

# Reforming Illinois' nonviolent Class 4 felony statutes



*By Lauren Krisai, Reason Foundation Director of Criminal Justice Reform*

*Additional resources: [illinoispolicy.org](http://illinoispolicy.org)*

190 S. LaSalle St., Suite 1500, Chicago, IL 60603 | 312.346.5700 | 802 S. 2nd St., Springfield, IL 62704 | 217.528.8800

ILLINOIS  
POLICY



*Reason*

# Table of contents

**PAGE 03**

## **Introduction**

Prison population  
Overcrowding  
Cost  
High costs, low returns

**PAGE 06**

## **Explosion in Class 4 felony admissions**

Felony classifications in Illinois: Overview  
Class 4 felony admissions to prison  
Daily prison population  
High recidivism rate  
Class 4 felony drug offenses  
Methamphetamine  
Class 4 felony property offenses

**PAGE 12**

## **Recommendations**

Reform Class 4 felony drug possession offenses: Raise the threshold  
Reform felony retail theft and felony theft statutes: Raise the thresholds

**PAGE 14**

## **Conclusion**

**PAGE 15**

## **Endnotes**

**PAGE 18**

## **Guarantee of quality scholarship**

# Introduction

One of the biggest drivers of Illinois' prison population is the growth in the number of low-level, nonviolent offenders the state incarcerates. Between 1989 and 2014, 55 percent of the increase in prison admissions was due to more individuals convicted of Class 4 felonies, with a large number of these offenders having been convicted of low-level offenses such as drug possession, low-level retail theft, and driving with a revoked license.<sup>1</sup> Today, Class 4 felony offenders make up the largest sector of incoming inmates in Illinois, accounting for over 37.7 percent of all admissions.<sup>2</sup>

Illinois prisons are among the most overcrowded in the nation, which is dangerous for both inmates and staff. In 2014, the average cost of incarcerating each inmate per year in Illinois was \$22,191, and the cost of maintaining the system ballooned to over \$1.37 billion per year.<sup>3</sup> This figure does not include additional outside costs taxpayers bear, such as administrative costs, pension contributions, employee benefits and taxes, retiree health care contributions, and capital costs.

In addition to being overcrowded and expensive for taxpayers to maintain, the Illinois Department of Corrections system does not have a successful rehabilitative track record, as nearly half of all prisoners released each year – 48 percent – recidivate, or are convicted of a new crime, within three years of release.<sup>4</sup>

There's little evidence that requiring low-level offenders to serve lengthy prison terms produces positive results for public safety. Indeed, many states across the country have reduced their prison populations and violent crime rates simultaneously.<sup>5</sup>

Illinois, however, saw its prison population increase by roughly 7 percent from 2009 to 2014, despite the fact that its violent crime rate dropped roughly 26 percent during that same time period.<sup>6</sup> Today, Illinois' prison population is unsustainable: The state's prisons are overcrowded, the cost of maintaining the system significantly burdens taxpayers, recidivism rates are nearly 50 percent, and low-level, nonviolent offenders continually cycle through the system, producing limited to no benefit to public safety.

This report examines the driving factors behind Illinois' prison population growth, contextualizes corrections system costs, and offers practical solutions to curb the number of low-level, Class 4 felony offenders continually cycling through the Illinois prison system every year – all while ensuring public safety is protected.

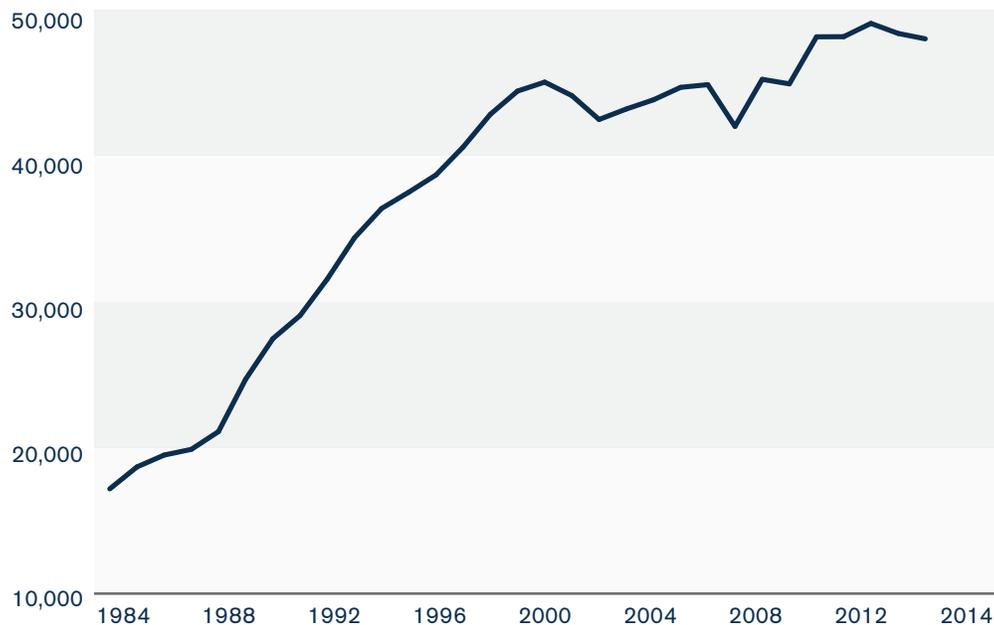
## Prison population

Over the past three decades, Illinois' prison population has grown significantly. Between 1984 and 2014, the state prison population grew to 48,278 in 2014 (roughly 0.37 percent of Illinois' general population) from 17,114 inmates in 1984 (roughly 0.15 percent of Illinois' general population), which represents a roughly 182 percent increase in the number of inmates.<sup>7</sup>

In fact, growth in Illinois' prison population far outpaced the growth of the state's general population. Although Illinois' prison population increased by roughly 182 percent between 1984 and 2014, its general population only increased by 12.9 percent, to 12.88 million from approximately 11.41 million.<sup>8</sup>

## Illinois' prison population has increased sharply since the 1980s

Number of prisoners in Illinois, 1984 – 2014



Source: Bureau of Justice Statistics

@illinoispolicy

The growth of Illinois' prison population is expected to continue. According to the Illinois Sentencing Policy Advisory Council, the prison population is estimated to increase by over 7,100 inmates over the next 10 years, eventually reaching 55,450 by 2025.<sup>9</sup>

