



**Written Statement of Molly Gill
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Submitted to the House Judiciary – Criminal Committee, Illinois General Assembly
In Support of HB 3373
March 7, 2023**

Thank you to the Chair, Vice Chair, and members of the committee for considering this written statement from FAMM in support of HB 3373. HB 3373 would allow the Illinois Prisoner Review Board to grant “earned reentry” to people serving lengthy or life sentences in Illinois, after the Board thoroughly considers a specific list of factors, including victim impact and statements. **FAMM supports HB 3373 and urges the legislature to pass it this year.**

FAMM is a national nonpartisan, nonprofit organization that advocates sentencing and prison policies that are individualized and fair, protect public safety, and preserve families. Part of our Second Chances Agenda is supporting legislatures across the country in creating more pathways for extreme sentences to be reviewed and adjusted through a “second look” resentencing or release mechanism (like earned reentry in HB 3373). We are pleased to see the legislature consider HB 3373. This important reform will increase public safety, help alleviate racial disparity in prisons, use prison resources wisely, save money, and give people second chances and an incentive to rehabilitate themselves in prison.

Passing HB 3373 is a responsible way to address the large number of lengthy sentences in Illinois’s prison system. The number of people serving longer sentences in Illinois has exploded over the past few decades. In 1988, only 483 people were serving life or death sentences statewide (death sentences were subsequently abolished in Illinois in 2011), 501 had virtual life sentences, and 2,370 had effective sentences of 15 to 40 years. By 2020, 1,579 people were serving life without the possibility of parole (LWOP), 2,472 had virtual life sentences, and an additional 6,067 had effective sentences of 15 to 40 years. In total, there were more than four times the number of people serving life or virtual life sentences in 2020 than in 1988.¹

Lengthy sentences contribute to a rapidly aging and increasingly costly prison population. As people age in prison, they require more medical care and become exponentially more expensive to incarcerate.² Compared to 1988, Illinois prisons now hold about eight times as many people age 50 or older, 10 times as many age 60-64, and 14 times as many age 65 or older. Around 23% percent of people in Illinois prisons now are 50 years old or older, compared to only 4% in 1988.

¹ All data from Illinois Department of Corrections (2022), *December 2021 Prison Stock*. <https://www2.illinois.gov/idoc/reportsandstatistics/Documents/December%202021%20Prison%20Stock.xls>. See also FAMM, *Time for Justice: The Urgent Need for Second Chances in Illinois’s Prison System* (2022). <https://famm.org/wp-content/uploads/IL-Second-Chances-Report.pdf>.

² Ahalt, C., et. al. (2013). *Paying the Price: The Pressing Need for Quality, Cost and Outcomes Data to Improve Correctional Healthcare for Older Prisoners*, *J Am Geriatric Soc.*, 61(11).

Passing HB 3373 is imperative because continuing to require full service of lengthy sentences is a high-cost, low-benefit proposition for taxpayers and public safety. People over 30 are dramatically less likely to be arrested or commit new crimes,³ even when the original offense was violent. One study found that of those convicted of violent crimes, only 4% released between ages 45 and 54 and 1% released at 55 or older were reincarcerated for new crimes within three years. Among people previously convicted of murder, those rates fell to 1.5% and 0.4%, respectively.⁴ People “age out” of crime and become little or no threat to others.

Passing HB 3373 also helps address the significant racial disparities in sentencing and the prison population in Illinois. Illinois’s longest sentences fall heaviest on Black people, who are vastly overrepresented in Illinois prisons: They make up less than 15% of Illinois’ population⁵ but 54% of Illinois’s prison population. Their overrepresentation is *even greater* among those serving the longest sentences: 66% of people serving life sentences are Black, as are 67% of people with virtual life sentences, and 61% of people with effective sentences of 15-40 years. In contrast, white people account for 61% of Illinois’ population but only one-quarter of the people serving life sentences, 19% of those with virtual life sentences, and 22% of people with effective sentences of 15-40 years. HB 3373 will give thousands of Black Illinoisans a chance to serve a more proportionate sentence and return home and contribute to their families and communities.

HB 3373 is a reasonable, measured bill – not a get-out-of-jail-free card. The bill has a staggered implementation to ensure that the Prisoner Review Board is not overwhelmed and that those who have served the longest (and are probably less likely to reoffend) are considered for earned reentry first. For the first year following the effective date, people are eligible for earned reentry if they have served a term of imprisonment of at least 35 consecutive years. The time served requirements are 25 years for the second year of implementation and 20 years for the third and subsequent years of implementation.

HB 3373’s 20-, 25-, and 35-year time served requirements still ensure serious punishment, even assuming a person is granted earned reentry on their first appearance before the Prisoner Review Board. For many people, 20 years is enough time to mature, grow, and rehabilitate oneself. Those who do not show this growth and rehabilitation will be denied earned reentry. Earned reentry is an opportunity, not a guarantee – and indeed, it must be earned.

Public safety must be the top priority in Illinois. No one is safer when the state wastes taxpayer dollars and a prison cell on someone who does not need to be there. In fact, this misuse of resources makes Illinois less safe. What the state spends keeping people locked up for crimes committed decades ago when they were different people should instead be spent on preventing crime and victimization happening today. **HB 3373 makes Illinois safer.**

We hope you will pass HB 3373. Thank you for considering our views.

³ FAMM, Aging out of Crime, <https://famm.org/wp-content/uploads/Aging-out-of-crime-FINAL.pdf>.

⁴ 5 Prescott, J.J., Pyle, B., and Starr, S.B. (2020). Understanding Violent-Crime Recidivism. *Notre Dame Law Review*, 95:4, 1643- 1698, 1688. <http://ndlawreview.org/wp-content/uploads/2020/05/9.-Prescott-et-al..pdf>.

⁵ United States Census Bureau (2021). *Quick Facts: Illinois*, <https://www.census.gov/quickfacts/IL>.