



Second Look Sentencing in Illinois: Bringing Second Chances Back to the Land of Lincoln

The Problem: In 1978, Illinois eliminated its system of discretionary parole. As a result, Illinois' prison population boomed, growing over 150 percent between 1980 and 2018. Illinois' lack of parole and excessive sentencing policies have also resulted in a large proportion of the prison population serving extreme sentences of 20 years or more and a large population of people in prison over the age of 50.

The Solution: Pass legislation to grant individuals in the Illinois prison system an opportunity to be considered for release after serving 20 years in prison. The process would allow a decision making body, such as the court or Prisoner Review Board, to reconsider a person's sentence after an individualized hearing, and release the individual if they are no longer a threat to public safety. This process would not guarantee release.

Illinois' Excessive Sentences Do Not Serve Public Safety

- 34% of the Illinois prison population is serving a sentence greater than 20 years and 9% of the prison population have already served at least 20 years.
- The U.S. Department of Justice's National Institute of Justice has stated that the severity of prison sentences do not deter criminal behavior; rather, it is the certainty of being caught and swiftly punished that deters criminal behavior.
- The Brennan Center for Justice concluded that as Illinois' prison population began to grow in 1980, its impact on public safety steadily dropped off. The Brennan Center concluded that by 1997, the impact of Illinois' growing prison population on public safety was "effectively zero."

Incarcerating Elderly Illinoisans is Especially Ineffective

- As of June 2021, there were 6,243 people over the age of 50 incarcerated in Illinois prisons, including 45 people over the age of 80.
- Evidence has long shown the existence of an "age-crime curve" wherein people engage in criminal behavior in their late adolescence and early adulthood. As people enter late adulthood, risk of criminal behavior drops off significantly.
- A study by the United States Sentencing Committee concluded that "recidivism measured by rearrest, reconviction, and reincarceration declined as age increased."
- In Illinois, recidivism rates for people over the age of 50 have been consistently lower than the general population by about 10 percentage points.
- Elderly people cost three to five times more to incarcerate in Illinois prisons than people under age 50, largely because of increased medical needs and costs. This group is also the least likely to reoffend. Incarcerating large numbers of high-cost, low-risk elderly people is a bad deal for Illinois taxpayers and wastes limited public safety resources.



Illinois's Approach to Sentencing is Prohibitively Expensive

- The average annual cost of incarceration per Illinoisan is \$34,362.
- Based on this figure, the state has spent \$1.74 billion for the incarceration of the 2,528 individuals who have served 20 years or more in an Illinois state prison.
- This is money that would be better spent on more effective crime prevention and reduction strategies.

Illinois' Excessive Sentences Worsen Racial Disparities in the Justice System

- Despite Black people constituting only 12.4% of Illinois' population:
 - 54% of the Illinois prison population is Black;
 - 50% of those over 50 in Illinois state prisons are Black; and,
 - 64% of people who have served at least 20 years in an Illinois state prison are Black.

Creating a second look law in Illinois would:

- Not guarantee release for any person – it would only allow an opportunity to be considered for release, after a thorough, individualized review of the person's case;
- Allow the state to reconsider and adjust sentences that are no longer appropriate or necessary to protect the public, in a transparent, case-by-case process;
- Allow people in prison the opportunity to show that they have grown, matured, been rehabilitated, and no longer pose a danger to others;
- Allow for the release of low-risk, high-cost elderly and ill incarcerated people;
- Help reduce the prison population and prison costs in a responsible way;
- Help reduce racial disparities in Illinois's prison system;
- Reflect the value of all Illinoisans that people change, grow, and can earn second chances.