

**HB3774 and HB4379
INCREASING FELONY AMOUNTS FOR RETAIL THEFT
720 ILCS 5/16-25**

House Bills [3774](#) and [4379](#) propose two changes that impact the sentenced population: (1) increase the dollar value to establish Class A misdemeanor and Class 4 retail theft offenses; and (2) increase from two to three the number of prior theft convictions required to elevate from a misdemeanor to felony offense. By increasing the property value and number of prior offenses, fewer individuals would be incarcerated which would decrease the average daily population in both the Illinois Department of Corrections (IDOC) and county jails housing misdemeanor offenders. HB3774 also requires full restitution for property valued at under \$500.

SPAC used criminal history (CHRI) and IDOC data from 2010, 2011, and 2012 for arrests, convictions, IDOC admissions, and probation sentences for retail theft. During these three years, the retail theft data show:

Retail Theft	2010-2012
Arrests	80,089
Convictions	21,574
Probation	5,681
IDOC Admissions	5,254
Average Sentence Imposed	2.0 yrs
Average Prison Time Served	0.69 yrs
Average Pretrial Detention Period	0.25 yrs
Total time in custody	0.94 yrs

SPAC was able to review 2011 retail theft data reported to the National Incident-Based Reporting System (NIBRS)¹ for Rockford, Illinois (the only Illinois jurisdiction that reported the detailed NIBRS data in 2011²); national data; and data from a selection of neighboring states. Based on this data, it is a reasonable expectation that roughly 5% of all Illinois retail thefts are for items valued between \$300 and \$500. Cumulatively, around 80% of all retail thefts are for items valued at below \$300. These data are not fully representative of retail theft in Illinois, but it allows evaluations of the scope of the proposed legislation.

The distribution of retail thefts suggests that between 2010 and 2012, about 1,000 retail theft convictions might have been affected by these proposals, or 5% of the 21,574 convictions during those years. Importantly, this estimate assumes that the reported values in NIBRS match the value proven during trial.³ Because factors other than the value of the property stolen affect the

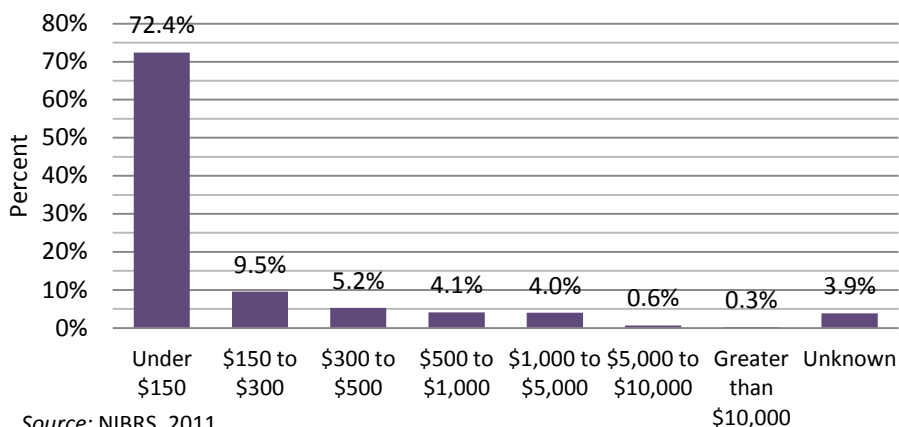
¹ National Archive of Crime Justice Data, Uniform Crime Reporting Program Data: National Incident-Based Reporting System, 2011 (ICPSR 34585), available at <https://www.icpsr.umich.edu/icpsrweb/NACJD/studies/34585?archive=NACJD&q=nibrs+2012&searchSource=revise>.

² Illinois jurisdictions are currently not required to submit incident report data to NIBRS, which significantly limits the relevant data available for analysis.

³ “When a charge of retail theft of property . . . is brought, the value of the property involved is an element of the offense to be resolved by the trier of fact. . . .” 720 ILCS 5/16-25(f)(3).

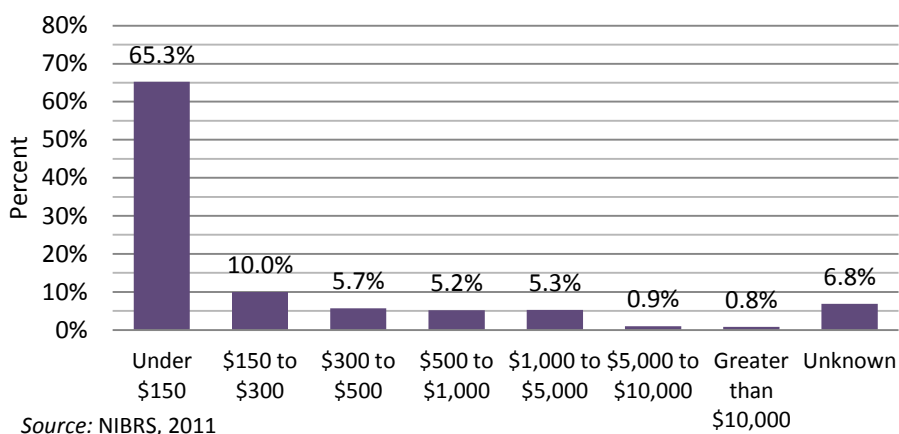
sentence imposed, SPAC was unable to accurately determine the fiscal impact of changing the value threshold for retail theft offenses.

Percent of Retail Theft Cases, by Value reported by Rockford, Illinois



The retail thefts in Rockford follow the national distribution and closely match neighboring states' NIBRS-reported values of stolen property from retail stores. The chart below shows the national distribution, and the table below lists the percentages in states neighboring Illinois that reported retail theft values to NIBRS.

Percent of Retail Theft Cases, by Value reported nationally



Retail Theft Values from Rockford and From Neighboring States

State	Unknown	Under \$150	\$150 to \$300	\$300 to \$500	\$500 to \$1,000	\$1,000 to \$5,000	\$5,000 to \$10,000	Over \$10,000
Rockford, Illinois	3.9%	72.4%	9.5%	5.2%	4.1%	4.0%	0.6%	0.3%
Iowa	8.5%	63.2%	9.2%	5.4%	5.4%	6.1%	1.2%	1.0%
Kentucky	3.4%	75.2%	11.5%	4.9%	3.2%	1.6%	0.1%	0.1%
Michigan	5.7%	62.2%	11.7%	6.4%	5.7%	6.0%	1.2%	1.2%
Missouri	5.1%	66.2%	8.7%	5.3%	5.9%	6.7%	1.0%	1.1%
Ohio	11.9%	59.3%	9.8%	6.0%	5.6%	5.4%	1.1%	0.9%
Wisconsin	20.8%	59.7%	8.0%	4.0%	3.7%	2.8%	0.6%	0.4%
National	6.8%	65.3%	10.0%	5.7%	5.2%	5.3%	0.9%	0.8%