

HOUSE BILL 4357 & SENATE BILL 2228
SENTENCE REDUCTIONS FOR POSSESSION OF CANNABIS UNDER 500 GRAMS
720 ILCS 550/4

TOTAL BENEFITS IN REDUCED COSTS OVER THREE YEARS: \$15.1 million
TOTAL PETTY OFFENSE REVENUE OVER THREE YEARS: between \$4.5 and \$9.1 million
TOTAL VICTIMIZATION COSTS OVER THREE YEARS: \$302,741

NET BENEFITS (BENEFITS MINUS COSTS): between \$19.3 and \$23.9 million

Table 1. Total Change in Costs over Three Years (Maximum Petty Offense Revenue)

720 ILCS 550 Section:	Statute Description	Current costs	Proposed costs	Petty offense revenue	Victimization benefits	Total Benefits*
4(a)	Possession Less Than 2.5 grams Cannabis	\$6,540,943	\$0	\$5,040,800	\$0	\$11,581,743
4(b)	Possession 2.5 to 10 grams Cannabis	\$6,565,834	\$0	\$4,037,500	\$0	\$10,603,334
4(c)	Possession 10 to 30 grams Cannabis	\$10,823,029	\$10,201,553		-\$63,571	\$557,905
4(d)	Possession 30 to 500 grams Cannabis	\$13,829,770	\$12,447,689		-\$239,171	\$1,142,911
	TOTAL	\$37,759,576	\$22,649,243	\$9,078,300	-\$302,741	\$23,885,893

* Total Benefits are the costs avoided (Current costs) minus the costs that would have occurred had the bill been in effect (Proposed costs) plus the revenue generated by the petty offense tickets (Petty offense revenue) plus the change in crime due to the policy (Victimization benefits). All of these benefits are expected had the legislative proposal been in effect *and* revenues that would have been generated by petty offense fines. For ticket revenue, SPAC estimates half of all arrests would have gotten tickets.

Source: CHRI and IDOC data, SPAC calculations

POLICY QUESTION: Will this policy change generate an increase in crime that would outweigh the benefits of this proposal?

House Bill 4357 ([HB 4357](#)) and Senate Bill 2228 ([SB 2228](#)) amend the Cannabis Control Act. Misdemeanor possession of less than 10 grams of cannabis is replaced by a civil law violation with a fine of \$100 to \$200. The sentences for possession of 10 to 500 grams are reduced one class level and the increased penalty for the second or subsequent offense of possession 10-30 grams is eliminated. New penalty ranges are created for possession of 30-100 grams and 100-500 grams.

These changes would result in lower system costs for arrest and processing; fewer incarcerations overall; shorter prison and jail stays for these offenses; reduced probation and supervision costs; and revenue generated from the petty offense tickets. Due to data limitations SPAC was not able to calculate the administrative costs of the new ticketing process.

In Table 1, the total benefits column includes both local and state costs. Table 2 breaks out these costs. The following pages explain each subsection's calculations.

Table 2. Total Change in Costs over Three Years

Change in	Three Year Value of Benefits
Local Detention Benefits	\$2,551,175
Local Probation Benefits	\$9,506,523
Total Local Costs Avoided	\$12,057,698
State Prison Benefits	\$1,835,426
State Supervision Benefits	\$1,217,210
Total State Costs Avoided	\$3,052,636
Total Costs Avoided	\$15,110,334
Revenue	\$9,078,300
Victimization Costs	-\$302,741
Total Benefits	\$23,885,893

SPAC used the most recent data from 2012, 2013, and 2014 for arrests, convictions, and probation, and fiscal years 2013-2015 for Illinois Department of Corrections (IDOC) admissions to identify the number of individuals charged with cannabis offenses in those years. These numbers are then used to calculate the cost to the system had the policy been in effect for those years.

This year a demographic impact section has been added to show how the proposed bill would impact the subpopulations (based on race, gender, or geography) in the criminal justice system.

Cost figures are updated annually. Beginning this year, SPAC includes both direct personnel costs such as on salaries and indirect spending on benefits, including pension, healthcare, and workers compensation that are borne by taxpayers but are paid from outside the IDOC budget. Including these expenses yields a more accurate estimate of taxpayer expenses to operate prisons in Illinois. These costs will be reflected in the per capita costs used when the population impact is sufficient to implicate increased administrative costs. SPAC also included the impact on IDOC’s supervision of offenders in the community after their release from prison.

Table 3. Sentencing Changes to the Cannabis Control Act – HB 4357/SB 2228

		Possession 720 ILCS 550/4	
Cannabis Amounts		Current Law	HB 4357
1-2.5 grams (a)		<i>Class C</i>	<i>Civil Law Violation (\$100-\$200)</i>
2.5-10 grams (b)		<i>Class B</i>	
10-30 grams (c) (first or second offense)		<i>Class A or Class 4</i>	<i>Class B</i>
30-500 grams (d)	30-100g (first or second offense)	<i>Class 4 or Class 3</i>	<i>Class A or Class 4</i>
	100-500g (first or second offense)		<i>Class 4 or Class 3</i>
500-2,000 grams (e)		<i>Class 3</i>	<i>Class 3</i>
2,000-5,000 grams (f)		<i>Class 2</i>	<i>Class 2</i>
Over 5,000 grams (g)		<i>Class 1</i>	<i>Class 1</i>
New: 720 ILCS 550 Section 5.3 – volatile or explosive materials for cannabis-based production			<i>Class 2</i>
Drug Paraphernalia 720 ILCS 600 Section 3.5: connection to possession of less than 10g of cannabis		<i>Class A</i>	<i>Civil Law Violation (\$100-\$200)</i>