### Overcrowding

As a result of the rapid influx of additional inmates over the years, Illinois' prisons are dangerously overcrowded today. According to the Bureau of Justice Statistics, Illinois' prisons were operating at roughly 150.4 percent of operational capacity on average, and 171.1 percent of design capacity at the end of 2014.<sup>10</sup> The Bureau of Justice Statistics defines operational capacity as "the number of inmates that can be accommodated based on a facility's staff, existing programs, and services," and design capacity as "the number of inmates that planners or architects intended for the facility."<sup>11</sup>

Out of all states measured, Illinois had the most overcrowded prisons in the nation when it comes to operational capacity, and the second most overcrowded prisons (behind Alabama) when it comes to design capacity alone by the end of 2014.<sup>12</sup>

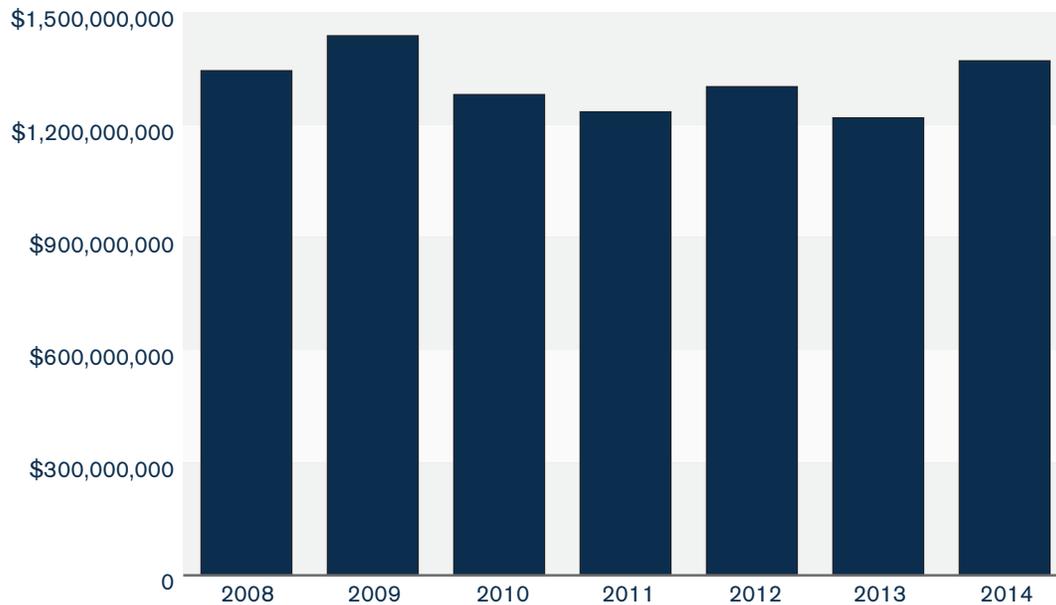
Additionally, due to Illinois' financial insolvency, including a \$111 billion unfunded pension liability, spending millions to construct and operate additional prisons to accommodate the growing number of prisoners is not a feasible solution to the overcrowding problem.<sup>13</sup>

## Cost

With the rising prison population comes rising corrections costs, and Illinois taxpayers are left to bear the financial burden. In 2014, it cost an average of \$22,191 to incarcerate one inmate in an Illinois prison for one year, or roughly \$1.08 billion to incarcerate the total prison population in that year alone.<sup>14</sup> That same year, the enacted budget for the Illinois Department of Corrections was approximately \$1.37 billion, an increase of roughly \$152 million from 2013.<sup>15</sup>

### Illinois taxpayers have been paying more for prisons

Illinois Department of Corrections enacted budget, 2008 – 2014



Source: Illinois Office of Management and Budget

@illinoispolicy

However, the real cost of the corrections system to taxpayers is estimated to be much higher than this \$1.37 billion figure. According to the Vera Institute of Justice, 32.5 percent of the costs of the state corrections system are outside of the corrections budget, the second-highest percentage of costs outside of the corrections budget of any state in the country, just below Connecticut.<sup>16</sup>

While the Illinois Department of Corrections, or IDOC, budget accounts for inmates housed in IDOC facilities and other operational expenditures, additional costs such as administrative costs, pension contributions, employee benefits and taxes, retiree health care contributions, and capital costs are not included, and are allocated from elsewhere. With these additional costs in mind, the actual price of incarcerating each inmate per year is much higher for Illinois taxpayers. According to a Vera Institute analysis, the actual cost of incarcerating each inmate per year, with these additional costs figured in, was roughly \$38,268 in the 2010 fiscal year.<sup>17</sup>

## **High costs, low returns**

In addition to being overcrowded and expensive for taxpayers to maintain, the IDOC system does not have a successful rehabilitative track record. Indeed, nearly half of all prisoners released each year – 48 percent – recidivate within three years of release. According to a 2015 report published by the Illinois Sentencing Policy Advisory Council, the average cost associated with one formerly incarcerated person recidivating is \$118,746. The report predicts that recidivism will cost the state of Illinois roughly \$16.7 billion between 2015 and 2020.<sup>18</sup>

## **Explosion in Class 4 felony admissions**

### **Felony classifications in Illinois: Overview**

Each crime carries a different felony class status in Illinois, ranging from Class 4, the lowest and least-serious felony classification, to Class X, the highest and most serious felony classification just below murder, which is the only offense that falls outside of this felony class structure.

Sentences prescribed for a Class 4 felony conviction range from between one and three years, but the actual time served by those convicted of Class 4 felony offenses is 0.64 years on average, or a little more than seven months.<sup>19</sup> Some examples of Class 4 felonies are possession of any amount of certain controlled substances, certain retail theft offenses and driving with a revoked license.

