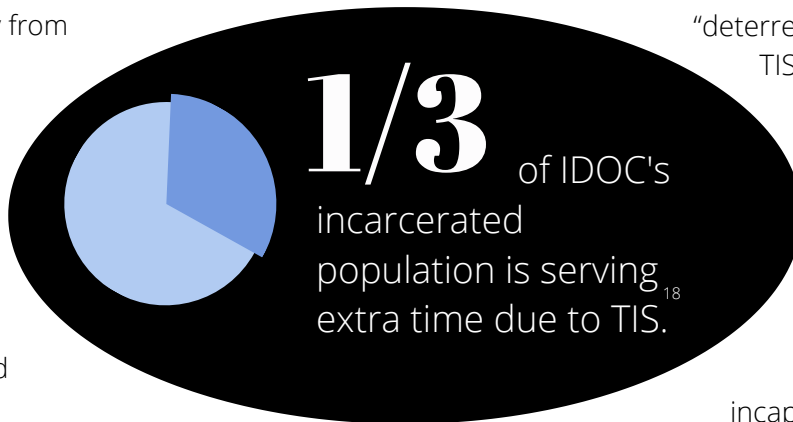


# Repeal Illinois' Truth-In-Sentencing Law In Its Entirety

Other than abandoning parole, probably the largest folly in sentencing policy in Illinois has been the enactment of the "Truth-In-Sentencing" law (TIS). Not only has it devastated thousands of families, but it is also siphoning hundreds of millions of dollars per year away from necessary social services.

For many years, Illinois resisted enacting a TIS, and instead chose to increase sentencing ranges.<sup>1</sup> When Illinois finally did so, the decision was influenced by the offer of federal aid to states

enacting TIS.<sup>2</sup> Years later a cost/benefit analysis reveals Illinois came out much poorer as a result of enacting its TIS. The federal aid was both short-lived and meager, totaling less than \$125 million,<sup>3</sup> while the liabilities incurred by the State are well over \$250 million annually.<sup>4</sup>



The "increase in the length of time to be served is attributed exclusively to the legislative decision to eliminate the potential to earn good conduct credits for [people convicted of murder]."<sup>9</sup>

In addition to the fallacy of "deterrence," politicians sold TIS to the public with two additional arguments - incapacitation and simplifying the sentencing code.<sup>10</sup> Doubling incapacitation of people ignores the

fact that most people age out of crime,<sup>11</sup> and "[r]ather than clarifying the Code [TIS] add[ed] yet another layer to [an already complicated] system."<sup>12</sup> Legislators then complicated things further. TIS originally only increased time served in prison for murder and some violent crimes requiring people to serve 100% and 85% of their sentences respectively (rather than an average of 44% pre-TIS).<sup>13</sup> Since 1998, "the legislature has added addition[al] offenses...subject to the 85 percent requirement,"<sup>14</sup> and added a new category requiring sentencing for many drug crimes and gun running to be served at 75%.<sup>15</sup>

## Example of TIS Impact on Incarceration Length

|               |                   |                    |
|---------------|-------------------|--------------------|
| Date of crime | 6/18/98 (Pre-TIS) | 6/19/98 (with TIS) |
| Charge        | Murder            | Murder             |
| Sentence      | 50 years          | 50 years           |
| Time to serve | ~22 years         | 50 years           |
| Release Date  | ~6/18/2020        | 6/19/2048          |

Abolishing parole, extending sentencing ranges, and enacting TIS combine to increase the average time served for murder from about 11 years<sup>5</sup> to about 17.5 years,<sup>6</sup> to now about 40 years.<sup>7</sup> TIS alone doubled the percentage of people sentenced to de facto life sentences for murder convictions.<sup>8</sup>

By 2016, the Illinois State Commission on Criminal Justice and Sentencing Reform recommended "reduc[ing] the length of prison stays,"<sup>16</sup> and found the TIS mandates "counterproductive."<sup>17</sup>

Unfortunately the commission failed to call for the only sensible fix - *a complete repeal of Illinois' Truth-In-Sentencing law.*

Written by Joseph Dole, Policy Director for Parole Illinois. Graphic Design by Emily Bruell

1. Joseph Rodney Dole, II, "Preliminary Findings Concerning the Financial Cost of Implementing Illinois' Truth-In-Sentencing Laws (2002-2004)," January 11, 2011, p. 3.
2. Nancy G. Lavigne and Cynthia A. Mammalian, with Jeremy Travis and Christy Visher, "A Portrait of Prisoner Reentry in Illinois," Urban Institute, Justice Policy Center, Research Report (April 2003), p. 9 -- David E. Olson, Ph.D., Magnus Seng, Ph.D., Jordan Boulger, and Melissa McClure, "The Impact of Illinois' Truth-In-Sentencing Law on Sentence Lengths, Time To Serve and Disciplinary Incidents of Convicted Murderers and Sex Offenders," Loyola University of Chicago. Prepared for the Illinois Criminal Justice Information Authority (June 2009), p. 3.
3. United States Department of Justice, "Report to Congress: Violent Offender Incarceration and Truth-In-Sentencing Incentive Formula Program," Office of Justice Programs, Bureau of Justice Statistics, Washington, D.C., (Feb. 2005), p. 5.
4. Dole, *supra* note 1, at p. 16.
5. Gregory H. O'Reilly, "Truth-In-Sentencing: Illinois Adds Yet Another Layer of Reform to Its Complicated Code of Corrections," 27 Loy. U. Chi. L. J. 985, 991 (1996).
6. Olson, *supra* note 2, at p. 34.
7. Illinois Department of Corrections, "Statistical Presentation 2004" Springfield, IL. (Oct. 7, 2005), p. 88 -- Illinois Sentencing Policy Advisory Council, "Research Briefing: Illinois Felony Sentencing: A Retrospective" (May 2011), p. 9.
8. From 15% before TIS to 30% after TIS was enacted. See Olson, *supra* note 2, at p. 4.
9. Illinois Sentencing Policy Advisory Council, *supra* note 7, at p. 10.
10. O'Reilly, *supra* note 5, at p. 986.
11. Ashley Nellis, Ph.D., "Still Life: America's Increasing Use of Life And Long-Term Sentences," The Sentencing Project, (2017), p. 24 -- "One in 31: The Long Reach of American Corrections," Pew Center on the States, The Pew Charitable Trusts (March 2019), p. 19.
12. O'Reilly, *supra* note 5, at p. 1022.
13. William J. Sabol, Katherine Rosich, Kamala Mallik Kane, David Kirk, and Glenn Dubin, "The Influences of Truth-In-Sentencing Reforms on Changes in State's Sentencing Practices and Prison Populations," National Institute of Justice Programs, U.S. Dept. of Justice, Washington, D.C. (July 3, 2002) (NCJ195161), p. 41, Table 3.3.
14. Illinois Sentencing Policy Advisory Council, *supra* note 7, at p. 9.
15. Before being partially rolled back to 60%. See 730 ILCS 5/3-6-3(a)(4.7)(ii)(2018), Public Act 100-3 & 35, eff. Jan, 1, 2018.
16. Heaton, R., et al., "Final Report of the Illinois State Commission on Criminal Justice and Sentencing Reform," Chicago, IL (Dec. 2016), p. 46.
17. *Ibid.*, p. 59.
18. See Illinois Dept. of Corrections *Prison Population Data Sets* (Dec. 31, 2018).