

## HOUSE BILL 5532

REMOVES PAROLE MSR REQUIREMENT FOR NON-DOMESTIC VIOLENCE CLASS 4 OFFENDERS

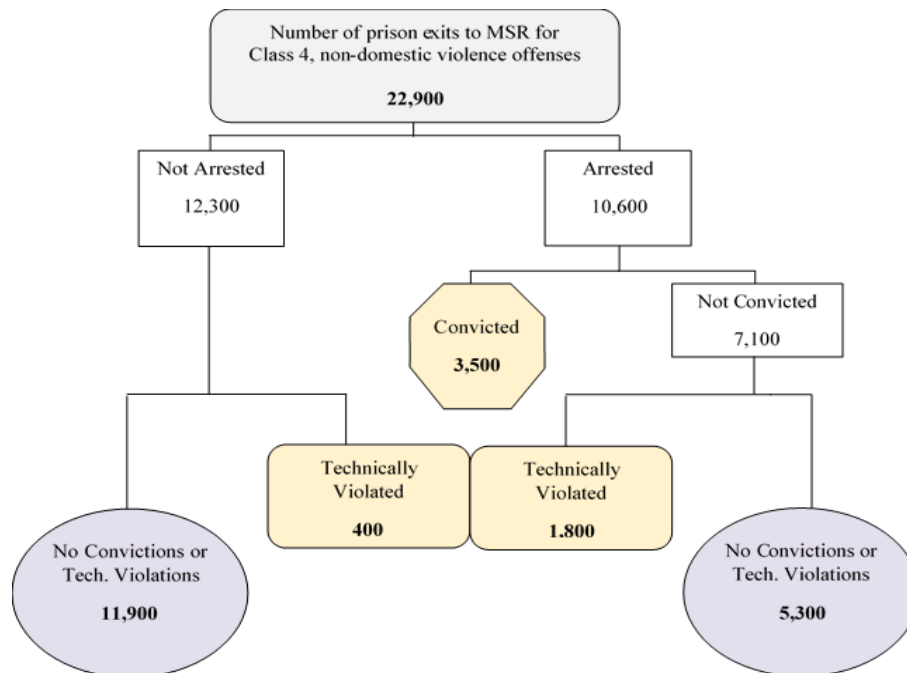
### INSUFFICIENT DATA TO SUPPORT A FULL FISCAL IMPACT ANALYSIS

House Bill 5532 ([HB5532](#)) eliminates the current requirement of one year of mandatory supervised release (MSR) for Class 4 offenders, except for those convicted of domestic battery offenses. Due to data limitations, SPAC was unable to estimate the fiscal impact of this change on the Illinois Department of Corrections (IDOC). There was sufficient data to determine which offenders would have been impacted had this bill been in effect over the past three years.

For the last three fiscal years (2015-17), Class 4 admissions accounted for 37% of total admissions to prison (22,029). Removing 1,678 individuals sentenced for domestic violence, 20,972 individuals would not be subject to MSR supervision. Of those 20,972 prison admissions for Class 4, non-domestic violence offenses, it is unknown whether removing State supervision would have changed their return to prison. Under current policy, they may (a) be successful and stay out of the criminal justice system, (b) be revoked on a technical violation, (c) be rearrested and revoked to prison before reconviction, or (d) be rearrested and reconvicted.

To provide a point of reference for each of these four possible groups, SPAC analyzed three years of exits from prison for Class 4, non-domestic violence offenses. Examining exits allowed for analysis of one year after their release from IDOC.<sup>1</sup> During this time period, about 22,900 non-domestic violence offenders were released from IDOC and approximately 75% of those supervised were not returned to prison during their time on MSR. SPAC found that 10% of those supervised were returned to prison without a new conviction (a technical violation) and 15% were convicted of a new offense during their time on MSR.

**Figure 1.** Outcomes for Class 4, Non-Domestic Violence People on MSR



<sup>1</sup> For the recidivism analysis, SPAC used FY2014-2016 in order to track at least one year after the individuals’ release from prison.

