

## HOUSE BILL 531 - SENATE AMENDMENT 1

### PAROLE FOR OFFENDERS UNDER 21 – ELIGIBILITY POOL CALCULATION

#### INSUFFICIENT DATA TO SUPPORT A FULL FISCAL ANALYSIS

Senate Amendment 1 to House Bill 531 ([HB531](#)) amends the Code of Corrections to adjust the length of stay by allowing inmates who were under the age of 21 at the time of their offense to apply for early release. The proposal permits the Prisoner Review Board (PRB) to release eligible offenders of non-homicide and non-aggravated sexual assault offenses after they serve 10 years in prison. For homicide and aggravated sexual assault offenses, early release is permitted after 20 years. Individuals who are sentenced to natural life or charged with predatory criminal sexual assault are not eligible. To implement this early release, inmates petition the PRB three years before serving the 10 or 20 years to begin the process.

To estimate eligibility, SPAC examined Illinois Department of Corrections (IDOC) admissions data from fiscal years 2015 through 2017. SPAC estimated the age at offense based on the age at sentencing and the length of pretrial detention. The numbers presented in Table 1 show the number of admissions over the past three years that would have been effected by the proposal had HB531 been in effect when the offenders were sentenced.

**Table 1.** Three Years of Admissions, Inmates Effected by HB531, Senate Amendment 1

Admissions Eligible for Early Release	<b>Three Years of Eligible Admissions, FY15-17</b>
	<b>Under 21 at Age of Offense*</b>
Eligible within 10 Years <i>(non-homicide, non-aggravated criminal sexual assault, and non-life sentences, non-predatory criminal sexual assault)</i>	<b>192</b>
Eligible within 20 Years <i>(non-life sentences, non-predatory criminal sexual assault)</i>	<b>124</b>
Three Years, Total Early Release Eligible	<b>316</b>

\* Inmates having consecutive sentences were not included in this analysis.

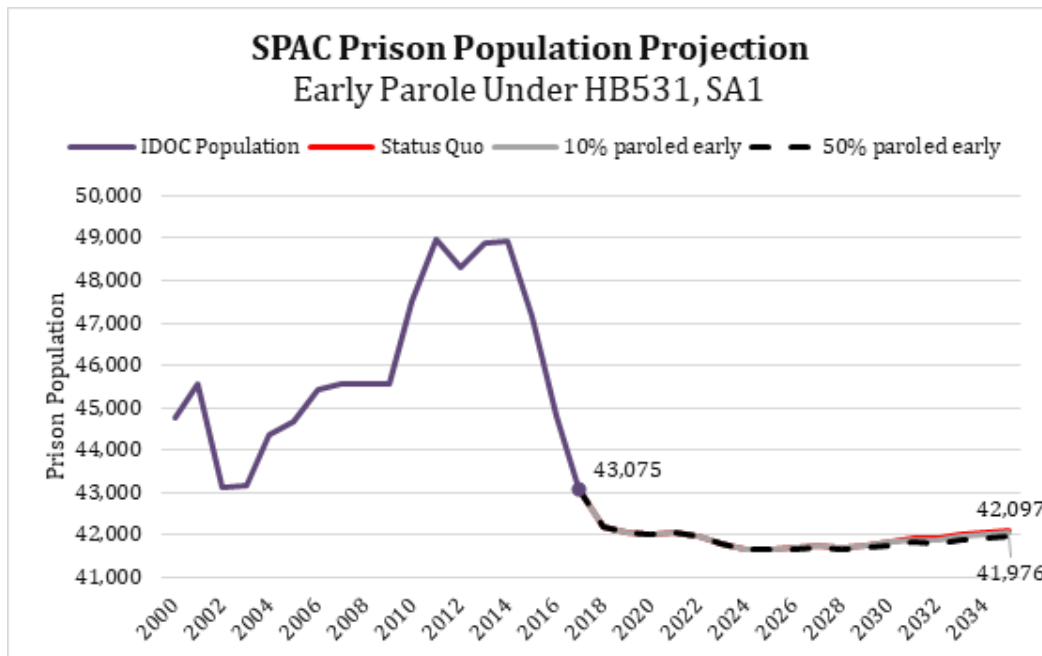
Over three years, SPAC estimated that 316 individuals were admitted to prison that would be eligible to petition for early release in 10 or 20 years under this proposal. The proposal requires IDOC staff to provide information to the applicants about parole process, personalized recommendations about work assignments, rehabilitative programs, and institutional behavior. The PRB would appoint counsel for the applicant and review the applications. The PRB is also tasked with notifying the State’s Attorney of the county from which the person was committed and the victim or family of the victim of the parole hearing. HB531 sets forth the factors the PRB must consider and allows denial if (1) there is substantial risk that the eligible person will not conform to reasonable conditions of parole, (2) release will not deprecate the seriousness of the offense or promote disrespect for the law, or (3) release will have substantially adverse effects on

institutional discipline. The appeal process and further procedural processes are outlined in the proposal.