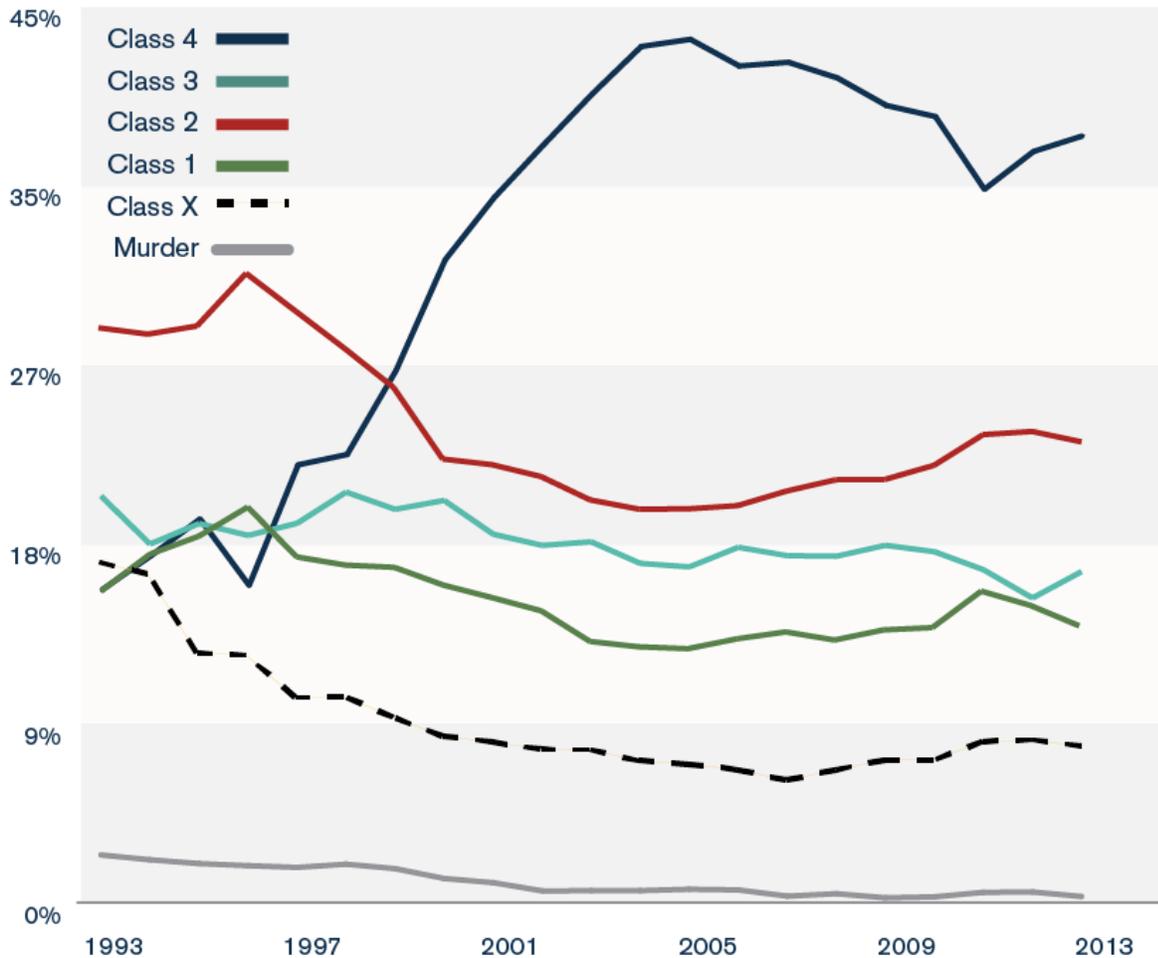
### **Class 4 felony admissions to prison**

According to the first report issued by the Illinois State Commission on Criminal Justice and Sentencing Reform, 55 percent of the increase in prison admissions between 1989 and 2014 was due to increased admissions of individuals convicted of Class 4 felonies, with a large number of these individuals having been convicted of drug offenses, such as drug possession.<sup>20</sup>

Indeed, the largest percentage of inmates admitted to prison in Illinois were convicted of a Class 4 felony offense, and the percentage of admissions for Class 4 felony offenses skyrocketed after 1999. In 2013, roughly 37.7 percent of all inmates admitted to prison were convicted of a Class 4 felony offense.<sup>21</sup>

## Trends in Illinois prison admissions

Percentage of Illinois prison admissions by felony class, 1993 – 2013



Source: Illinois Office of Management and Budget

@illinoispolicy

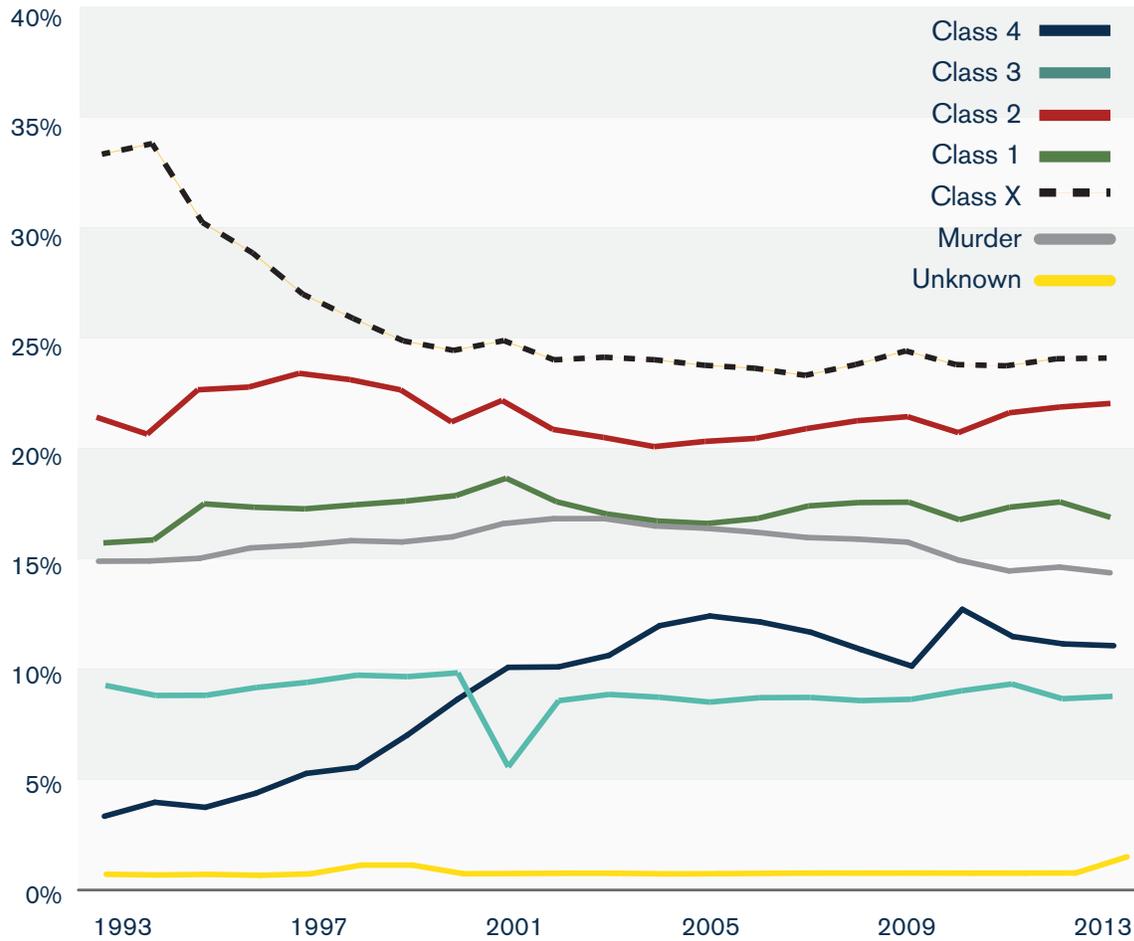
## Daily prison population

Class 4 felony offenders do not account for the majority of inmates in prison due to the relatively short sentences they face, among other factors.