Under these bills, possession of cannabis under 10 grams could be prosecuted and/or ticketed solely based upon a properly administered field test or the opinion testimony of a peace officer based on an officer’s training and experience as qualified by a court. *See 725 ILCS 5/115-23 (new).*

These bills also provide that, within two hours of consuming cannabis, no one may operate or be in physical control of any motor vehicle. Current law provides that any amount of metabolites of cannabis in a driver’s system establishes a basis for a DUI. That provision is amended to provide specific thresholds of 5 nanograms of the delta-9 tetrahydrocannabinol in blood or 10 nanograms in other bodily fluids, such as saliva. House Amendment 1 to HB 4357 revises the amounts to 5 nanograms in blood and 15 nanograms in any other bodily fluid.

Possession of drug paraphernalia was analyzed but significant gaps in reported data for misdemeanor offenses precluded reliable analysis of the fiscal impact of the changes to 720 ILCS 600/3.5.

METHODOLOGY: SPAC performed a retrospective analysis of data on arrests, convictions, and sentences for these offenses in fiscal years 2012, 2013, and 2014. This approach will be used while SPAC builds its capacity to produce a reliable population projection. **Importantly, preliminary analysis of the Criminal History Record Information (CHRI) data shows that some counties may not be reporting misdemeanor convictions or felony prison sentences to the State and the extent of the underreporting is unknown** until a data-integrity audit can be completed by the Illinois Criminal Justice Information Authority. SPAC accounted for the lack of felony prison sentences by analyzing IDOC data for FY2013-15. Misdemeanor convictions and sentences, however, are currently unavailable. Lacking these data, the impact on local jails and probation departments may be understated. The numbers shown here are based on the best available information, but the limitations **require caution**.

To calculate state spending on these offenses for 2012 through 2014, SPAC used CHRI and IDOC data on (A) the number of convictions for first and subsequent arrests under the applicable statutes, (B) the average length of stay in IDOC facilities, local jail centers, and probation supervision, and (C) the marginal cost per inmate per year. SPAC used the marginal cost figure of \$6,405 per inmate, which represents the cost of adding one additional inmate, because the population affected is less than 800 inmates, the equivalent of a housing unit. If the population impact exceeds 800 inmates, SPAC will use the per capita cost of \$41,052, which includes costs for criminal justice employees' health and pension benefits that are carried in the Central Management Services (CMS) budget. Because this measure requires no prison sentence, the state prison costs over these three years would have been avoided had this measure been in effect.

For local costs, SPAC surveyed county jails on marginal costs. The responses provided a statewide average marginal cost of \$15,749 per person that incorporates Cook County, suburban counties, and counties across the state. The Administrative Office of the Illinois Courts (AOIC) calculated the cost of probation based on risk level. The \$1,900 per person per year is the average of these annual costs. To calculate the cost of pretrial detention, local supervision (probation), and misdemeanor jail sentences, SPAC examined the CHRI data for time served (pretrial detention) and the sentence lengths ordered by the court for jail or probation terms. These costs would also have been avoided had the measure been in effect for these three years. These costs were all inflated using the federal Bureau of Labor Statistics CPI inflation index.

SPAC estimates victimization costs and benefits in two ways. First, as the average age of offenders exiting IDOC decreases, their likelihood of recidivating generally increases. Second, some crimes are delayed because offenders are incapacitated in state prisons, creating the benefit of longer time periods without victimization by that offender. This methodology is a reasonable approximation of the dollar value of the change in timing of victimizations due to incarcerating cannabis offenders in IDOC.

As SPAC builds its capability for estimating costs and benefits to other stakeholders—the judicial system, probation systems, and communities—SPAC will include impact on these areas and constituencies in its analysis of proposed legislation.

LIMITATIONS AND ASSUMPTIONS:

- The impact of this measure on intoxicated driving is not included in this analysis. There are a number of factors that may cause increases or decreases in the driving under the influence, accidents, arrests, and convictions. These factors are discussed below but, because the sizes of the impacts are currently unknown and may offset the other factors, the overall impact is not included in this analysis.
 - Some research suggests that decreasing penalties may increase use of cannabis. However, other research shows drug consumption and usage rates are unresponsive to criminal justice sentencing policies. This factor may or may not increase criminal justice costs.
 - Because of the public concern and attention, arrests and prosecutions for drugged driving may increase. However, this factor is also likely to increase criminal justice costs.

