resulting from physically restricting peoples’ ability to commit crimes by incarcerating them. The age at which a person would exit prison will also increase due to incapacitation. Research indicates this “aging out effect” reduces recidivism for those exiting prison, because the older people get, the less likely they are to commit crimes

⁷ This effect is generally referred to as the social discount rate. SPAC applied a 3% discount rate to victimization under the different incapacitation lengths to estimate the cost of victimization, taking into account the fact that these costs will be incurred sooner due to reduced length of stay in prison

In order to determine the increase in victimization cost due to decreased incapacitation, SPAC applied national victimization cost estimates to Illinois conviction patterns, accounting for both tangible and intangible costs of crime⁸. SPAC first summed the average value of tangible and intangible victimization costs from arrests that resulted in convictions for people in a recent cohort of prison exits with the same offenses that are amended by HB2367. SPAC then calculated the same average but discounted⁹ with a 3% social discount rate based on the time difference between the current and proposed length of stay. The discounted average was subtracted from the non-discounted average and multiplied by the number of prison admissions to find the average incapacitation benefit, which is the net present value of delaying further crimes.

In order to determine the increase in victimization cost due to decreased age at release, SPAC adjusted the recidivism costs by increasing the costs by a percentage based on how old people are when exiting prison under the current and proposed penalties. SPAC determined the age distribution for exits from prison on the same offenses as in the bill. SPAC then estimated increases in victimization costs per person of 1% per one-year less time incarcerated for those exiting between age 26-60– who exhibit gradual reductions in recidivism rates– and 3% per one-year less time incarcerated for those exiting between age 18-25– who have larger reductions to recidivism rates with increased age.

Overall, HB2367 would have decreased the length of stay for both **admissions** to IDOC and the IDOC **population**, leading to decreased incapacitation benefits and increased recidivism. Costs of approximately \$28.1 million would have been incurred due to criminal acts that are no longer delayed or avoided. Victimization costs incurred include tangible costs of approximately \$7.2 million and intangible costs of approximately \$20.9 million. Table 13 below provides the additional costs to victims and the community that would have resulted from HB2367.

Table 13: Victimization Changes - Victimization Cost Increases

Group	Tangible Cost Increase	Intangible Cost Increase	Total Cost Increase
Admissions	\$3,627,812	\$10,462,820	\$14,090,631
Population	\$3,617,015	\$10,431,680	\$14,048,695
Total	\$7,244,827	\$20,894,500	\$28,139,327

⁸ Tangible costs are direct monetary costs that include medical costs, mental health costs, productivity losses, and loss or damage of property. Intangible costs include costs associated with pain, suffering, and lost quality of life which are based on estimating the portion of jury and settlement awards that are nonpecuniary

⁹ Discounting is the process by which future dollar amounts are converted into their present value. Economic and financial models suggest that a dollar is worth more to people in the present than it will be in the future. Thus, discounting allows SPAC to account for the time value of money

Policy Implications

If passed, HB2367 would allow every incarcerated person, other than those serving life sentences, to earn day for day sentence credit and be eligible to receive sentence credits for their participation in programming and work assignments as currently provided to those serving day for day sentences. This would return Illinois to the pre-1998 sentence credit structure where every offense was eligible for day for day credit. The granting of retroactive sentence credit to comply with HB2367 would result in a significant number of people getting released within the first year following its effective date. This would initially result in increased resource needs for IDOC who would need to recalculate sentences and create reentry plans for every person prior to them being released. The Prisoner Review Board would also require additional resources to swiftly increase the capacity required to hold MSR condition hearings for each incarcerated person set to be released under HB2367.

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.

Appendix

Cost Impacts from Technical Violation Returns

The tables in this Appendix are alternative versions of the cost analysis tables in the Cost Analysis Breakdown section. These tables assume a percentage of people exiting prison after their having served their required recalculated length of stay would return to prison for a technical violation. Although reincarceration for a technical violation can occur anytime during the MSR period, SPAC assumes these violations would occur immediately upon release to simplify calculations.

Table 14 shows the estimated probabilities of reincarceration for a technical violation and expected lengths of stay in prison for those violations. This is applied to those exiting on TIS offenses with a recalculated length of stay on their initial sentence. These same probabilities and lengths of stay are also used in the “HB2367 with Technical Violation Returns” projection.

Table 14: Technical Violation Return Assumptions

Offense Group	TIS Group	Tech. Viol. Return Rate	Avg. Tech. Viol. Return LOS
Person Crimes	75%	9.8%	0.22
Person Crimes	85%	22.1%	0.71
Person Crimes	100%	3.8%	0.50
Drug Crimes	75%	5.0%	0.45
Drug Crimes	85%	4.7%	0.22
Sex Crimes	85%	60.1%	1.16

Table 15 can be compared to Table 7 in the Cost Analysis Breakdown section to see the impact of technical violations on total government costs.