However, the percentage of offenders serving a sentence for a Class 4 felony offense has increased at a faster rate than the percentage of inmates serving sentences for other felony classes. In 1993, Class 4 felony offenders accounted for roughly 4.1 percent of the prison population. In 2013, Class 4 felony offenders accounted for roughly 11.9 percent of the prison population. The percentage of inmates convicted of other classes of felony offenses declined or remained relatively consistent between 1993 and 2013.<sup>22</sup>

## Trends in Illinois prison population

Percentage of offenders in Illinois Department of Corrections' custody by felony class type 1993 – 2013



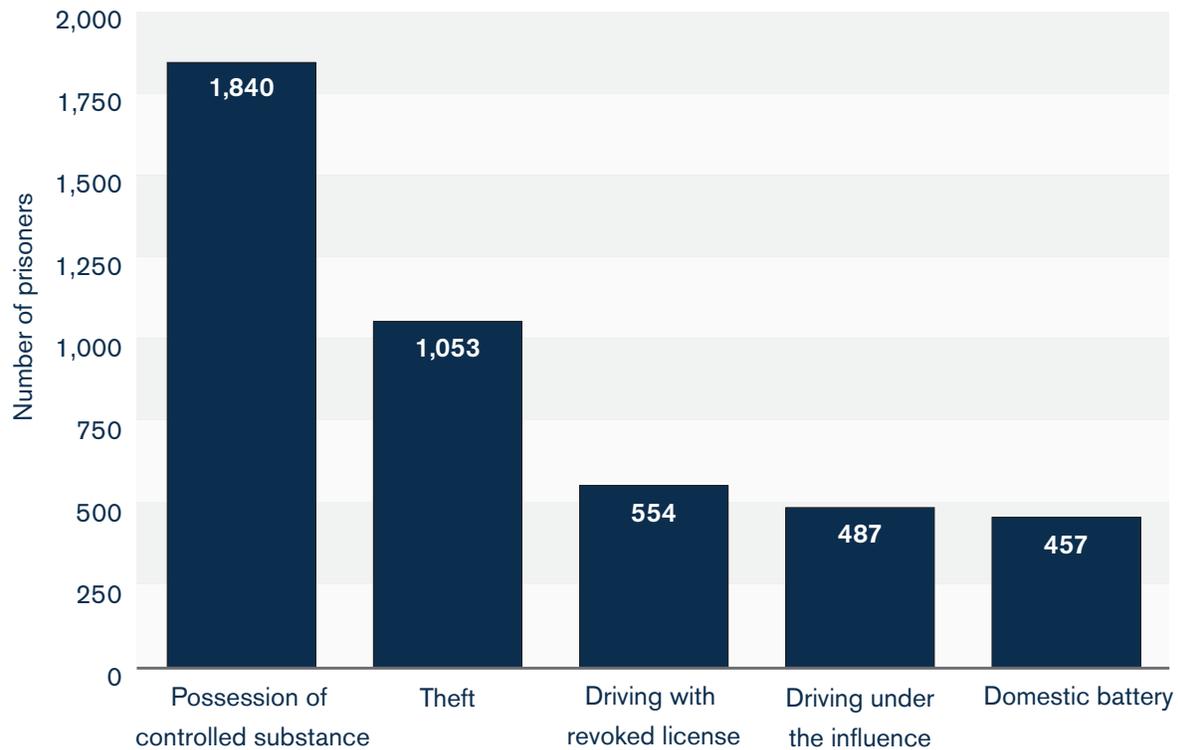
Source: Illinois State Commission on Criminal Justice and Sentencing Reform

@illinoispolicy

Most offenders serving a sentence for a Class 4 felony offense were convicted of low-level, nonviolent offenses. Most inmates serving a sentence for a Class 4 felony offense were convicted of Class 4 felony possession of a controlled substance, followed by a Class 4 felony theft offense and driving with a revoked license.<sup>23</sup>

## Top low-level offenses in the Illinois Department of Corrections

Class 4 felony prisoners by top offenses as of June 30, 2014



Source: Illinois Sentencing Policy Advisory Council

@illinoispolicy

### High recidivism rate

Because of the relatively short sentences that are served, individuals convicted of Class 4 felony offenses are given little opportunity to engage in rehabilitative programming, or any substance abuse or mental health treatment they may need before they are released back into society. This is problematic, as providing limited access to rehabilitative programming in prison increases the chances inmates will recidivate after release, providing low returns to an already expensive and inefficient corrections system.

Indeed, while the overall three-year recidivism rate in Illinois is roughly 48 percent, according to the Illinois State Commission on Criminal Justice and Sentencing Reform, offenders convicted of a Class 4 felony who are admitted to IDOC have higher recidivism rates and more extensive criminal histories as compared to other offenders. This signals that many of these low-level offenders are continually cycled through Illinois' criminal-justice system, which is ineffective and expensive for taxpayers.<sup>24</sup>

## **Class 4 felony drug offenses**

Possession of most controlled substances in Illinois is either a Class 1 felony or a Class 4 felony, with the exception of possession of methamphetamine, which ranges from a Class 3 felony to a Class X felony. The duration of incarceration varies according to the amount of the substance involved.

For example, it is a Class 1 felony to possess more than 15 but less than 100 grams of heroin, cocaine or morphine, among other drugs. This offense carries between four and 15 years in prison, depending on the substance. Possession of more than 100 and less than 400 grams of these substances carries a six- to 30-year prison sentence, and increasing amounts carry longer sentences beyond this.<sup>25</sup> However, possession of any amount below 15 grams of certain controlled substances – even a barely detectable amount – is a Class 4 felony offense.<sup>26</sup> Meaning, two individuals convicted of possessing very disparate amounts of these illicit substances could receive the same Class 4 felony sentence for possession. Because there is no threshold necessary to trigger a Class 4 felony drug possession offense, individuals caught possessing even 0.1 gram of such a substance may receive Class 4 felony convictions and subsequent prison sentences.