- The provisions in HB 4357 and SB 2228 also increase the standard for a conviction from an absolute zero tolerance to a 5-to-10 (HA1 provides for 15) nanogram of THC threshold. Requiring a specific threshold of THC in blood or bodily fluids would most likely have reduced the number of people prosecuted had this provision been in effect over the time period analyzed as the zero tolerance threshold allowed prosecution based on any amount of metabolites in the system.
- The analysis excludes the cost of state supervision during mandatory supervised release.
- SPAC does not include the local costs for detaining offenders who are arrested but not convicted or given a withheld judgment.
- The administrative costs of issuing tickets and collecting petty offense fines could not be determined due to data limitations.
- To calculate the total number of offenders with arrests, convictions, probation sentences, or withheld judgments, SPAC counts the number of offenders with at least one charge under each subsection of the Cannabis Control Act. For the total number of offenders admitted to IDOC, SPAC counts offenders only under their most serious offense.
- SPAC does not include the capital cost of building or acquiring more prison beds in this impact analysis.

SPAC’S FIGURES DIFFER FROM IDOC’S FISCAL NOTES FOR THE FOLLOWING REASONS:

- IDOC estimates of the increased costs of prison use due to more driving under the influence (DUI) admissions based on the experiences of Colorado and Washington State.
- IDOC projects forward ten years based on past years’ admissions to prison. In contrast, SPAC analyzes the last three years and calculates the costs that would have been incurred or avoided had the proposed changes been the law.
- IDOC accounts for the increased space needed due to keeping the same number of offenders incarcerated for a significantly longer amount of time by adding capital costs of construction to their estimate when the change to the population exceeds 500 beds. Please note that “costs of construction” reflect the higher operational costs of providing additional beds over time, whether that is done through construction of new facilities or other means such as reopening closed facilities or renting space in other jurisdictions. SPAC does not include costs of construction but uses the higher per capita cost.
- SPAC determines annual cost estimates at the beginning of each year and uses these estimates in every analysis. This method allows for comparisons of measures throughout the legislative session.
- SPAC’s statutory mandate is to prepare system-wide resource statements on court processes and county or local government resources as well as the state IDOC population. *See 730 ILCS 5/5-8-8(d)(4).*
- If the impact on the average daily population (ADP) is 800 people or more, SPAC uses a per capita cost which accounts for the increased administrative and space-management costs. If the change is less than 800, SPAC uses the marginal cost of incarceration which is the additional cost of adding just one inmate to the population, which does not require additional administrative or space-management costs. SPAC uses this number because 800 beds equals one housing unit and four housing units make one prison.

IMPACTS OF PROPOSED LEGISLATION:

The following pages describe the impact categories that the proposed sentencing change would have on the Illinois criminal justice system. First, a narrative section describes each impact and how SPAC estimated the dollar value of the impact. Second, the tables used to create the estimates are shown in full detail.

IMPACT OF PROPOSED LEGISLATION ON STATE PRISONS:

\$3,052,636

Avoided costs over three years.

The above estimates are the total costs to IDOC that would have been avoided had these policies been in place from 2013 through 2015. This estimate uses the annual marginal cost of \$6,405 per inmate, the marginal cost from fiscal year 2015. The avoided costs are due mainly to fewer Class 4 felony offenders entering prison and shorter sentences for Class 3 offenders. For offenders who would have not been sent to prison, they would also not require mandatory supervised release from IDOC's Parole Division. SPAC used the true cost of this supervision per supervisee, or \$2,841 in fiscal year 2015.

IMPACT OF PROPOSED LEGISLATION ON COUNTY JAILS:

\$2,551,175

Avoided costs over three years.

Jails would see a change in their average daily population due to changes in the number of offenders detained and misdemeanor sentences that could include jail time. This statewide reduction uses the estimated jail detention cost of \$15,749 per inmate per year. SPAC conservatively excludes the cost of detaining individuals arrested or charged but not convicted. Avoiding these detentions would result in additional costs avoided for jails. **This analysis underestimates the impact due to missing data on misdemeanor convictions in two large jurisdictions.**

IMPACT OF PROPOSED LEGISLATION ON PROBATION:

\$9,506,523

Avoided costs over three years.

As many misdemeanor cannabis convictions are changed to ticket-able offenses, probation departments would see a decrease in their caseloads. Those offenders formerly sentenced as felons and changed to misdemeanors, however, would add to probation's caseload. For this analysis, SPAC used \$1,900 per individual per year as the average cost of probation based on information provided by AOIC for FY13, adjusted for inflation to 2015 dollars. The costs avoided are due to probationable offenses being reclassified to a petty offense. This change in caseload does not signify a change in the need for probation officers to adequately supervise all offenders sentenced to probation. **This analysis underestimates the impact due to missing data on misdemeanor convictions in two large jurisdictions.**

IMPACT OF PROPOSED LEGISLATION ON VICTIMS, AND COMMUNITIES:

\$235,412

Additional victimization costs over three years.