Table 15: Total Government Cost Changes Over Three Years, Technical Violations Assumed

Group	Total Current Cost	Total Proposed Cost	Total Cost Difference
Admissions	\$493,835,818	\$345,764,407	\$148,071,411
Population	\$1,658,567,625	\$847,032,928	\$811,534,697
Total	\$2,152,403,443	\$1,192,797,335	\$959,606,108

Table 16 can be compared to Table 8 in the Cost Analysis Breakdown section to see the impact of technical violations on prison and MSR.

Table 16: Government Cost Center Changes, Technical Violations Assumed

Cost Center	Admissions			Population		
	Current Cost	Proposed Cost	Cost Change	Current Cost	Proposed Cost	Cost Change
Prison	\$452,151,592	\$298,375,146	\$-153,776,447	\$1,534,050,134	\$685,753,479	\$-848,296,656
MSR	\$41,684,226	\$47,389,262	\$5,705,036	\$124,517,490	\$161,279,449	\$36,761,959

Impact of Proposed Legislation on State Prisons, Technical Violations Assumed

Tables 17 and 18 can be compared to Tables 9 and 10 in the Cost Analysis Breakdown section to see the impact of technical violations on prison costs, separated by the costs for the FY2021 population and the last three fiscal year of admissions.

Table 17: DOC Cost Calculation - Admissions

TIS Group	Prison Cost	Current Sentences	Current Avg. LOS	Proposed Avg. LOS	Current Cost (Discounted)	Proposed Cost (Discounted)
100%	\$11,473	615	30.0	15.9	\$136,804,564	\$85,009,865
85%	\$11,473	3,420	9.1	5.7	\$302,055,893	\$203,943,609
75%	\$11,473	169	7.3	4.8	\$13,291,136	\$9,421,671

Table 18: DOC Cost Calculation - Population

TIS Group	Prison Cost	Current Sentences	Current Remaining Avg. LOS	Proposed Remaining Avg. LOS	Current Cost (Discounted)	Proposed Cost (Discounted)
100%	\$11,473	4,087	23.7	8.8	\$799,435,910	\$344,909,381
85%	\$11,473	7,833	9.2	4.0	\$713,571,326	\$330,631,817
75%	\$11,473	334	5.3	2.2	\$21,042,898	\$10,212,281

Impact of Proposed Legislation on State Supervision, Technical Violations Assumed

Tables 19 and 20 can be compared to Tables 11 and 12 in the Cost Analysis Breakdown section to see the impact of technical violations on MSR costs, separated by the costs for the FY2021 population and the last three fiscal year of admissions.

Table 19: MSR Cost Calculation - Admissions

TIS Group	MSR Cost	Current Sentences	Median MSR Period	Current Cost (Discounted)	Proposed Cost (Discounted)
100%	\$5,074	615	2.5	\$2,477,534	\$4,470,747
85%	\$5,074	3,420	2.3	\$37,993,226	\$41,626,073
75%	\$5,074	169	1.6	\$1,213,467	\$1,292,441

Table 20: MSR Cost Calculation - Population

TIS Group	MSR Cost	Current Sentences	Median MSR Period	Current Cost (Discounted)	Proposed Cost (Discounted)
100%	\$5,074	4,087	2.5	\$22,158,914	\$42,370,917
85%	\$5,074	7,833	2.3	\$98,541,889	\$114,730,041
75%	\$5,074	334	2.6	\$3,816,688	\$4,178,491

Discounting

The cost tables in the Cost Analysis Breakdown section are discounted using a social discount rate. Discounting is standard in cost-benefit analysis to properly account for the timing of costs and benefits. A social discount rate is used in cost-benefit analyses to convert future costs and benefits into present values, reflecting the time value of money. Future costs are discounted for several reasons. For one, people typically prefer immediate benefits over future ones. Additionally, government spending—such as on incarceration—has opportunity costs, since funds could be used elsewhere now for potentially greater economic returns in the future.

SPAC estimates the present value of future costs using the following discounting formula, where PV is the present value, FV is the future value, r is the annual social discount rate (3%), and t is the number of years in the future the cost occurs, typically corresponding to the length of stay in the sectors of the criminal justice system:

$$PV = \frac{FV}{(1 + r)^t}$$

To illustrate this, consider two scenarios in which the same crime occurs, only at different times. In the first scenario, a crime with a victimization cost of \$1,000 occurs today. In a sense, this means that the crime victim has suffered a tangible loss and/or intangible damages equal to the value of \$1,000. In the second scenario, the same crime occurs, but instead of occurring today, it occurs one year into the future. This value of \$1,000 is discounted by the 3% social discount rate.

$$PV = \frac{\$1,000}{(1 + 0.03)^1} \approx \$970$$

The result is a present value of approximately \$970. So, in a sense, by postponing the crime one year, the victim has avoided tangible and/or intangible costs of \$30.

