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.\(^1\) When Illinois finally did so, the decision was influenced by the offer of federal aid to states enacting TIS.\(^2\) 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,\(^3\) while the liabilities incurred by the State are well over $250 million annually.\(^4\)

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].”\(^9\)

In addition to the fallacy of “deterrence,” politicians sold TIS to the public with two additional arguments - incapacitation and simplifying the sentencing code.\(^10\)

Doubling incapacitation of people ignores the fact that most people age out of crime,\(^11\) and “[r]ather than clarifying the Code [TIS] add[ed] yet another layer to [an already complicated] system.”\(^12\) 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).\(^2\) Since 1998, “the legislature has added addition[al] offenses...subject to the 85 percent requirement,” and added a new category requiring sentencing for many drug crimes and gun running to be served at 75%.\(^15\)

By 2016, the Illinois State Commission on Criminal Justice and Sentencing Reform recommended “reduc[ing] the length of prison stays,” and found the TIS mandates “counterproductive.”\(^17\)

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

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1/3 of IDOC’s incarcerated population is serving extra time due to TIS.

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<th>Example of TIS Impact on Incarceration Length</th>
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Abolishing parole, extending sentencing ranges, and enacting TIS combine to increase the average time served for murder from about 11 years to about 17.5 years,\(^5\) to now about 40 years.\(^6\) TIS alone doubled the percentage of people sentenced to de facto life sentences for murder convictions.\(^8\)

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4. Dole, supra note 1, at p. 16.


6. Olson, supra note 2, at p. 34.


9. From 15% before TIS to 30% after TIS was enacted. See Olson, supra note 2, at p. 4.


11. O'Reilly, supra note 5, at p. 986.


17. Ibid., p. 59.