As of June 30, 2014, 1,841 inmates were serving sentences for Class 4 felony possession of a controlled substance. These inmates represented 32.1 percent of all inmates convicted of a Class 4 felony offense, and therefore the largest category of Class 4 felony inmates.<sup>27</sup>

## **Methamphetamine**

It should be noted that possession of methamphetamine is punished more harshly than possession of most controlled substances in Illinois, and possession of any amount of methamphetamine is at the very least a Class 3 felony. Indeed, possession of less than five grams of methamphetamine is a Class 3 felony, and possession of five to 15 grams of methamphetamine is a Class 2 felony offense. As highlighted above, possession of 15 grams or less of most controlled substances is a Class 4 felony offense.<sup>28</sup>

There is little evidence that requiring tougher sentences for individuals convicted of possessing methamphetamine – as opposed to other drugs – is an effective deterrent, is cost-effective, or provides an added benefit to public safety. Instead, it results in more individuals in prison for longer periods of time, with no added benefit for taxpayers.

## **Class 4 felony property offenses**

In Illinois, the threshold necessary to trigger certain felony theft statutes is very low, and indeed lower than those in many neighboring states. For example, theft of property from a person is a Class 3 felony if the amount involved is less than \$500, and retail theft is a Class 4 felony offense if the amount involved is less than \$300 and a subsequent offense. If a retail theft involves \$300 or more as a first-time offense, it is a Class 3 felony offense.

With felony theft, Illinois has two classifications, theft of property not from the person, and theft of property from the person.<sup>29</sup> Theft of property not from the person when the amount is \$500 or less is a Class A misdemeanor offense, but is a Class 4 felony offense if the theft was committed in a school, place of worship, was government property, or if the offender has previously been convicted of certain offenses, including any type of theft, burglary, armed robbery, etc.<sup>30</sup>

Theft of property when the value of the goods is between \$500 and \$10,000, or less than \$500 if it is theft from a person, is a Class 3 felony offense under Illinois law. If this theft of property valued at between \$500 and \$10,000, or less than \$500 if from a person, occurs in a school or place of worship, or if the theft is of government property, it is a Class 2 felony offense in Illinois.<sup>31</sup> It's important to note that Illinois did increase its felony theft threshold to \$500 from \$300 in 2010, though it did not benchmark this increase against inflation.<sup>32</sup>

As of June 30, 2014, 23.9 percent of inmates serving a sentence for a Class 3 felony were convicted of a theft offense. This was the top offense of which Class 3 felony offenders were convicted. Similarly, 18.3 percent of all inmates serving a sentence for a Class 4 felony were convicted of a theft offense.<sup>33</sup> This was the second-most frequent offense for which all Class 4 felony offenders were serving sentences, below possession of a controlled substance.

Using 2011 reporting data from Rockford, Ill. – the only Illinois county to submit data to the National Incident-Based Reporting System, or NIBRS, in 2011 – the Illinois Sentencing Policy Advisory Council found that most retail thefts committed in Illinois are low in value. In 2011, over 87 percent of all retail thefts in Rockford were for items valued at \$500 or less, and over 91 percent of all retail thefts were items valued at below \$1,000. Of those thefts of items valued below \$500, 5.2 percent were for thefts of items valued between \$300 and \$500, while the majority were under \$150.<sup>34</sup>

The Illinois Sentencing Policy Advisory Council also examined 2011 property theft value data for Rockford, Ill., from the NIBRS and found that most incidents of theft in the county were low in value as well. In 2011, over two-thirds of all property thefts were of items valued below \$500, and 80 percent were of items valued below \$1,000.<sup>35</sup>

While the analysis states Rockford numbers are not fully representative of all theft in Illinois, it notes that the numbers match closely the theft statistics in neighboring states.<sup>36</sup>

Many other states have increased their felony theft thresholds in recent years. Since 2001, at least 33 states have increased their felony theft thresholds. Of those 33 states, 27 have increased their thresholds beyond Illinois' \$500 level. Some of these states have a threshold twice or more than four times as high as Illinois'. Such states include Texas (\$2,500), South Carolina (\$2,000), Alabama (\$1,500), Mississippi (\$1,000), and Ohio (\$1,000), to name just a few.<sup>37</sup>

In neighboring Wisconsin, theft of items valued at \$2,500 is the threshold necessary to trigger the lowest-level felony offense for theft and retail theft. Theft of items valued at less than \$2,500 is a Class A misdemeanor in Wisconsin.<sup>38</sup>

Despite having much higher thresholds necessary to trigger felony theft offenses, Wisconsin has a slightly lower rate of theft than Illinois. According to the 2014 FBI Crime Statistics report, Illinois' rate of larceny theft, a term the FBI uses to broadly describe all theft offenses, was 1,552.2 (i.e., 1,552.2 larceny theft crimes for every 100,000 inhabitants), and Wisconsin's larceny theft crime rate was 1,547.6 (1,547.6 larceny theft crimes for every 100,000 inhabitants).<sup>39</sup> This signals that having higher felony theft thresholds does not necessarily result in higher levels of theft, since Wisconsin experienced a slightly lower rate of theft than Illinois despite having much higher dollar thresholds to trigger felony theft statutes.

## Recommendations

In February 2015, Gov. Bruce Rauner created a criminal-justice task force with the hope that it would identify areas of the criminal-justice system that could be reformed to accomplish a 25 percent reduction in the state's prison population by 2025 – an ambitious task.<sup>40</sup> Reforming sentencing rules for the state's lowest-level nonviolent drug and property felonies is a modest yet necessary first step in making broader reform – and that 25 percent reduction – an eventual reality.

### **Reform Class 4 felony drug possession offenses: Raise the threshold**

Possession of wildly disparate amounts of controlled substances triggers the same Class 4 felony offense and subsequent prison sentence. An individual convicted of possessing less than one gram of certain controlled substances, and another convicted of possessing 14 grams, or roughly half an ounce, of certain controlled substances may both receive the same Class 4 felony sentences despite disparate amounts of drugs involved.

Instead of continuing to incarcerate individuals for possessing small amounts of illegal substances, Illinois should first consider decriminalizing possession of small amounts of controlled substances for personal use. Decriminalization differs from legalization in that it would not legalize the sale of controlled substances, but rather prevent individuals who possess small amounts of drugs for personal use from receiving criminal records. Decriminalization would allow law enforcement to issue infractions, similar to how traffic laws are enforced.

Decriminalizing the possession of a small amount of controlled substances would significantly reduce the number of individuals cycling through Illinois' prison system for low-level drug possession. As noted above, most offenders serving Class 4 felony sentences were convicted of possession of a controlled substance. The decriminalization of possession of small amounts of controlled substances would significantly free up space and resources that can be prioritized for those who have committed more serious offenses.

