

HOUSE BILL 5061

LIMITS HABITUAL CRIMINAL SENTENCING PENALTY TO 21 YEARS OLD AND FORCIBLE PRIORS
730 ILCS 5/5-4.5-95

INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

House Bill 5061 ([HB5061](#)) amends the three-strikes sentencing provisions in the Unified Code of Corrections. The bill limits eligibility for both the habitual criminal mandatory natural life sentence and the Class X enhancement for those who commit three or more serious crimes. These two changes reduce the number of people who would be eligible for the habitual criminal sentencing enhancements. Due to current data limitations, which prevent reliable identification of individuals actually sentenced as habitual criminals, SPAC cannot do a full fiscal impact analysis. The following is a reasonable estimate of the pool of individuals admitted to the Illinois Department of Corrections (IDOC) in the past three years who have criminal histories that qualify them for three-strikes sentencing under current law and HB5061.

Natural Life Enhancement

Current law requires a natural life sentence for habitual offenders whose third qualifying offense occurred at 18 years of age or older. Qualifying offenses include all Class X felonies, criminal sexual assault, aggravated kidnaping, or first degree murder. 730 ILCS 5/5-4.5-95(a). HB5061 increases the age at the first offense to 21 or older, limiting the number of offenders who could be subject to a natural life sentence.

To estimate the retrospective eligible population for this new legislation SPAC reviewed the past three years of admissions to IDOC and counted the number of admissions that had the required three convictions in their criminal histories. Using the recorded age at arrest, SPAC calculated the number of people who were eligible for the habitual criminal enhancement under the current law, 18 by the third strike, and under the proposed language, 21 by the first strike. The change reduces the number of eligible admissions over three years by 41%.

Table 1. Number of Habitual Offender-Eligible Admissions FY2015-2017

| | Number of Admissions Eligible for Natural Life Enhancement |
|--|--|
| Current Habitual Criminal Eligible (18 by third strike) | 147 |
| Proposed Habitual Criminal Eligible (21 by first strike) | 86 |

Class X Enhancement

730 ILCS 5/5-4.5-95(b) provides that when an individual over 21 years old is convicted of a third Class 1 or Class 2 felony, the individual is eligible for an increased Class X sentence. Under HB5061, only Class 1 or 2 forcible felonies would count towards the three strikes. The current range for a Class 1 felony is 4 to 15 years. The Class 2 range is 3 to 7 years. The Class X range is 6 to 30 years.

SPAC reviewed the past three years of admissions to IDOC and counted the number of admissions that had the required three convictions in their criminal histories. Limiting the eligible convictions to only those that can be forcible felonies reduced the eligible admissions over three years by 73%.

Table 2. Number of Class X Eligible Admissions FY2015-2017

| | Number of Admissions Eligible for Class X Enhancement |
|--|---|
| Current Class X Eligible (any Class 1 or 2 felony) | 3,717 |
| Proposed Class X Eligible (Class 1 or 2 forcible felony) | 993 |

DEMOGRAPHIC IMPACT OF PROPOSED LEGISLATION:

Table 1 shows the race and gender of offenders that would be impacted had this bill been in effect. Table 2 shows where these commitments to IDOC originate. Finally, Table 3 shows the relationship between geography and race for commitments to IDOC. Here, race is self-identified upon admission to prison. The “Other” includes self-identified Hispanic, Asian/Island Pacific, Native American, and Unknown races.

Table 1 (a): Past Three Years Admissions to IDOC – **Natural Life Enhancement**

| | Male | Female | Total | Percent |
|--------------|------------|-----------|------------|-------------|
| White | 10 | 0 | 10 | 7% |
| Black | 120 | 1 | 121 | 82% |
| Other | 16 | 0 | 16 | 11% |
| Total | 99% | 1% | 147 | 100% |

Table 2 (a): Top 10 Admitting Counties over Past Three Years – **Natural Life Enhancement**

| County | Number of Admissions | Percent |
|--------------|----------------------|-------------|
| Cook | 112 | 76% |
| Rock Island | 4 | 3% |
| DuPage | 3 | 2% |
| Kane | 3 | 2% |
| Macon | 3 | 2% |
| Will | 3 | 2% |
| Champaign | 2 | 1% |
| Kendall | 2 | 1% |
| Peoria | 2 | 1% |
| DeKalb | 1 | 1% |
| Other | 12 | 1% |
| Total | 147 | 100% |