## SPAC PARTIAL PRISON POPULATION PROJECTION

A population projection answers the question “What if this policy were enacted?” To answer the question, the projection first asks what the projected prison population would be without any change to the current policy. In the graph below, the dark purple line represents the status quo in the prison population, projected for the 30<sup>th</sup> of June every year. On June 30<sup>th</sup>, 2035 the status quo projection estimates 42,097 individuals will be held in Illinois’ prisons.

The status quo projection relies on the assumption that admissions, sentences, and IDOC practices remain consistent with the most recent fiscal year, FY2017. Changes to crime or recidivism rates are not accounted for in the projection. The policy projection depends on a set of assumptions regarding its implementation. First, the eligibility pool increases in size in the future due to the accumulation of future admissions with longer sentences, but the proportion of the pool that would actually be granted early release is unknown for any given year. Also, those with longer sentences often also have consecutive sentences, which the proposal does not directly address. The SPAC projection removes those with consecutive sentences from the eligible pool and assumes two scenarios of 10% and 50% of the remainder who meet the amount of time served and the age-at-offense criteria in the future to be allowed early parole.



The light and dashed lines answer the what if question under the 10% and 50% scenarios: By 2035, there would be an estimated reduction of 121 people if 50% of the eligible pool were granted parole and an estimated reduction of 24 people if 10% of the eligible pool were granted early release. The projections do not adjust for parole revocations or individuals held on technical violations.

**DEMOGRAPHIC IMPACT OF PROPOSED LEGISLATION:**

Table 2 shows the race and gender of offenders eligible in IDOC. Table 3 shows where these commitments to IDOC originate. Finally, Table 4 shows the relationship between geography and race for commitments to State prisons. Here, race is self-identified upon admission to prison. The “Other” includes self-identified Hispanic, Asian/Island Pacific, Native American, and Unknown races.

**Table 2(a) Past Three Years Admissions to IDOC Eligible in 10 years**

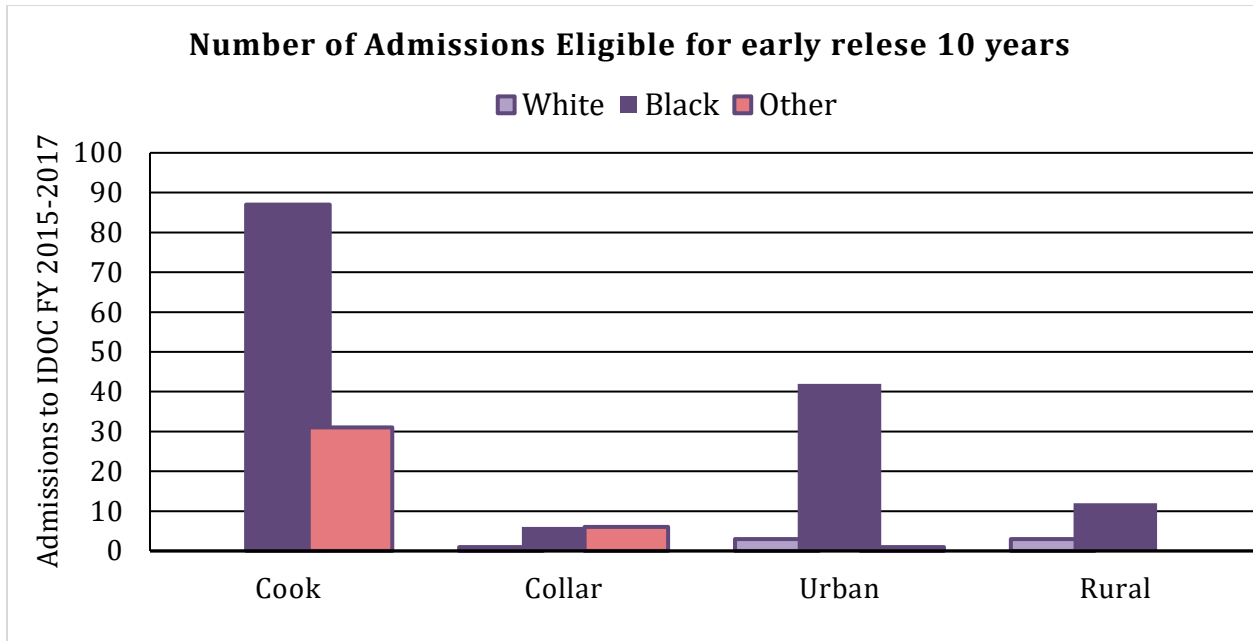
	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Percent</b>
White	7	0	7	<b>4%</b>
Black	146	1	147	<b>77%</b>
Other	38	0	38	<b>20%</b>
<b>Total</b>	<b>99.5%</b>	<b>0.5%</b>	<b>192</b>	<b>100%</b>