Decreasing sentences shortens the incapacitation of offenders. SPAC incorporates the incapacitation effect of felony offenders on victims in two ways:

1. Offenders may age out—because the average age at exit would be younger, the recidivism rate may be higher as younger felons generally recidivate more (negative recidivism benefits). Negative victimization benefits are additional victim costs. SPAC reviewed historical data to find recidivism rates at each age

from 18 through 60 and applied these recidivism rates and trends to the age offenders would have exited, had the bill been in effect.¹

- The estimate presented here calculates the victim effects due to changes in recidivism for three age groups: those offenders under 28, who have falling recidivism rates with increased age; those offenders between 28 and 36 with rising recidivism rates; and those offenders older than 37, who exhibit gradual reductions in recidivism rates. Because these age groups' recidivism rates changed consistently across crime types, felony classes, and gender, SPAC found these methods reasonable for calculating changes in recidivism due to sentencing changes. The SPAC Victimization Supplement further describes the methodology.
2. Crimes are delayed because offenders are incapacitated meaning crimes may occur earlier or later based on the timing of the offenders' release (incapacitation benefits). Because a dollar not stolen today is worth more than a dollar stolen tomorrow, crime delays create benefits to crime victims. SPAC used a 3% discount rate to victimizations under the different incapacitation lengths to estimate a possible benefit of delayed crime.

Table 5 lists the victimization costs caused by cannabis offenders in the past, within both one and three years from release. The table shows the costs of no longer incapacitating these offenders as well as the costs of younger offenders, who are more likely to recidivate, remaining in the community.

Table 5. Victimization Effects (negative numbers represent additional victim costs)

	First Year Victimization Costs	Three Years Victimization Costs	Incapacitation Benefits	Recidivism Benefits	Total Victimization Benefits
Cannabis Possession, Less Than 30g 4(c) and 4(d)	\$17,133	\$49,103	-\$126,197	-\$176,544	-\$302,741

Victims, public safety, and communities may also receive a benefit from the petty offense ticket revenue that each county would receive for addiction services. SPAC also estimates that Illinois local government agencies would receive more than \$4 million over three years through petty offense revenue (*see below*).

SPAC reviewed available research on the effect of changes to cannabis penalties on roadway safety and was unable to determine reliable estimates for inclusion in this section of analysis.

IMPACT OF PROPOSED LEGISLATION ON PETTY OFFENSE REVENUE:

Between **\$4.5 million and \$9.1 million**

Additional revenue over three years.

Had the measure been in effect from 2012 to 2014, many individuals would have received between \$100 and \$200 fines rather than sentences, resulting in a maximum of \$3,026,100 in fines annually (the numbers in Table 6 are an aggregate of three years). SPAC estimated this revenue generated from the 90,783 arrests for possession of cannabis under 10 grams that occurred over three years and added it to total statewide benefits. SPAC conservatively assumed only half of these arrests would result in petty offenses and that all of these revenues could be collected. These fines would be divided according to the statute:

¹ These impacts were measured against the national dollar values of index crimes. The dollar values include both tangible (medical and employment losses, property losses) and intangible (pain and suffering) costs, following the best national research completed in 2010. A full description of the methodology is available in the Victimization Supplement.

Table 6. Three-Years of Fine Revenue by Government Agent

Government Agency	Fine Breakdown	Minimum 3-year Benefit (\$100 fine)	Maximum 3-year Benefit (\$200 fine)
Clerk (for expungement)	\$10	\$453,915	\$453,915
Law Enforcement Agency Issuing Citation (for expungement)	\$10 and any remainder	\$2,496,533	\$7,035,683
County (for addiction services)	\$15	\$680,873	\$680,873
State's Attorneys Appellate Prosecutor (for training)	\$10	\$453,915	\$453,915
State's Attorney	\$10	\$453,915	\$453,915
Total		\$4,539,150	\$9,078,300

Source: SPAC analysis of CHRI. Assumes 50% of those arrested with less than 10 grams receive tickets and all are paid.

IMPACT OF PROPOSED LEGISLATION ON LAW ENFORCEMENT:**\$750,681**

Avoided costs over three years.

Petty offense violations do not require transporting an offender to a police station for fingerprinting, booking, and finalizing arrest paperwork. Instead, an officer would issue a ticket at the place of the offense and more quickly return to other law enforcement tasks in the community. To quantify the value of the time saved, SPAC estimated three possible scenarios for time saved per offense if the measure had been in effect for the past three years:

1. If this change reduced the time of processing a cannabis offense 15 minutes per offense, Illinois law enforcement would have an additional 26,696 hours over three years for police work.
2. If this change reduced the processing time one hour per offense, law enforcement would save 90,783 hours over three years.
3. If this change reduced the processing time two hours per offense, law enforcement would save 181,566 hours over three years.

Using the average salary of sworn police officers per hour, the possible benefits to law enforcement could be between \$750,681 and \$6 million over three years. SPAC conservatively estimates the time impact would be between 15 minutes and one hour per arrest.

Table 7. Three Years Effect on Law Enforcement

	Cook	Rest of State	Total
Number of Arrests	50,377	40,406	90,783
Hourly Police Cost	\$37.50	\$27.56	
Save 2 Hours	\$3,778,249	\$2,227,198	\$6,005,447
Save 1 Hour	\$1,889,124	\$1,113,599	\$3,002,723
Save 15 Minutes	\$472,281	\$278,400	\$750,681

To create this estimate, SPAC used the most recent data from fiscal years 2012, 2013, and 2014 for the number of arrests made in Illinois. SPAC’s analysis of the state’s CHRI data show that, of all arrests during that time, 5% of arrests in Cook County and 1% of arrests outside of Cook County were solely for possession of cannabis under 10 grams offenses. As shown in the table below, tens of thousands of arrests were made for cannabis possession less than 10 grams in a three year period.