Table 3 (a): Race by Geographic Location over Past Three Years - Natural Life Enhancement

| | Cook | Collar | Urban | Rural | Percent |
|--------------|------------|-----------|------------|-----------|------------|
| White | 3 | 1 | 4 | 2 | 7% |
| Black | 96 | 8 | 14 | 3 | 82% |
| Other | 13 | 1 | 2 | 0 | 11% |
| Total | 76% | 7% | 14% | 3% | 147 |

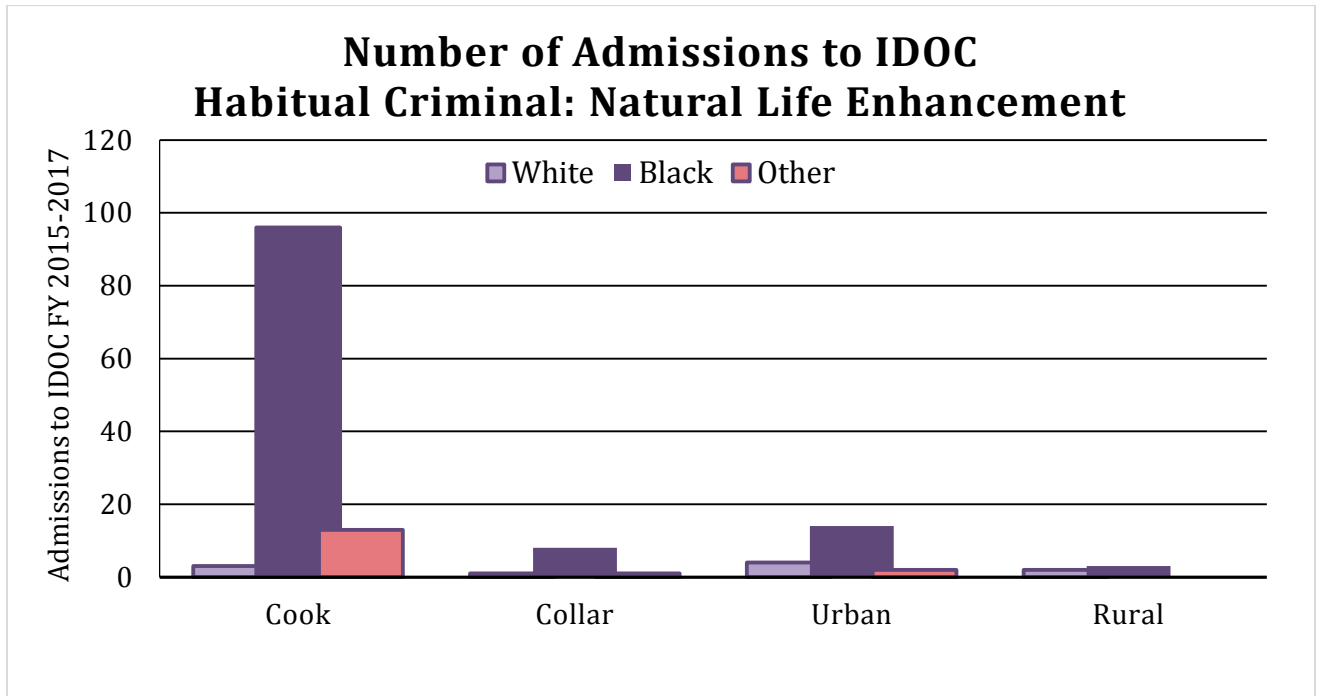


Table 1 (b): Past Three Years Admissions to IDOC - Class X Enhancement

| | Male | Female | Total | Percent |
|--------------|------------|-----------|--------------|-------------|
| White | 841 | 45 | 886 | 24% |
| Black | 2,467 | 98 | 2,565 | 69% |
| Other | 259 | 7 | 266 | 7% |
| Total | 96% | 4% | 3,717 | 100% |

