

**SENATE BILL 1311**  
510 ILCS 70/3.01, 3.02, 3.03, & 3.03-1  
SENTENCE ENHANCEMENTS FOR ANIMAL CRUELTY

**PROJECTED IDOC POPULATION IMPACT: +6 INMATES**

**TOTAL COSTS INCREASED OVER THREE YEARS: \$737,496**  
**TOTAL VICTIMIZATION BENEFITS OVER THREE YEARS: \$197**  
**NET BENEFITS (BENEFITS MINUS COSTS) -\$719,601**  
*A negative benefit indicates that costs are greater than benefits*

Senate Bill 1311 (SB1311) proposes a one level increase in offense class for violations of the Humane Care of Animals Act. Class A misdemeanors become Class 4 felonies and the lower level felonies move up one level, which in turn increases the sentence ranges for these offenses.

The costs of this proposal, had it been in effect for the past three years, are greater than the likely benefits to victims, expressed by calculating recidivism rates. Table 1 calculates total benefits of this proposal by subtracting the proposal's costs from current costs then adding the victimization benefits. The negative benefit indicates that the costs are greater than the likely benefits.

**Table 1: Total Change in Costs Over Three Years**

Illinois Compiled Statutes	Statute Description	Current costs	Proposed costs	Victimization benefits	Total Benefits*
510 ILCS 70/3, 3.01, 3.02, and 3.03	Humane Care for Animals Act	\$586,241	\$1,323,737	\$197	<b>-\$737,300</b>
	<b>TOTAL</b>	<b>\$586,241</b>	<b>\$1,323,737</b>	<b>\$197</b>	<b>-\$737,300</b>
* Negative benefits are additional costs.					
Source: CHRI and IDOC data, SPAC calculations					

**Table 2: Change in Cost by Category**

Change in	Three Year Value of Costs and Benefits
Local Detention Costs	\$96,540
Local Probation Costs	\$176,807
<b>Total Additional Local Costs</b>	<b>\$273,347</b>
State Prison Costs	\$286,019
State Supervision Costs	\$178,131
<b>Total Additional State Costs</b>	<b>\$464,149</b>
<b>Change in State and Local Costs</b>	<b>\$737,496</b>
Victimization Benefits	<b>-\$197</b>
<b>Total Costs</b>	<b>\$737,300</b>

SPAC used criminal history records information (CHRI) from state fiscal years 2016, 2017, and 2018 to calculate the number of arrests, convictions, and sentences for animal cruelty.<sup>1</sup> SPAC also used IDOC data from the same years for admissions, exits, and prison population. The three years of data show:

**Table 3: Arrests, Convictions, Sentences, and Sentence Length for Animal Cruelty**

Three Years		Animal Cruelty
Arrests		845
Convictions		237
Withheld judgements		69
Probation Sentences	<i>Class 3</i>	5
	<i>Class 4</i>	43
	<i>Misdemeanor</i>	34
	<b>Total Probation</b>	<b>82</b>
IDOC Admissions	<i>Class 3</i>	4
	<i>Class 4</i>	13
	<b>Total Prison</b>	<b>17</b>
June 30, 2018 Population	<i>Class 3</i>	1
	<i>Class 4</i>	4
	<b>Total Population</b>	<b>5</b>
Average Sentence Imposed		2.5
Average Pretrial Detention Served		0.71
Average Prison Time Served		0.85

A full explanation of SPAC’s methodology, calculations and a demographic analysis are on pages 4 through 10 of this analysis.