Table 8. Three Year Arrests, Geographic Distribution

Cannabis Statutes	Arrests, 2012-2014	
	Cook	Rest of State
550/4(a) - under 2.5 g	24,093	26,315
550/4(b) - under 10 g	26,284	14,091
Grand Total	50,408	40,375
<i>Source: SPAC analysis of CHRI data.</i>		

Previous studies examining the difference in ticketing and arresting for cannabis possession used similar estimates of time, ranging from 1.25 hours to 4 hours.² Studies of drug arrests generally have found longer times per arrest, sometimes ranging from roughly 4 hours to 13.5 hours of total law enforcement time, which includes the time of officers, detectives, and supervisors.³

SPAC conservatively estimates that only 15 minutes would be saved by changing these cannabis arrests to tickets. This baseline is most likely an underestimate as additional factors, such as time for court preparation, court appearances, and warrant issuances and collection, would result in further time saved by law enforcement officers. However, if law enforcement officers dedicate more time to issuing tickets and collecting petty offense revenue, or choose to vigorously pursue drugged driving arrests, this baseline may overestimate savings.

The hourly police cost was obtained from the Bureau of Labor Statistics Occupational Employment Statistics.⁴ Cost for police in Cook County was calculated separately from the rest of the state to reflect the variation in sworn law enforcement costs across the state.

These local costs are not included in the totals listed on Page 1. These costs are shown as potential local impacts, depending on how law enforcement would implement the measure. Local law enforcement impacts may be offset by increased attention to drugged and drunk driving patrols. In Washington State and Colorado, , which decriminalized cannabis to a greater extent than HB 4357, motor vehicle stops and arrests increased after the laws changed.⁵ Because of the data limitations and uncertainty around law enforcement responses to this bill, SPAC does not estimate the net effects of these factors.

² Fulton, M.D., Clark, R.M., & Robinson, T. (1979). The decriminalization of marijuana and the Maine criminal justice system: A time/cost analysis. Maine Office of Alcoholism and Drug Abuse Prevention. Augusta, ME: Department of Human Services. Available at: <https://www.ncjrs.gov/pdffiles1/Digitization/77452NCJRS.pdf>

³ Institute of Applied Research, St. Louis, Missouri. (2004) A cost-benefit analysis of the St. Louis City adult felony drug court. St. Louis, MO: p.43. Available at: <http://www.iarstl.org/papers/SLFDCcostbenefit.pdf> (estimating drug arrests consume “4 hours of officer time and 1 hour of supervisor time.”)

Fain, T., Turner, S., & Ridgeway, G. (2010). Los Angeles County Juvenile Justice Crime Prevention Act: Fiscal year 2008-2009 report. Santa Monica, CA: RAND Corporation. Available at: http://www.rand.org/content/dam/rand/pubs/technical_reports/2010/RAND_TR832.pdf (estimating an Los Angeles juvenile arrest took roughly four hours of officer time plus additional supervisor and processing time.)

⁴ Bureau of Labor Statistics. Occupational Employment Statistics. (May 2014). Available at: <http://www.bls.gov/oes/current/oes333051.htm>

⁵ Both Washington and Colorado have a 5 nanogram per milliliter of blood standard for drugged driving.

DEMOGRAPHIC IMPACT OF PROPOSED LEGISLATION:

National research indicates that drug use occurs at nearly equivalent rates among different racial and ethnic groups.⁶ Despite similar drug use patterns, the demographics of individuals arrested and prosecuted pursuant to the Cannabis Control Act is not representative of the Illinois general population, nor is it consistent with the drug use habits established by the national research. The table below illustrates the racial composition of IDOC admissions for FY2013-15 broken out by weight. For example, the 10-30 gram category had 220 admissions to IDOC over the past three years and 95% of those admissions self-identified as black.

Table 10. Three Years Admissions to Prison by Race

Cannabis Possession Admissions to Prison (FY13-15)		White	Black	Hispanic	Other	Total
Part C: 10 - 30 grams	Percent	2%	95%	3%	0%	220
	Number	5	209	6	0	
Part D: 30 - 500 grams	Percent	19%	69%	12%	0%	448
	Number	84	308	55	1	
Part E: 500 - 2000 grams	Percent	27%	52%	20%	0%	44
	Number	12	23	9	0	
Part F: 2000 - 5000 grams	Percent	41%	26%	26%	7%	27
	Number	11	7	7	2	
Part G: >5000 grams	Percent	33%	25%	40%	2%	57
	Number	19	14	23	1	
Total, Cannabis	Percent	16%	70%	13%	1%	796
	Number	131	561	100	4	
All Other IDOC Admissions	Percent	30%	59%	11%	0%	89,283
	Number	26,586	52,507	9,761	429	
IDOC Overall Admissions	Percent	30%	59%	11%	0%	90,079
	Number	26,717	53,068	9,861	433	

Tables 11 and 12 report the number of admissions to prison for cannabis offenses by gender and geography. Across the board, females usually account for less than 10% of prison admissions. Geographically, cannabis possession admissions for the lower quantity offenses were disproportionately from Cook County.