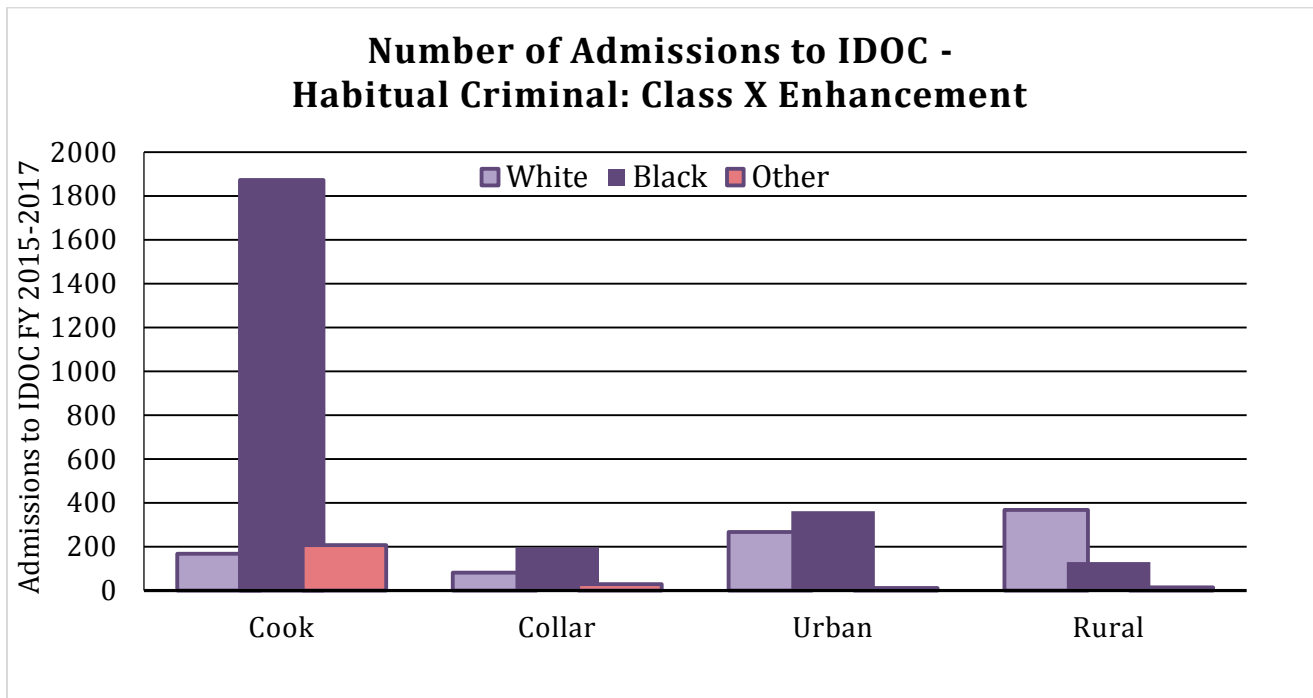
Table 2 (b): Top 10 Admitting Counties over Past Three Years - Class X Enhancement

| Committing County | Number of Admissions | Percent |
|-------------------|----------------------|---------|
| Cook | 2,250 | 61% |
| Madison | 99 | 3% |
| Will | 87 | 2% |
| Winnebago | 87 | 2% |
| Peoria | 78 | 2% |
| Lake | 76 | 2% |

| | | |
|--------------|--------------|-------------|
| DuPage | 74 | 2% |
| McLean | 62 | 2% |
| Macon | 60 | 2% |
| Sangamon | 59 | 2% |
| Champaign | 785 | 21% |
| Total | 3,717 | 100% |

Table 3 (b): Race by Geographic Location over Past Three Years - Class X Enhancement

| | Cook | Collar | Urban | Rural | Percent |
|--------------|------------|-----------|------------|------------|--------------|
| White | 169 | 82 | 267 | 368 | 24% |
| Black | 1,873 | 198 | 363 | 131 | 69% |
| Other | 208 | 30 | 13 | 15 | 7% |
| Total | 61% | 8% | 17% | 14% | 3,717 |



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.