If decriminalizing small amounts of controlled substances for personal use is not politically possible, Illinois should at least consider creating a threshold necessary to trigger felony drug possession, effectively making possession of certain controlled substances below that set threshold a Class A misdemeanor offense. Although less ideal than decriminalization, prescribing misdemeanor sentences for individuals convicted of low-level drug possession offenses gives judges flexibility in sentencing, which could range from probation, to drug treatment, to behavioral therapy, to other rehabilitative programming.

Several states across the country have reformed their felony drug-possession statutes and made low-level drug possession a misdemeanor offense. These changes have occurred in both liberal and conservative states, such as South Carolina, Utah, Connecticut and California.

For example, South Carolina enacted comprehensive sentencing reforms in 2010 with Senate Bill 1154, or the Omnibus Crime Reduction and Sentencing Reform Act. This law made possession of a small amount of certain controlled substances a misdemeanor offense.<sup>41</sup> Since then, South Carolina has seen its prison population and violent crime rate decrease simultaneously. Between 2009, the year before the reform was enacted, and 2014, South Carolina's prison population decreased by 11.89 percent, to 21,401 in 2014 from 24,288 in 2009. During the same time, South Carolina's violent crime rate decreased

by 25.8 percent, to 497.7 violent crimes per 100,000 residents in 2014 from 670.8 violent crimes per 100,000 residents in 2009.<sup>42</sup> Additionally, according to The Pew Charitable Trusts, this reform has allowed the state to close two prison facilities, and has saved the state at least \$18.7 million, with additional cost savings from avoided incarceration.<sup>43</sup>

Reducing penalties for possession of a small amount of controlled substances, while less ideal than decriminalizing possession of a small amount of controlled substances, would bring about significant cost savings for Illinois' taxpayers, while ensnaring fewer low-level offenders in the criminal-justice system, which allows the state to prioritize prison space for those convicted of more serious offenses. All of this can be done without compromising public safety.

Indeed, the Illinois Sentencing Policy Advisory Council found that if Illinois were to increase the threshold necessary to trigger a Class 4 felony possession-of-controlled-substances offense, including methamphetamine, to one gram, and require those offenders to serve a term of probation or a misdemeanor jail term, the state would save roughly \$57.6 million over three years. Furthermore, using 2011 data from the Administrative Office of the Illinois Courts, the Illinois Sentencing Policy Advisory Council found that over 5,200 inmates would be diverted from prison to either probation or a misdemeanor jail term if these legislative changes were to be enacted.<sup>44</sup>

### **Reform felony retail theft and felony theft statutes: Raise the thresholds**

Another commonsense reform Illinois legislators could enact would be to significantly increase the thresholds necessary to trigger various retail theft and felony theft offenses. While the amount can and should be debated among legislators, Illinois should take note of the felony theft statutes of its neighboring state of Wisconsin, which establish a \$2,500 threshold necessary to trigger a felony offense, and other states such as Texas, Mississippi, South Carolina and Ohio, which have all raised their felony theft thresholds in recent years.

Despite a much higher threshold to trigger a felony theft offense, Wisconsin has similar rates of theft crimes as Illinois. This signals that having higher felony theft thresholds does not automatically result in higher rates of theft.

If increasing the threshold to \$2,500 is not politically possible, at the very least, Illinois should increase the threshold to adjust for inflation – starting from the dates the original amounts were set – and require the General Assembly to re-evaluate this legislation on a biennial basis.

Using data from 2010 to 2012, the Illinois Sentencing Policy Advisory Council estimates that if Illinois had increased the threshold for Class 3 felony theft to \$1,000 from \$500, and the Class 4 felony retail theft threshold were \$500, the sentences of roughly 2,000 inmates might have been affected. The inmates whose sentences might have been affected by these changes represented 8 percent of the 13,411 theft convictions, and 5 percent of the 21,574 retail theft convictions during those years. The council notes that it's difficult to conduct a fiscal analysis of these changes because other factors beyond the value of the property stolen affect the sentence imposed.<sup>45</sup>

These reforms would require that low-level, nonviolent offenders are punished for their actions, but the punishment would be more proportionate to the crime committed. Instead of requiring these offenders to spend time in jail, wasting taxpayer dollars with little added benefit to public safety, these reforms would allow them to work to reimburse victims for the value of the property taken, and ensure that prison space is reserved for those who have committed more serious offenses.

## Conclusion

While the reforms recommended in this policy brief are modest, they represent a promising first step in correcting some of Illinois' draconian sentencing laws by ensuring punishment is more proportionate to the crime committed. Most importantly, these proposed reforms will also be effective in reducing the number of low-level nonviolent inmates in prison, thereby allowing prison space and resources to be used on offenders who pose a larger risk to public safety.

If Illinois is serious about reforming its overcrowded, expensive and inefficient criminal-justice system, it must consider reforming nonviolent felony offenses, such as the drug and property offenses highlighted in this brief, first. Doing so would set the state on a path toward eventual broader reforms necessary to meet the goal of reducing the prison population by 25 percent, all while ensuring public safety is protected.

<sup>1</sup> "Initial Report of the Illinois State Commission on Criminal Justice and Sentencing Reform," Illinois State Commission on Criminal Justice and Sentencing Reform, July 1, 2015, 2, <http://www.icjia.org/cjreform2015/pdf/Criminal%20Justice%20Reform%20Commission%20Initial%20Report.pdf>.

<sup>2</sup> "Figure 8 – Illinois Prison Admissions by Class," Illinois State Commission on Criminal Justice and Sentencing Reform, <http://www.icjia.org/cjreform2015/research/illinois-prison-overview.html>.

<sup>3</sup> Average per-capita cost in 2014 figure found in "Fiscal Year 2014 Annual Report," Illinois Department of Corrections, 70, <http://www.illinois.gov/idoc/reportsandstatistics/Documents/FY2014%20Annual%20Report.pdf>; 2014 budget figure comes from the enacted operating budget figure in "Illinois State Budget Fiscal Year 2016," 89, <http://www.illinois.gov/gov/budget/Documents/Budget%20Book/Budget%20Book%20FY16/FY2016IllinoisOperatingBudgetBook.pdf>.

<sup>4</sup> "Illinois Results First: The High Cost of Recidivism," Illinois Sentencing Policy Advisory Council, Summer 2015, [http://www.icjia.state.il.us/spac/pdf/Illinois\\_Results\\_First\\_1015.pdf](http://www.icjia.state.il.us/spac/pdf/Illinois_Results_First_1015.pdf).