Table 11. Three Years Admissions to Prison by Gender

Cannabis Possession Admissions to Prison (FY13-15)		Male	Female	Total
Part C: 10 - 30 grams	Percent	98%	2%	220
	Number	215	5	
Part D: 30 - 500 grams	Percent	97%	3%	448
	Number	436	12	
Part E: 500 - 2000 grams	Percent	93%	7%	44
	Number	41	3	
Part F: 2000 - 5000 grams	Percent	85%	15%	27
	Number	23	4	
Part G: >5000 grams	Percent	93%	7%	57
	Number	53	4	
Total, Cannabis	Percent	96%	4%	796
	Number	768	28	
All Other IDOC Admissions	Percent	92%	8%	89,283
	Number	81,747	7,536	
IDOC Overall Admissions	Percent	92%	8%	90,079
	Number	82,515	7,564	

⁶ SAMHSA, Center for Behavioral Health Statistics and Quality, National Survey on Drug Use and Health, 2011 and 2012.

Table 12. Three Year Admissions to Prison by Geographic Region

Cannabis Possession Admissions to Prison (FY13-15)		Cook	Collar	Urban	Rural	Total
Part C: 10 - 30 grams	Percent	88%	0%	10%	1%	220
	Number	194	1	22	3	
Part D: 30 - 500 grams	Percent	62%	13%	11%	15%	448
	Number	277	56	49	66	
Part E: 500 - 2000 grams	Percent	45%	16%	14%	25%	44
	Number	20	7	6	11	
Part F: 2000 - 5000 grams	Percent	44%	11%	15%	30%	27
	Number	12	3	4	8	
Part G: >5000 grams	Percent	42%	12%	14%	32%	57
	Number	24	7	8	18	
Total, Cannabis	Percent	66%	9%	11%	13%	796
	Number	527	74	89	106	
All Other IDOC Admissions	Percent	52%	12%	20%	16%	89,283
	Number	46,417	10,634	17,679	14,471	
IDOC Overall Admissions	Percent	52%	12%	20%	16%	90,079
	Number	46,944	10,708	17,768	14,577	

OTHER UNKNOWN IMPACTS OF PROPOSED LEGISLATION:**JUDICIAL SYSTEM.**

Petty offense processing would consume administrative resources. However, the additional administrative processing may be offset by fewer misdemeanor cases going through courts. Due to the multitude of possibilities for implementing the administrative processing of the petty offense tickets, SPAC was unable to reliably estimate the size of these two effects. However, the Circuit Clerks would receive a portion of the ticket revenue.

IMPACT CALCULATIONS

Cannabis Possession For Less Than 2.5 Grams

720 ILCS 550/4(a)
2012, 2013, and 2014

Total Arrests	50,408
Total Convictions	<i>Incomplete data</i>
Total Withheld Judgments	3,527

Withheld judgments result in charges being dismissed or the judgment of guilt being vacated if the individual is not rearrested. Misdemeanor convictions data are unavailable for two large counties. The calculations here use the best available numbers, i.e., the rest of the state.

	Dollar Value From 2011 to 2013
Current Cost	\$6,540,943
Proposed Cost	\$0
Petty Offense Revenue	\$5,040,800
Total Benefits	\$11,581,743

Sentences		Number of Offenders	Average Sentence Imposed (days)	Average Sentence Imposed (years)	Average Sentence Served (years)
			A	A / 365.25	L
	Pretrial Detention	3,412	2	0.01	0.01
	Probation	2,474	373	1.02	1.02
	Misdemeanor Jail Term	938	36	0.10	0.10
	IDOC Prison	-	-	-	-

Current Costs		Cost	Length of Time (Years)	Number of Offenders	Current Cost for Each Offender	Total Cost of Current System
		C	L	N	C x L	C x L x N
	Pretrial Detention	\$15,749	0.01	3,412	\$83	\$284,582
	Probation	\$1,900	1.02	2,474	\$1,940	\$4,800,339
	Misdemeanor Jail Term	\$15,749	0.10	938	\$1,552	\$1,456,023
	IDOC Prison	\$6,405	-	-	0	\$0
	Total				\$3,576	\$6,540,943

Note: SPAC uses the average cost of supervising all risk levels of offenders from AOIC's 2011 calculations.

Effect of Legislative Proposal	Area Affected	Cost	Length of Time Expected (Years)	Number of Offenders	Cost of Legislative Proposal Per Offender	Total Cost of Legislative Proposal
		C	L'	N	C x L'	C x L' x N
	Pretrial Detention	\$15,749	-	-	\$0	\$0
	Probation	\$1,900	-	-	\$0	\$0
	Misdemeanor Jail Term	\$15,749	-	-	\$0	\$0
	Petty Offense Fines	\$200	-	25,204	\$200	\$5,040,800
	Total				\$200	\$5,040,800

Cannabis Possession 2.5 to 10 grams

720 ILCS 550/4(b)

2012, 2013, and 2014

Total Arrests	40,375
Total Convictions	<i>Incomplete data</i>
Total Withheld Judgments	3,045

Withheld judgments result in charges being dismissed or the judgment of guilt being vacated if the individual is not rearrested.