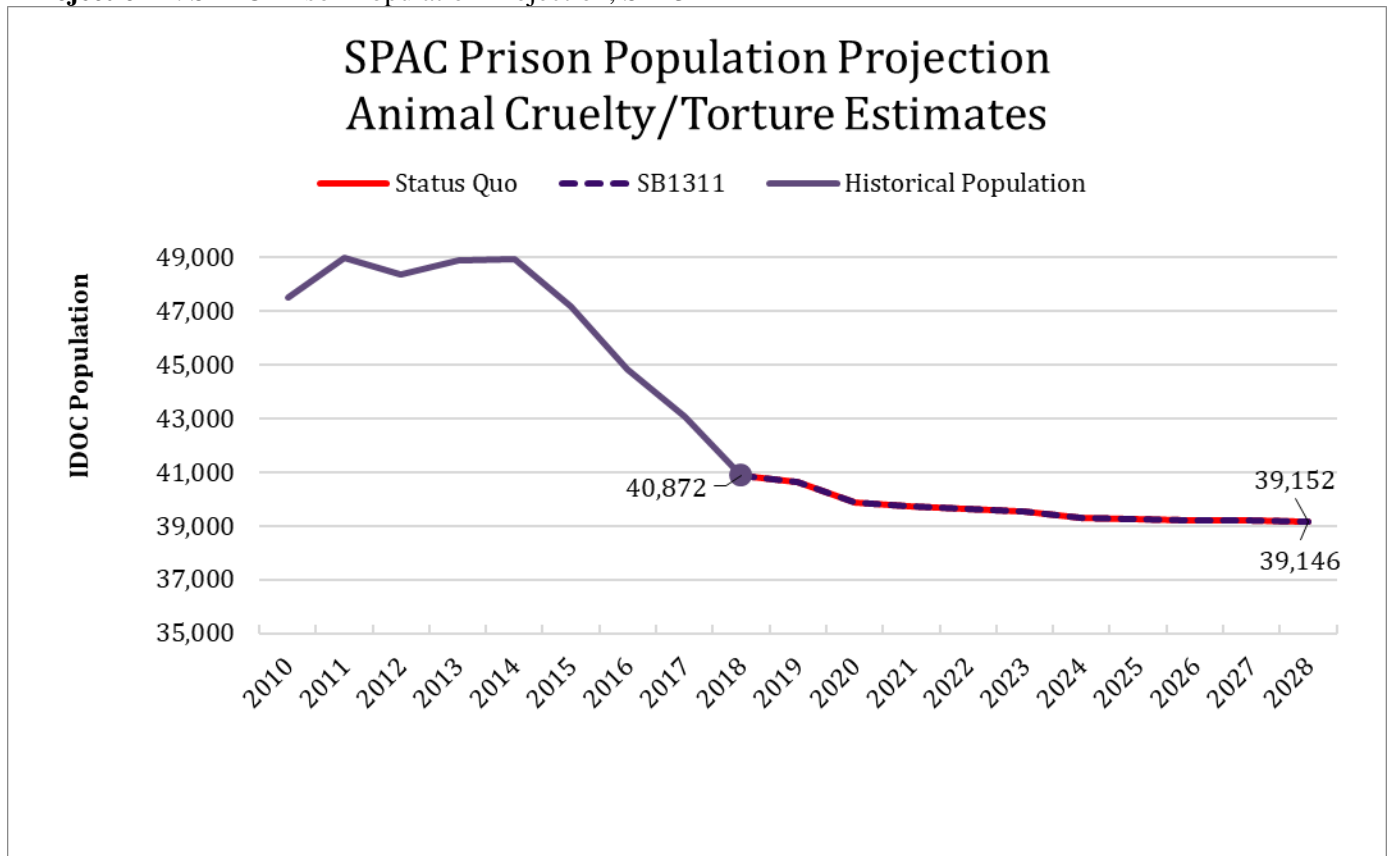
<sup>1</sup> The Sentencing Policy Advisory Council (SPAC) is a statutorily created council that does not support or oppose legislation. Data analysis and research is conducted by SPAC’s research staff. The analysis presented here is not intended to reflect the opinions or judgments of SPAC’s member organizations.

# SPAC PARTIAL PRISON POPULATION PROJECTION

A population projection answers the question “What if this policy were enacted?” To answer the question, the projection first asks what the estimated prison population would be without any change to the current policy. In the graph below, the red line in the projection shows the baseline, status quo projection of the prison population estimated for June 30th of each year. On June 30, 2028, the status quo projection estimates 39,146 individuals would be held in prison.

The dotted line answers the what if question: If the enhancement for animal cruelty was implemented, a net increase of about 6 inmates each year would be expected as a result of SB1311 and the projection estimates 39,152 individuals would be held in prison.

**Projection 1.** SPAC Prison Population Projection, SB1311



The status quo projection relies on the assumption that admissions, sentences, and IDOC practices remain consistent with the most recent year, 2018. The projection is the result of altering that assumption by increasing prison admissions by the percent of new felony cases and increased felony classes that would result from SB1311. Changes to crime or recidivism rates are not accounted for in the projection.