Truth in Sentencing Offenses

Tables 21, 22, and 23 show the offenses that are subject to truth in sentencing credit restriction. These restrictions specify a minimum percentage of the sentence that a person must be incarcerated for. HB2367 would remove these restrictions and allow all of these offenses to be eligible for day for day credits and other credits that would reduce their incarceration period.

Table 21: Truth in Sentencing Offenses - 100%

TIS Percentage	Offense	Public Act	Effective Year
100%	First Degree Murder	PA90-0592	1998
100%	Natural Life	PA90-0592	1998
100%	Terrorism	PA92-0854	2002

Table 22: Truth in Sentencing Offenses - 85%

TIS Percentage	Offense	Public Act	Effective Year
85%	Attempted First Degree Murder	PA90-0592	1998
85%	Solicitation of First-Degree Murder	PA90-0592	1998
85%	Solicitation of Murder for Hire	PA90-0592	1998
85%	Intentional Homicide of An Unborn Child	PA90-0592	1998
85%	Predatory Criminal Sexual Assault of a Child	PA90-0592	1998
85%	Aggravated Criminal Sexual Assault	PA90-0592	1998
85%	Criminal Sexual Assault	PA90-0592	1998
85%	Aggravated Kidnapping	PA90-0592	1998
85%	Aggravated Battery with a Firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05	PA90-0592	1998
85%	Heinous Battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05	PA90-0592	1998
85%	Aggravated Battery of a Senior Citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05	PA90-0592	1998
85%	Aggravated Battery of a Child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05	PA90-0592	1998
85%	Home Invasion (Finding of Great Bodily Harm)	PA90-0592	1998
85%	Armed Robbery (Finding of Great Bodily Harm)	PA90-0592	1998
85%	Aggravated Vehicular Hijacking (Finding of Great Bodily Harm)	PA90-0592	1998

TIS Percentage	Offense	Public Act	Effective Year
85%	Aggravated Discharge of a Firearm (Finding of Great Bodily Harm)	PA90-0592	1998
85%	Armed Violence with a Category I or II Weapon (Finding of Great Bodily Harm)	PA90-0592	1998
85%	Aggravated Battery with a Machine Gun or a Firearm Equipped with Any Device or Attachment Designed or Used for Silencing the Report of a Firearm	PA91-0121	1999
85%	Aggravated Discharge of a Machine Gun or a Firearm Equipped with Any Device or Attachment Designed or Used for Silencing the Report of a Firearm	PA91-0121	1999
85%	Aggravated Arson	PA92-0176	2001
85%	Aggravated DUI Resulting in the Death of Another	PA93-0213	2003
85%	Aggravated Discharge of a Firearm Whether or Not It Led to Great Bodily Harm	PA94-0071	2005
85%	Unlawful Possession of a Firearm by a Repeat Felony Offender (Formerly Armed Habitual Criminal)	PA94-0398	2005
85%	Second or Subsequent offense of Luring a Minor	PA95-0625	2008
85%	Aggravated Domestic Battery	PA96-1224	2010
85%	Aggravated Driving Under the Influence If the offense Results in Great Bodily Harm or Permanent Disability or Disfigurement of Another	PA96-1230	2011
85%	Attempted Terrorism	PA91-0990	2013

Table 23: Truth in Sentencing Offenses - 75%

TIS Percentage	Offense	Public Act	Effective Year
75%	Gunrunning	PA95-0134	2008
75%	Narcotics Racketeering	PA95-0134	2008
75%	Controlled Substance Trafficking	PA95-0134	2008
75%	Methamphetamine Trafficking	PA95-0134	2008
75%	Drug-Induced Homicide	PA95-0134	2008
75%	Aggravated Methamphetamine-Related Child Endangerment	PA95-0134	2008
75%	Money Laundering Pursuant to Clause (C) (4) or (5) of Section 29b-1 of the Criminal Code of 1961	PA95-0134	2008
75%	Class X Felony Conviction for Delivery of a Controlled Substance	PA95-0134	2008
75%	Class X Possession of a Controlled Substance with Intent to Manufacture or Deliver	PA95-0134	2008
75%	Class X Calculated Criminal Drug Conspiracy	PA95-0134	2008
75%	Class X Criminal Drug Conspiracy	PA95-0134	2008
75%	Class X Street Gang Criminal Drug Conspiracy	PA95-0134	2008
75%	Class X Participation in Methamphetamine Manufacturing	PA95-0134	2008
75%	Class X Aggravated Participation in Methamphetamine Manufacturing	PA95-0134	2008
75%	Class X Delivery of Methamphetamine	PA95-0134	2008
75%	Class X Possession with Intent to Deliver Methamphetamine	PA95-0134	2008
75%	Class X Aggravated Delivery of Methamphetamine	PA95-0134	2008
75%	Class X Aggravated Possession with Intent to Deliver Methamphetamine	PA95-0134	2008
75%	Class X Methamphetamine Conspiracy When the Substance Containing the Controlled Substance or Methamphetamine Is 100 Grams or More	PA95-0134	2008