Misdemeanor convictions data are unavailable for two large counties. The calculations here use the best available numbers, i.e., the rest of the state.

	Dollar Value From 2011 to 2013
Current Cost	\$6,565,834
Proposed Cost	\$0
Petty Offense Revenue	\$4,037,500
Total Benefits	\$10,603,334

Sentences	Number of Offenders	Average Sentence Imposed (days)	Average Sentence Imposed (years)	Average Sentence Served (years)
		A	A / 365.25	L
Pretrial Detention	3,228	4.0	0.01	0.01
Probation	2,090	381	1.04	1.04
Misdemeanor Jail Term	1,138	38	0.10	0.10
IDOC Prison	-	-	-	-

Note: Special probation refers to supervision with special conditions, such as 1410, 710, or TASC probation.

Current Costs	Cost	Length of Time (Years)	Number of Offenders	Current Cost for Each Offender	Total Cost of Current System
	C	L	N	C x L	C x L x N
Pretrial Detention	\$15,749	0.01	3,228	\$173	\$558,987
Probation	\$1,900	1.04	2,090	\$1,982	\$4,142,234
Misdemeanor Jail Term	\$15,749	0.10	1,138	\$1,638	\$1,864,613
Total				\$3,794	\$6,565,834

Note: SPAC uses the average cost of supervising all risk levels of offenders from AOIC's 2011 calculations.

Effect of Legislative Proposal	Area Affected	Cost	Length of Time Expected (Years)	Number of Offenders	Cost of Legislative Proposal Per Offender	Total Cost of Legislative Proposal
		C	L'	N	C x L'	C x L' x N
Pretrial Detention		\$15,749	-	-	\$0	\$0
Probation		\$1,900	-	-	\$0	\$0
Misdemeanor Jail Term		\$15,749	-	-	\$0	\$0
Petty Offense Fines		\$200	-	20,188	\$200	\$4,037,500
Total					\$200	\$4,037,500

Cannabis Possession 10 to 30 grams
720 ILCS 550/4(c)
2012, 2013, and 2014

	Dollar Value From 2011 to 2013
Current Cost	\$10,823,029
Proposed Cost	\$10,201,553
Petty Offense Revenue	\$0
Victimization Benefits	-\$63,571
Total Benefits	\$557,905

Total Arrests	17,238
Total Convictions	Incomplete data
Total Withheld Judgments	719

Withheld judgments result in charges being dismissed or the judgment of guilt being vacated if the individual is not rearrested.

Misdemeanor convictions data are unavailable for two large counties. The calculations here use the best available numbers, i.e. the rest of the state.

Sentences		Number of Offenders	Average Sentence (days)	Average Sentence Imposed (years)	Average Sentence Served (years)
			A	A / 365.25	L
	Pretrial Detention	3,267	15.2	0.04	0.04
	Probation	1,972	475	1.30	1.30
	Misdemeanor Jail Term	1,075	57	0.16	0.16
	IDOC Prison	220		1.09	0.43

Note: Special probation refers to supervision with special conditions, such as 1410, 710, or TASC probation. Pretrial detention is calculated to include all offenders with probation or a prison sentence.

Current Costs		Cost	Length of Time (Years)	Number of Offenders	Current Cost for Each Offender	Total Cost of Current System
		C	L	N	C x L	C x L x N
	Pretrial Detention	\$15,749	0.04	3,267	\$657	\$2,146,133
	Probation	\$1,900	1.30	1,972	\$2,471	\$4,872,635
	Misdemeanor Jail Term	\$15,749	0.16	1,075	\$2,458	\$2,642,081
	IDOC Prison	\$6,405	0.43	220	\$2,754	\$605,913
	IDOC Supervision	\$2,841	0.89	220	\$2,528	\$556,268
	Total				\$10,868	\$10,823,029

Note: SPAC uses the average cost of supervising all risk levels of offenders from AOIC's 2011 calculations.

Effect of Legislative Proposal	Area Affected	Cost	Length of Time Expected (Years)	Number of Offenders	Cost of Legislative Proposal Per Offender	Total Cost of Legislative Proposal
		C	L'	N	C x L'	C x L' x N
	Pretrial Detention	\$15,749	0.04	3,267	\$657	\$2,146,133
	Probation	\$1,900	1.30	1,972	\$2,471	\$4,872,635
	Misdemeanor Jail Term	\$15,749	0.16	1,295	\$2,458	\$3,182,786
	Total Costs					\$10,201,553

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	L' - L = D	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	0.47	0.20	-0.27	-\$17,133	-\$17,273	-\$139	220	-\$30,646
							Total	-\$30,646

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
		P	$N \times P = N'$	K	L' - L = D	$K \times D = E$	$(\text{Convictions} : \text{Recidivism}) = Z$	V3	$N' \times E \times Z \times V3$
	18 to 27	39.5%	66	-2.1%	-0.27	0.6%	1.65	-\$49,103	-\$30,745.38
	28 to 36	36.4%	61	0.3%	-0.27	-0.1%	1.65	-\$49,103	\$4,047.49
	37 to 50	24.0%	40	-0.7%	-0.27	0.2%	1.65	-\$49,103	-\$6,226.91
	Total	100%	167						-\$32,925