The model uses the following assumptions:

- Sentences for FY2018 animal cruelty admissions were increased by one year and upwardly weighted to reflect the increase in offense class and increase in probability of a conviction resulting in a prison sentence.
- An additional nine admissions are entered into the model each year with a 1.5-year sentence to represent the current Class A convictions that would be increased to Class 4.

- Overall, the projected population on June 30 for future years would increase by roughly six people. This is lower than the number of admissions per year simply due to day-for-day credit as well as jail credits.
- For all crimes effected by SB1311, SPAC assumes no change in arrests, charges, convictions, or sentencing other than the above modifications.

The following pages describe each offense in more detail.

## **SPAC FISCAL IMPACT ANALYSIS METHODOLOGY**

SPAC looks retrospectively at the past three fiscal years, 2016 through 2018, to determine the impact of these policies had they been in effect. The data for arrests, convictions, IDOC admissions, and probation sentences are from Criminal History Reporting Information (CHRI) and from the IDOC's Planning and Research Division. To calculate the cost of the criminal justice system, SPAC uses CHRI and IDOC data on (A) the number of convictions for first and subsequent arrests under the applicable statutes, (B) the average length of stay in county and IDOC facilities, and (C) past spending on prisons and county criminal justice systems.<sup>2</sup>

SPAC uses a dynamic marginal cost (DMC) methodology that was developed after analyzing both state and local public safety budgeting over several decades. Budgets in Illinois are most frequently based on past appropriations and expenditures to minimize disruptions in services and government spending, resulting in a divergence of costs from services: *i.e.*, the number of prisoners in State prisons, or probationers supervised by county probation departments, is not predictive of those agencies' budgets. The DMC approach matches SPAC's fiscal analysis with this reality by utilizing steps at which costs would be expected to change, with each step having a separate economic value.

Dynamic marginal costs allow a more accurate calculation of costs per client where the costs depend on the magnitude of the change compared to the status quo. The DMC can include multiple cost types: (1) traditional variable costs, which vary directly with changes in service and are consistent for the first or thousandth person; (2) step costs, which are primarily personnel costs that change only when the services increase or decrease sufficient to affect staffing and grow with the number of steps; and (3) fixed costs, which are related to physical space requirements that vary only with large service changes.

After examining criminal justice budgets at the State and local levels, SPAC determined that using DMC brings SPAC's fiscal impact calculations more in line with actual budgeting practices and resource allocation in Illinois. For example, for state prisons, the costs increase when the affected population is more than about 900 inmates, slightly less than one prison facility. Larger changes include the costs for criminal justice employees' benefits, which may be paid for outside criminal justice budgets (*e.g.*, IDOC staff pension benefits are paid through the Central Management Services (CMS) budget). At very large changes in the prison population, even capital costs are included. This method yields a more accurate estimate of taxpayer expenses for prisons and jails in Illinois.

The Administrative Office of the Illinois Courts (AOIC) calculated the cost of probation based on risk level. The \$2,011 per person per year is the average of these annual costs. To calculate the cost of pretrial detention, local supervision (probation), SPAC examined the CHRI data for time served (pretrial detention) and the sentence lengths ordered by the court for jail or probation terms.

As SPAC builds its capability for estimating costs and benefits to other stakeholders—the judicial system, probation systems, law enforcement, and communities—SPAC will include impact on these areas and constituencies in its analysis of proposed legislation.

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<sup>2</sup> Local costs are estimated from SPAC's survey of county budgets, available on SPAC's website: <http://ilspac.illinois.gov>.

### **IMPACTS OF PROPOSED LEGISLATION:**

The following pages describe the impact categories that the proposed sentencing change would have on the Illinois criminal justice system. First, a narrative section describes each impact and how SPAC estimated the dollar value of the impact. Second, the table used to create the estimates is shown in full detail.

#### **IMPACT OF PROPOSED LEGISLATION ON STATE PRISONS:**

**\$286,019**

Additional costs over three years.

The above estimates are the total additional costs to IDOC had these policies been in place from 2016 through 2018. This cost increase is created by an increased number of Class 4 admissions to the Department of Corrections under SB1311 and longer prison sentences for those currently receiving felony sentences. These additional offenders entering the system would have received probation without the sentence enhancement being in place.

#### **IMPACT OF PROPOSED LEGISLATION ON STATE SUPERVISION:**

**\$178,131**

Additional costs over three years.