<sup>5</sup> "Most States Cut Imprisonment and Crime," The Pew Charitable Trusts, January 2015, [http://www.pewtrusts.org/~media/assets/2015/01/pspp\\_imprisonment\\_crime.pdf?la=en](http://www.pewtrusts.org/~media/assets/2015/01/pspp_imprisonment_crime.pdf?la=en).

<sup>6</sup> 2009 Illinois prison population taken from "Prisoners in 2009," Bureau of Justice Statistics, Office of Justice Programs, Department of Justice, December 2010, <http://www.bjs.gov/content/pub/pdf/p09.pdf>; 2014 Illinois prison population taken from "Prisoners in 2014," Bureau of Justice Statistics, Office of Justice Programs, Department of Justice, November 2015, <http://www.bjs.gov/content/pub/pdf/p14.pdf>; 2009 Illinois violent crime rate taken from "Crime in the United States by State, 2009," Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, [https://www2.fbi.gov/ucr/cius2009/data/table\\_05.html](https://www2.fbi.gov/ucr/cius2009/data/table_05.html); 2014 Illinois violent crime rate taken from "Crime in the United States by State, 2014," Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division, <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-5>.

<sup>7</sup> E. Ann Carson and Joseph Mulako-Wangota, Bureau of Justice Statistics, Count of total jurisdiction population 1984-2014, Illinois, generated using the Corrections Statistical Analysis Tool (CSAT) - Prisoners at [www.bjs.gov](http://www.bjs.gov); 1984 state population estimate taken from "1981 to 1989 Intercensal Estimates of the Resident Population of States, and Year-to-Year Components of Change," Population Distribution Branch, U.S. Census Bureau, September 2015, <https://www.census.gov/popest/data/state/asrh/1980s/tables/8090com.txt>; 2014 state population estimate taken from "State & County QuickFacts," U.S. Census Bureau.

<sup>8</sup> 1984 state population estimate taken from "1981 to 1989 Intercensal Estimates of the Resident Population of States, and Year-to-Year Components of Change," Population Distribution Branch, U.S. Census Bureau, September 2015, <https://www.census.gov/popest/data/state/asrh/1980s/tables/8090com.txt>; 2014 state population estimate as of July 1, 2014 taken from "State & County QuickFacts," U.S. Census Bureau, <https://www.census.gov/quickfacts/table/PST045215/17,00>.

<sup>9</sup> Illinois Sentencing Policy Advisory Council, "SPAC's Presentation to the Commission," Address at Illinois Governor's Criminal Justice and Sentencing Commission, May 14, 2015, 6, [icjia.state.il.us/spac/pdf/Presentations/SPAC\\_prezi\\_PDF\\_hearing.pdf](http://icjia.state.il.us/spac/pdf/Presentations/SPAC_prezi_PDF_hearing.pdf).

<sup>10</sup> E. Ann Carson, "Prisoners in 2014," Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, September 2015, <http://www.bjs.gov/content/pub/pdf/p14.pdf>.

<sup>11</sup> "Terms & Definitions: Corrections," Bureau of Justice Statistics, Office of Justice Programs, Department of Justice, <http://www.bjs.gov/index.cfm?ty=tdtp&tid=1>.

<sup>12</sup> E. Ann Carson, "Prisoners in 2014," Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, September 2015, <http://www.bjs.gov/content/pub/pdf/p14.pdf>.

<sup>13</sup> "Illinois State Retirement Systems Financial Condition as of June 30, 2014," Commission on Government Forecasting and Accountability, February 2015, [cgfa.ilga.gov/Upload/FinConditionILStateRetirementSysFeb2015.pdf](http://cgfa.ilga.gov/Upload/FinConditionILStateRetirementSysFeb2015.pdf).

<sup>14</sup> Average per-capita cost in 2014 figure found in "Fiscal Year 2014 Annual Report," Illinois Department of Corrections, 70, <http://www.illinois.gov/idoc/reportsandstatistics/Documents/FY2014%20Annual%20Report.pdf>.

<sup>15</sup> 2014 figure comes from the "Illinois State Budget Fiscal Year 2016," 89, <http://www.illinois.gov/gov/budget/Documents/Budget%20Book/Budget%20Book%20FY16/FY2016IllinoisOperatingBudgetBook.pdf>.

<sup>16</sup> "The Price of Prisons: What Incarceration Costs Taxpayers," Vera Institute of Justice, January 2012, [http://www.vera.org/sites/default/files/resources/downloads/Price\\_of\\_Prisons\\_updated\\_version\\_072512.pdf](http://www.vera.org/sites/default/files/resources/downloads/Price_of_Prisons_updated_version_072512.pdf).

<sup>17</sup> Ibid.

<sup>18</sup> "Illinois Results First: The High Cost of Recidivism," Illinois Sentencing Policy Advisory Council, Summer 2015, [http://www.icjia.state.il.us/spac/pdf/Illinois\\_Results\\_First\\_1015.pdf](http://www.icjia.state.il.us/spac/pdf/Illinois_Results_First_1015.pdf).

<sup>19</sup> "Figure 14 – Average Length of Stay for Class 1-4 Prison exits," Illinois Prison Overview, Illinois State Commission on Criminal Justice and Sentencing Reform, <http://www.icjia.org/cjreform2015/research/illinois-prison-overview.html>.

<sup>20</sup> “Initial Report of the Illinois State Commission on Criminal Justice and Sentencing Reform,” Illinois State Commission on Criminal Justice and Sentencing Reform, July 1, 2015, 2, <http://www.icjia.org/cjreform2015/pdf/Criminal%20Justice%20Reform%20Commission%20Initial%20Report.pdf>.

<sup>21</sup> “Figure 8 – Illinois Prison Admissions by Class,” Illinois State Commission on Criminal Justice and Sentencing Reform, <http://www.icjia.org/cjreform2015/research/illinois-prison-overview.html>.

<sup>22</sup> “Figure 10 – Illinois Prison Admissions by Class,” Illinois State Commission on Criminal Justice and Sentencing Reform, <http://www.icjia.org/cjreform2015/research/illinois-prison-overview.html>.

<sup>23</sup> “June 30, 2014 IDOC Population,” Illinois Sentencing Policy Advisory Council, <http://www.icjia.state.il.us/spac/pdf/2014%20Prison%20Pies%20Analysis.pdf>.

<sup>24</sup> Illinois State Commission on Criminal Justice and Sentencing Reform, <http://www.icjia.org/cjreform2015/research/illinois-prison-overview.html>.