Had HB5532 been in effect for the past three years (FY2014-16), about 22,900 people would have been released from prison and fully discharged from their sentences without any form of supervision. Of those 22,900, 15% received a new conviction and 10% received a technical violation during their MSR period for a total of 25% whose outcomes might have been different had they been released without supervision. It is not possible to determine if some technical violations would have been prosecuted as a new offense, resulting in potentially longer readmissions to prison; some new criminal conduct might have been undetected, resulting in fewer readmissions. The net result is unknown.

**Table 1.** MSR Results for Class 4 non-domestic violence exits from IDOC, FY14-16

| Outcome Type  | Percent     |
|---|-------------|
| Percent with New Conviction   | 15%*        |
| Percent Total Technical Violator  | 10%*        |
| Not Returned  | 75%*        |
| <b>Total</b>  | <b>100%</b> |
| <i>*SPAC cannot confirm everyone that was reconvicted was returned to IDOC.</i> |             |

SPAC analyzed CHRI data to determine the most serious type of offenses that individuals on Class 4 MSR were arrested for in the year after their exit. Felony arrests accounted for 55% of the total arrests.<sup>2</sup> Felony drug offenses were 22% of all arrests. Felony property arrest charges accounted for 17% and violent offenses accounted for 11% of the total arrests. Homicides accounted for 1% of all arrests.

## DEMOGRAPHICS

Table 2 shows the result of the one year MSR period by race. Table 3 shows the number of exits from DOC between fiscal years 2014-2016 by race and gender. Table 4 shows the Top 10 counties that committed Class 4 offenders. Table 5 shows exits by committing county region and race.

**Table 2.** Demographics by MSR Results for Class 4 non-domestic violence exits from IDOC, FY14-16

|              | Not Arrested While on MSR    |            |                           |           | Arrested While on MSR  |            |                        |           |   |            | Total         |                  |
|--------------|------------------------------|------------|---------------------------|-----------|------------------------|------------|------------------------|-----------|---|------------|---------------|------------------|
|              | No Arrest and No Tech. Viol. |            | No Arrest but Tech. Viol. |           | Arrest and Reconvicted |            | Arrest and Tech. Viol. |           | Arrest but not Reconvicted or Tech. Viol. |            |               |                  |
|              | Number                       | Percent*   | Number                    | Percent*  | Number                 | Percent*   | Number                 | Percent*  | Number                                    | Percent*   | Number        | Percent of Total |
| White        | 3,574                        | 58%        | 202                       | 3%        | 795                    | 13%        | 420                    | 7%        | 1,172                                     | 19%        | <b>6,163</b>  | <b>27%</b>       |
| Black        | 6,443                        | 46%        | 207                       | 1%        | 2,470                  | 18%        | 1,277                  | 9%        | 3,575                                     | 26%        | <b>13,972</b> | <b>61%</b>       |
| Other        | 1,841                        | 66%        | 26                        | 1%        | 263                    | 9%         | 146                    | 5%        | 512                                       | 18%        | <b>2,788</b>  | <b>12%</b>       |
| <b>Total</b> | <b>11,858</b>                | <b>52%</b> | <b>435</b>                | <b>2%</b> | <b>3,528</b>           | <b>15%</b> | <b>1,843</b>           | <b>8%</b> | <b>5,259</b>                              | <b>23%</b> | <b>22,923</b> | <b>100%</b>      |

\* Percent is of the racial total, summing to 100% for each row.

<sup>2</sup> The remaining 45% were a mix of misdemeanor and petty offense arrests.

