



**Bill Summary: Illinois Earned Reentry
HB 3373 (Ammons) / SB 2129 (Villanueva)**

What the Bill Would Do: HB 3373/SB 2129 would, if passed, allow people in Illinois state prisons serving lengthy or life sentences to be *considered* for “earned reentry” if they have served 20 consecutive years of their sentence. Those approved for earned reentry after a review by the Illinois Prisoner Review Board would be released from prison and complete their sentence only after serving the term of mandatory supervised release in the community.

FAMM’s Position: FAMM supports this bill.

Why the Bill is Needed: People grow, change, and become less likely to reoffend as they age over the course of a lengthy sentence, yet Illinois does not have parole or other mechanisms that safely and responsibly release those ready to come home. **HB 3373/SB 2129 will**

- **Increase public safety:** Continuing to incarcerate people past the point at which they are rehabilitated or have a low risk of reoffending wastes taxpayer dollars and prison cells. Releasing those who committed crimes decades ago but pose little risk today allows Illinois to use those resources to solve and prevent crimes happening now instead.
- **Reduce racial disparity:** Blacks are overrepresented in Illinois’s prison population and in the population serving lengthy 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. Earned reentry directly impacts this population and gives thousands of Black people in Illinois prisons a chance to return to their communities.
- **Alleviate the growth in Illinois’s costly aging prison population:** Incarcerating large numbers of elderly people is a high-cost, low-value deal for taxpayers. Because of Illinois’s lengthy sentences, almost one in four people in state prisons are age 50 or older. This population is the least likely to reoffend but the most expensive to incarcerate. Earned reentry can safely release those who are rehabilitated and low-risk but may not qualify for other medical or geriatric parole programs the legislature creates.

How Earned Reentry Works:

Hearing before the Prisoner Review Board: Under HB 3373/SB 2129, people who have served 20 consecutive years in prison will be notified of their eligibility for earned reentry and receive a hearing before the Illinois Prisoner Review Board (PRB). The person has a right to be present at the hearing and testify in person or virtually, or have counsel or an advocate present a statement on their behalf. During the hearing, the PRB will consider the person’s rehabilitation efforts and disciplinary record in prison, parole plan, risk of reoffending, and victim input, if any.

Grant or denial of earned reentry and reapplication: The PRB has the sole discretion to grant or deny earned reentry – it is never guaranteed. If a person is denied earned reentry, the PRB

must explain its reasons for the denial and describe what the person can do to obtain earned reentry in the future. People denied earned reentry may be reconsidered after waiting two years.

Victim notification: Notice of the earned reentry hearing must be provided in advance to any victims or victims' families involved in the case. Victims and victims' families shall have the opportunity to participate in the earned reentry hearing and may participate or not, as they desire.

Staggered implementation: HB 3373/SB 2129 has a staggered implementation timeline, to avoid overwhelming the PRB with cases it must review:

- In the first year following the effective date of the bill, a person is eligible for earned reentry consideration if they have served at least 35 consecutive years in prison;
- In the second year following the effective date of the bill, a person is eligible for earned reentry consideration if they have served at least 25 consecutive years in prison;
- In the third year and each year after that after the effective date of the bill, a person is eligible for earned reentry consideration if they have served at least 20 consecutive years in prison.

Potential impact: Based on data from the Department of Corrections, a significant number of people are serving extremely lengthy or life sentences in Illinois. Also, many incarcerated people over age 50 have already served at least 20 years, which would make them eligible for earned reentry consideration within three or more years after the effective date of HB 3373/SB 2129. As of 2020, in Illinois state prisons there were 1,579 people serving life without the possibility of parole (LWOP); 2,472 people serving virtual life sentences; and 6,069 people with expected lengths of stay of 15-40 years. Of those people in state prisons who are age 50 or older, 60% have been in prison for at least 20 years, and of those 60 and older, 69% have been in prison for at least 20 years. Because of the staggered implementation of HB 3373/SB 2129, not all of these people would become eligible for earned reentry consideration immediately after the bill's effective date.

Supervision after earned reentry: The PRB must consider a person's post-release plans, including their housing and job opportunities, when deciding to grant or deny earned reentry. Those released on earned reentry shall have their sentence considered complete only after they serve the term of mandatory supervised release. While people are on supervised release, they are supervised in the community and must comply with the conditions of that supervision and remain crime-free. People who violate conditions of supervised release or commit new offenses can be returned to prison or charged with new crimes.

Retroactivity: HB 3373/SB 2129 is retroactive – in other words, it makes people currently in Illinois state prisons eligible for an earned reentry review by the Prisoner Review Board when they complete the relevant time-served requirement.

For additional questions about these bills or FAMM, please contact Shaneva McReynolds at smcreyholds@famm.org.