<sup>25</sup> 720 ILCS 570/402(a), <http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=1941&ChapterID=53>.

<sup>26</sup> 720 ILCS 570/402(c), <http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=1941&ChapterID=53>.

<sup>27</sup> “IDOC Admissions, Exits, and Population Pie Charts - 2014,” Illinois Sentencing Policy Advisory Council, <http://www.icjia.state.il.us/spac/pdf/2014%20Prison%20Pies%20Analysis.pdf>.

<sup>28</sup> 720 ILCS 646/60(b), <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2733>.

<sup>29</sup> Definitions of theft can be found in 720 ILCS 5/16-1(a), <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=072000050K16-1>.

<sup>30</sup> 720 ILCS 5/16-1(b)(1), 720 ILCS 5/16-1(b)(1.1), 720 ILCS 5/16-1(b)(2), <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=072000050K16-1>.

<sup>31</sup> 720 ILCS 5/16-1(b), <http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=072000050K16-1>.

<sup>32</sup> “The Effects of Changing State Theft Penalties,” Public Safety Performance Project, The Pew Charitable Trusts, February 23, 2016, <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/02/the-effects-of-changing-state-theft-penalties>.

<sup>33</sup> “June 30, 2014 IDOC Population,” Illinois Sentencing Policy Advisory Council, <http://www.icjia.state.il.us/spac/pdf/2014%20Prison%20Pies%20Analysis.pdf>.

<sup>34</sup> Kathryn Saltmarsh, “Fiscal Impact Analysis for 2014 HB 3774 and HB 4379 (Increasing Felony Amounts for Retail Theft),” Illinois Sentencing Policy Advisory Council, February 2014, [http://www.icjia.state.il.us/spac/pdf/HB3774\\_Retail\\_Theft\\_032014.pdf](http://www.icjia.state.il.us/spac/pdf/HB3774_Retail_Theft_032014.pdf).

<sup>35</sup> Kathryn Saltmarsh, “Fiscal Impact Analysis for 2014 HB 3771 and HB 4378 (Increasing Felony Amounts for Property Theft),” Illinois Sentencing Policy Advisory Council, February 2014, [http://www.icjia.state.il.us/spac/pdf/HB3771\\_and\\_4378\\_Fiscal\\_Impact\\_Theft\\_032014.pdf](http://www.icjia.state.il.us/spac/pdf/HB3771_and_4378_Fiscal_Impact_Theft_032014.pdf).

<sup>36</sup> Ibid.

<sup>37</sup> “The Effects of Changing State Theft Penalties,” Public Safety Performance Project, The Pew Charitable Trusts, February 23, 2016, <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/02/the-effects-of-changing-state-theft-penalties>.

<sup>38</sup> Wis. Stat. § 943.20(3)(a), <http://docs.legis.wisconsin.gov/statutes/statutes/943.pdf>

<sup>39</sup> “Crime in the United States by State, 2014,” Uniform Crime Report 2014, Federal Bureau of Investigation, <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-5>.

<sup>40</sup> Executive Order 15-14, State of Illinois Executive Department, February 11, 2015, <http://www.icjia.org/cjreform2015/pdf/ExecutiveOrder2015-14.pdf>.

<sup>41</sup> South Carolina Senate Bill 1154, “Omnibus Crime Reduction and Sentencing Reform Act of 2010,” South Carolina General Assembly, 118th Session, 2009-2010, [http://www.scstatehouse.gov/sess118\\_2009-2010/bills/1154.htm](http://www.scstatehouse.gov/sess118_2009-2010/bills/1154.htm).

<sup>42</sup> 2009 and 2014 prison population statistics from “Prisoners in 2009,” Bureau of Justice Statistics, Office of Justice Programs, Department of Justice, revised October 27, 2011, <http://www.bjs.gov/content/pub/pdf/p09.pdf>, and “Prisoners in 2014,” Bureau of Justice Statistics, Office of Justice Programs, Department of Justice, September 2015, <http://www.bjs.gov/content/pub/pdf/p14.pdf>; 2009 and 2014 violent crime rate statistics taken from “Crime in the United States by State, 2009,” Uniform Crime Report, Federal Bureau of Investigation, [https://www2.fbi.gov/ucr/cius2009/data/table\\_05.html](https://www2.fbi.gov/ucr/cius2009/data/table_05.html), and “Crime in the United States by State, 2014,” Uniform Crime Report, Federal Bureau of Investigation, <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-5>.

<sup>43</sup> “State Fact Sheet: Public Safety in South Carolina,” The Pew Charitable Trusts, August 2015, <http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2013/01/14/public-safety-in-south-carolina>.

<sup>44</sup> “Fiscal Impact Analysis: 2015 SB 1848 - Reclassification of Controlled Substance Amounts,” Illinois Sentencing Policy Advisory Council, April 2015, [http://www.icjia.state.il.us/spac/pdf/SB1848\\_CSA\\_Reclassification\\_Biss\\_041315.pdf](http://www.icjia.state.il.us/spac/pdf/SB1848_CSA_Reclassification_Biss_041315.pdf).

<sup>45</sup> "Fiscal Impact Analysis: 2014 HB 4378 - Changes to the Theft Statute," Illinois Sentencing Policy Advisory Council, February 18, 2014, [http://www.icjia.state.il.us/spac/pdf/HB3771\\_and\\_4378\\_Fiscal\\_Impact\\_Theft\\_032014.pdf](http://www.icjia.state.il.us/spac/pdf/HB3771_and_4378_Fiscal_Impact_Theft_032014.pdf); "Fiscal Impact Analysis: 2014 HB 3774 - Changes to the Retail Theft Statute," Illinois Sentencing Policy Advisory Council, February 21, 2014, [http://www.icjia.state.il.us/spac/pdf/HB3774\\_Retail\\_Theft\\_032014.pdf](http://www.icjia.state.il.us/spac/pdf/HB3774_Retail_Theft_032014.pdf).

# Guarantee of quality scholarship

**The Illinois Policy Institute** is committed to delivering the highest quality and most reliable research on matters of public policy.

The Institute guarantees that all original factual data (including studies, viewpoints, reports, brochures and videos) are true and correct, and that information attributed to other sources is accurately represented.

The Institute encourages rigorous critique of its research. If the accuracy of any material fact or reference to an independent source is questioned and brought to the Institute's attention in writing with supporting evidence, the Institute will respond. If an error exists, it will be corrected in subsequent distributions. This constitutes the complete and final remedy under this guarantee.