Cannabis Possession 30 to 500 grams
720 ILCS 550/4(d)
2012, 2013, and 2014

Total Arrests	6,738
Total Convictions	<i>Incomplete data</i>
Total Withheld Judgments	719

*Withheld judgments result in charges being dismissed or the judgment of guilt being vacated if the individual is not rearrested.
 Misdemeanor convictions data are unavailable for two large counties. The calculations here use the best available numbers, i.e. the rest of the state.*

Dollar Value From 2011 to 2013	
Current Cost	\$13,829,770
Proposed Cost	\$12,447,689
Victimization Benefits	-\$239,171
Total Benefits	\$1,142,911

Sentences		Number of Offenders	Average Sentence	Average Sentence	Average Sentence
			(days)	Imposed (years)	Served (years)
			A	A / 365.25	L
	Pretrial Detention	1,636	87	0.24	0.24
	Probation	1,188	782	2.14	2.14
	Misdemeanor Jail Term	0	-	-	0.50
	IDOC Prison	448		1.29	0.59

Note: Special probation refers to supervision with special conditions, such as 1410, 710, or TASC probation. Pretrial detention is calculated to include all offenders with probation or a prison sentence.

Current Costs		Cost	Length of Time	Number of	Current Cost for Each	Total Cost of Current
		C	(Years)	Offenders	Offender	System
			L	N	C x L	C x L x N
	Pretrial Detention	\$15,749	0.24	1,636	\$3,772	\$6,171,373
	Probation	\$1,900	2.14	1,188	\$4,068	\$4,832,664
	IDOC Prison	\$6,405	0.59	448	\$3,779	\$1,692,970
	IDOC Supervision	\$2,841	0.89	448	\$2,528	\$1,132,764
	Total				\$11,619	\$13,829,770

Note: SPAC uses the average cost of supervising all risk levels of offenders from AOIC's 2011 calculations.

Ratios for Dividing Effects	Number of Offense	Percent	Cannabis Weight	Percent	Number	Probation or Incarceration	Percent
	First Time Offenders	89%	30-100g Offenders	66%	1,073	Probation	73%
	Second or Subsequent	11%	100-500g Offenders	34%	563	Incarceration	27%

Note: Quantity percentages calculated by SPAC from NIBRS (2011).

Effect of Legislative Proposal (Misdemeanors)	Area Affected	Cost	Length of Time	Number of	Cost of Legislative	Total Cost of
		C	Expected (Years)	Offenders	Proposal Per Offender	Legislative Proposal
			L'	N	C x L'	C x L' x N
	Pretrial Detention	\$15,749	0.24	955	\$3,772	\$3,600,858
	Probation*	\$1,900	1.71	693	\$3,254	\$2,255,801
	Misdemeanor Jail Term	\$15,749	0.26	261	\$4,102	\$1,072,324
	Total Costs					\$6,928,984

*Note: *Probation terms are shortened because Misdemeanor Class A offenses can only receive 2 years (80%) of the 2.5 years of supervision permissible for Class 3 and 4 Felonies.*

Effect of Legislative Proposal (Felonies)	Area Affected	Cost	Length of Time	Number of	Cost of Legislative	Total Cost of
		C	Expected (Years)	Offenders	Proposal Per Offender	Legislative Proposal
			L'	N	C x L'	C x L' x N
	Pretrial Detention	\$15,749	0.24	681	\$3,772	\$2,570,515
	Probation	\$1,900	2.14	495	\$4,068	\$2,012,912
	IDOC Prison (Class 4)	\$6,405	0.35	170	\$2,245	\$380,786
	IDOC Prison (Class 3)	\$6,405	0.76	17	\$4,871	\$82,670
	IDOC Supervision	\$2,841	0.89	187	\$2,528	\$471,821
	Total Costs					\$5,518,705
	Total Costs					\$12,447,689

Incapacitation Benefits	Length of Stay (Years)	Length of Stay Proposed (Years)	Difference in Years	One Year Victimization Costs per Offender	Net Present Value of Victimization Costs under Proposal (3% discount rate)	Net Present Value of Changes in Length of Stay	Number of Offenders	Victimization Benefits
	L	L'	L' - L = D	V1	$V1 / [(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	0.92	0.50	-0.42	-\$17,133	-\$17,347	-\$213	448	-\$95,551
	0.92	1.00	0.08	-\$17,133	-\$17,092	\$41	-	\$0
							Total	-\$95,551

Recidivism Benefits	Age Groups for Offenders	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year Older	Net Difference in Years	Predicted Recidivism Rate Change	Ratio of Conviction Rate to Recidivism Rate	Three Year Victimization Costs per Offender	Victimization Benefits
		P	N x P = N'	K	L' - L = D	K x D = E	(Convictions : Recidivism) = Z	V3	N' x E x Z x V3
	18 to 27	44.0%	197	-2.1%	-0.42	0.9%	1.65	-\$49,103	-\$140,493.50
	28 to 36	37.1%	166	0.3%	-0.42	-0.1%	1.65	-\$49,103	\$16,915.31
	37 to 50	18.8%	84	-0.7%	-0.42	0.3%	1.65	-\$49,103	-\$20,041.29
	Total	100%	448						-\$143,619