**Table 3.** Race and Gender for Class 4 non-domestic violence exits from IDOC, FY14-16

|              | Male         | Female       | Total         | Percent      |
|--------------|--------------|--------------|---------------|--------------|
| White        | 4,953        | 1,210        | 6,163         | <b>26.9%</b> |
| Black        | 12,656       | 1,316        | 13,972        | <b>61.0%</b> |
| Other        | 2,595        | 193          | 2,788         | <b>12.2%</b> |
| <b>Total</b> | <b>88.1%</b> | <b>11.9%</b> | <b>22,923</b> | <b>100%</b>  |

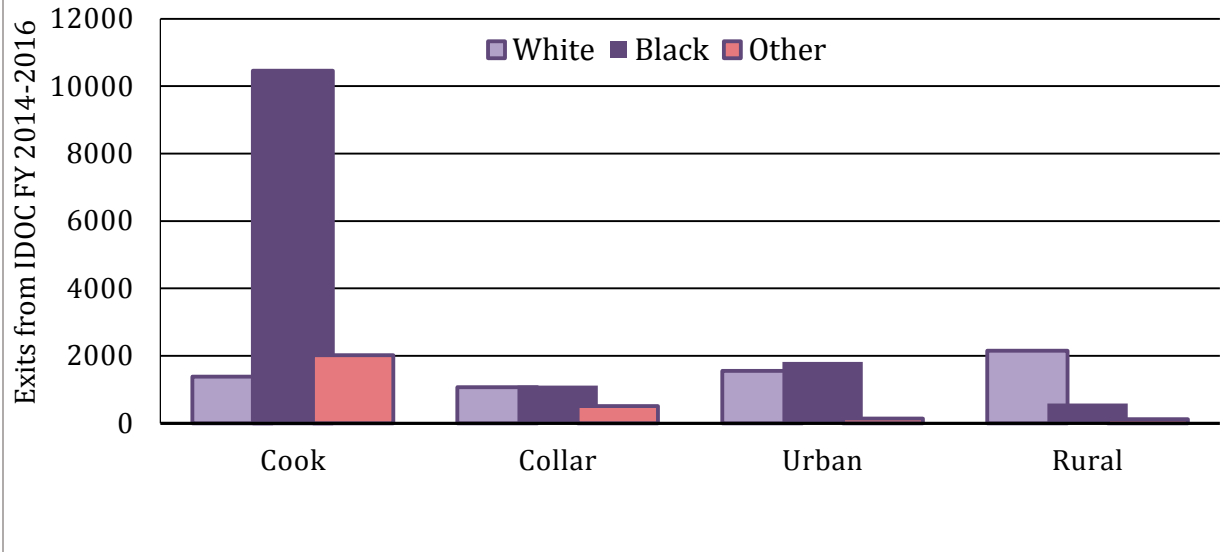
**Table 4.** Top 10 Admitting Committing County for Class 4 non-domestic violence exits from IDOC, FY14-16

| Committing County | Number of Exits | Percent of total |
|-------------------|-----------------|------------------|
| Cook              | 13,859          | <b>61%</b>       |
| Will              | 1,032           | <b>5%</b>        |
| Lake              | 642             | <b>3%</b>        |
| DuPage            | 621             | <b>3%</b>        |
| Winnebago         | 603             | <b>3%</b>        |
| Champaign         | 510             | <b>2%</b>        |
| Macon             | 435             | <b>2%</b>        |
| Madison           | 346             | <b>2%</b>        |
| Peoria            | 323             | <b>1%</b>        |
| Kane              | 309             | <b>1%</b>        |
| Other             | 4,243           | <b>19%</b>       |
| <b>Total</b>      | <b>22,923</b>   | <b>100%</b>      |

**Table 5.** Region and Race for Class 4 non-domestic violence exits from IDOC, FY14-16

|              | Cook         | Collar       | Urban        | Rural        | Percent       |
|--------------|--------------|--------------|--------------|--------------|---------------|
| White        | 1,386        | 1,075        | 1,552        | 2,150        | <b>26.9%</b>  |
| Black        | 10,455       | 1,119        | 1,816        | 582          | <b>61.0%</b>  |
| Other        | 2,018        | 511          | 139          | 120          | <b>12.2%</b>  |
| <b>Total</b> | <b>60.5%</b> | <b>11.8%</b> | <b>15.3%</b> | <b>12.4%</b> | <b>22,923</b> |

## Class 4 MSR Non-Domestic Violence Exits IDOC, FY14-16



*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.*