**Table 3(a) Top 10 Admitting Counties over Past Three Years Eligible in 10 years**

<b>County</b>	<b>Number of Admissions</b>	<b>Percent</b>
Cook	118	<b>61%</b>
Peoria	16	<b>8%</b>
Champaign	6	<b>3%</b>
Jackson	6	<b>3%</b>
Winnebago	6	<b>3%</b>
Madison	5	<b>3%</b>
Lake	4	<b>2%</b>
St. Clair	4	<b>2%</b>
Will	4	<b>2%</b>
Dupage	3	<b>1%</b>
other	20	<b>10%</b>
<b>Total</b>	<b>192</b>	<b>100%</b>

**Table 4(a) Race by Geographic Region over Past Three Years Eligible in 10 years**

	<b>Cook</b>	<b>Collar</b>	<b>Urban</b>	<b>Rural</b>	<b>Percent</b>
White	0	1	3	3	<b>4%</b>
Black	87	6	42	12	<b>77%</b>
Other	31	6	1	0	<b>20%</b>
<b>Total</b>	<b>61.5%</b>	<b>6.8%</b>	<b>24.0%</b>	<b>7.8%</b>	<b>192</b>



**Table 2(b) Past Three Years Admissions to IDOC Eligible in 20 Years**

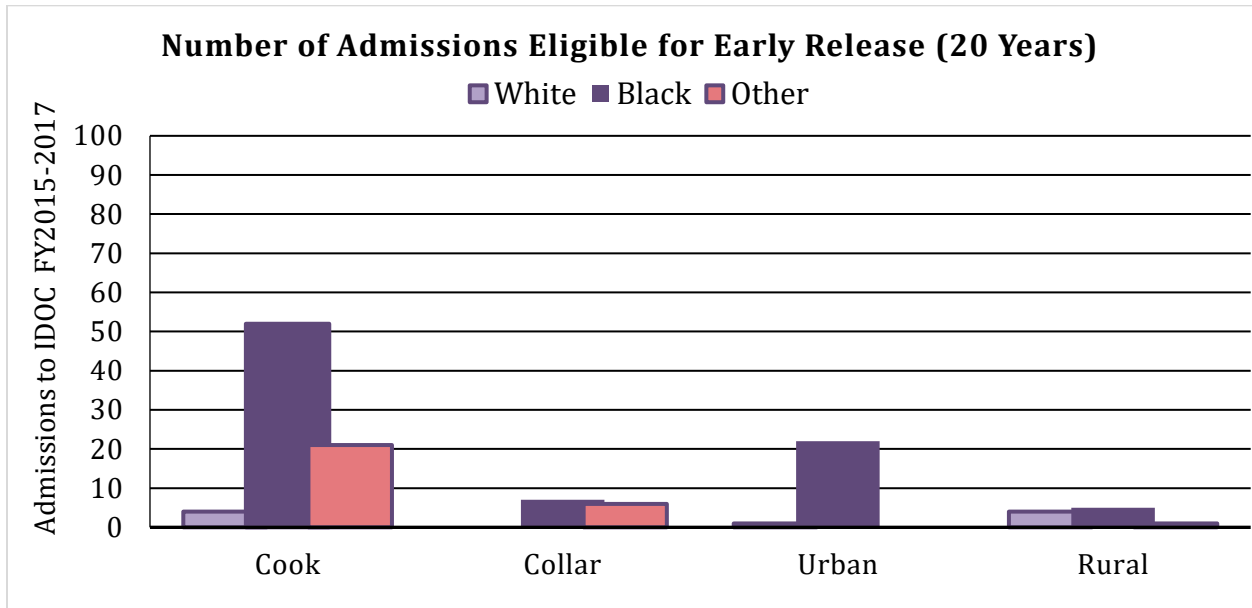
	Male	Female	Total	Percent
White	8	1	9	7%
Black	86	1	87	70%
Other	27	1	28	23%
<b>Total</b>	<b>98%</b>	<b>2%</b>	<b>124</b>	<b>100%</b>

**Table 3(b) Top 10 Admitting Counties over Past Three Years Eligible in 20 Years**

County	Number of Admissions	Percent
Cook	77	62%
Lake	6	5%
St. Clair	6	5%
Kane	4	3%
Macon	3	2%
Madison	3	2%
Peoria	3	2%
McLean	2	2%
Rock Island	2	2%
Sangamon	2	2%
Other	16	13%
<b>Total</b>	<b>124</b>	<b>100%</b>

**Table 4(b) Race by Geographic Region over Past Three Years Eligible in 20 Years**

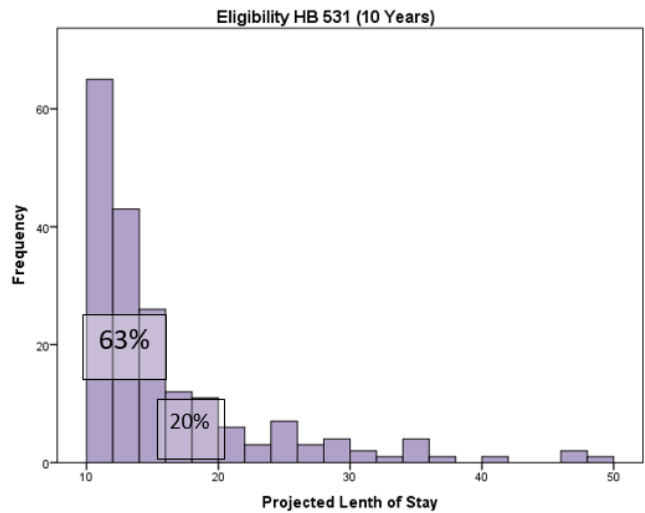
	Cook	Collar	Urban	Rural	Percent
White	4	0	1	4	7%
Black	52	7	22	5	70%
Other	21	6	0	1	23%
<b>Total</b>	<b>62.1%</b>	<b>10.5%</b>	<b>18.5%</b>	<b>8.1%</b>	<b>124</b>



### Length of Stay of Eligibility Pool:

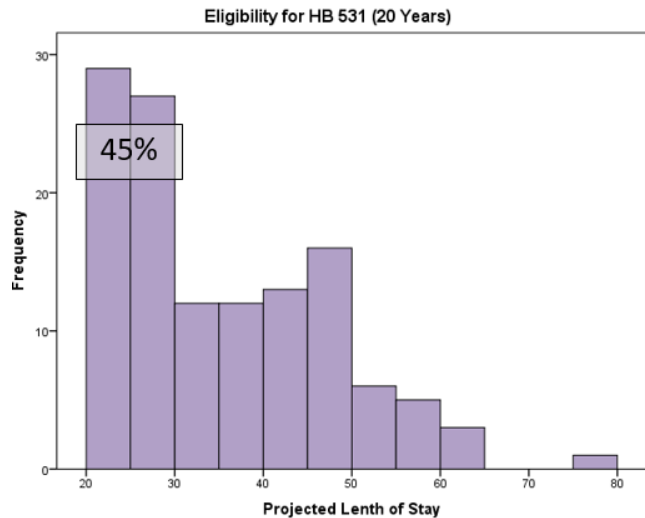
Under HB 531 Senate Amendment 1, individuals who have their first application for early release denied must wait 5 years until they can reapply for early release under HB531. During that 5 year waiting period, 63% of the eligible population would be released after serving full remaining time on their sentence. Individuals who have their second application denied are required to wait an additional 5 years until they can apply for early release a third and final time. During the second 5 year waiting period, 83% of the population eligible for release under this bill would have served their full sentence before the second application period.

The chart to the right shows that most of the 10-year eligibility pool is expected to stay 10-12 years and 63% would exit prison before the second parole hearing.



Individuals who are charged with aggravated criminal sexual assault or homicide are eligible to apply for early release after serving 20 years of their sentence. If their first application is denied, they must wait 10 years before they can apply for a second and final time for early release under HB 531. During that 10 year waiting period between applications for early release, 45% of individuals eligible for release, would have been release after serving the full time remaining on their sentences.

The chart to the right shows that most of the 20-year eligibility pool is expected to stay 20-25 years and 45% would exit prison before the second parole hearing.



*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.*