This bill would increase the number of individuals and the length of time individuals exiting prison would be spending on MSR because of the increased offense class.

#### **IMPACT OF PROPOSED LEGISLATION ON COUNTY JAILS:**

**\$96,540**

Additional costs over three years.

The additional jail costs are calculated because, controlling for other factors, longer prison sentences are correlated with longer pretrial detention. SPAC analysis showed a relationship of 29 days longer pretrial detention for each additional year sentence, holding other factors constant. This estimate is applied to all offenders receiving an enhancement where the offense class increases. Because the effect of the legislation on prosecution and law enforcement are unknown, we conservatively assume that no more offenders would be charged and held by jails during judicial processing.

#### **IMPACT OF PROPOSED LEGISLATION ON LOCAL PROBATION:**

**\$176,807**

Additional costs over three years.

The additional probation costs are the result of the increase in offense class. The largest group affected by this bill is individuals who are being charged with a Class 4 felony rather than being charged with a Class A misdemeanor. That increase in offense class increases the likelihood that the individual will receive a sentence to probation rather than court supervision or conditional discharge.

**IMPACT OF PROPOSED LEGISLATION ON VICTIMS AND COMMUNITIES:  
\$197**

Avoided victimization costs over three years.

Increasing sentences incapacitates offenders for a longer time. SPAC incorporates the incapacitation effect on victims in two ways:

1. Offenders may age out—because the average age at exit would be older, the recidivism rate may be lower as older felons generally recidivate less (*Recidivism Benefits*). SPAC reviewed historical data to find recidivism rates at each age from 18 through 60 and applied these recidivism rates and trends to the age offenders would have exited, had the bill been in effect.<sup>3</sup>
  - The estimate presented here calculates the benefits due to changes in recidivism for three age groups: those offenders under 28, who have falling recidivism rates with increased age; those offenders between 28 and 36 with rising recidivism rates; and those offenders older than 37, who exhibit gradual reductions in recidivism rates. Because these age groups’ recidivism rates changed consistently across crime types, felony classes, and gender, SPAC found these methods reasonable for calculating changes in recidivism due to sentencing changes. The SPAC Victimization Supplement further describes the methodology.
2. Crimes are delayed because offenders are incapacitated, meaning crimes may occur earlier or later because of the timing of the offenders’ release (*Incapacitation Benefits*). Because a dollar not stolen today is worth more than a dollar stolen tomorrow, crime delays create benefits to crime victims. This effect is generally referred to as the social discount rate. SPAC used a 3% discount rate to victimizations under the different incapacitation lengths to estimate a possible benefit of delayed crime.

Table 4 shows the victimization costs which are calculated based on Illinois data on crimes committed by past animal cruelty offenders after release from prison, within both one and three years from release. The table shows the benefits of delayed release due to the new sentence lengths and the benefits of changing the age at release (benefits of changing recidivism levels).

**Table 4:** Victimization Effects

<b>Illinois Compiled Statutes 510 ILCS 70/3</b>	<b>First Year Victimization Costs</b>	<b>Three Years Victimization Costs</b>	<b>Incapacitation Benefits</b>	<b>Recidivism Benefits</b>	<b>Total Victimization Benefits</b>
Humane Care for Animals Act	\$0	\$2,249	\$0	\$197	\$197

<sup>3</sup> These impacts were measured against the national dollar values of index crimes. The dollar values include both tangible (medical and employment losses, property losses) and intangible (pain and suffering) costs, following the best national research completed in 2010. A full description of the methodology is available in the Victimization Supplement.

# Animal Cruelty

510 ILCS 70/3

## DEMOGRAPHIC IMPACT OF PROPOSED LEGISLATION:

Table 5 shows the race and gender of offenders admitted to IDOC. Table 6 shows where these commitments to IDOC originate. Finally, Table 7 shows the relationship between geography and race for animal cruelty commitments to State prisons. Here, race is self-identified upon admission to prison. The “Other” includes self-identified Hispanic, Asian/Island Pacific, Native American, and Unknown races.

**Table 5: Past Three Years Admissions to IDOC for Animal Cruelty**

	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Percent</b>
Black	8	0	8	<b>47%</b>
White	6	0	6	<b>35%</b>
Hispanic	3	0	3	<b>18%</b>
Other	0	0	0	<b>0%</b>
<b>Total</b>	<b>100%</b>	<b>0</b>	<b>17</b>	

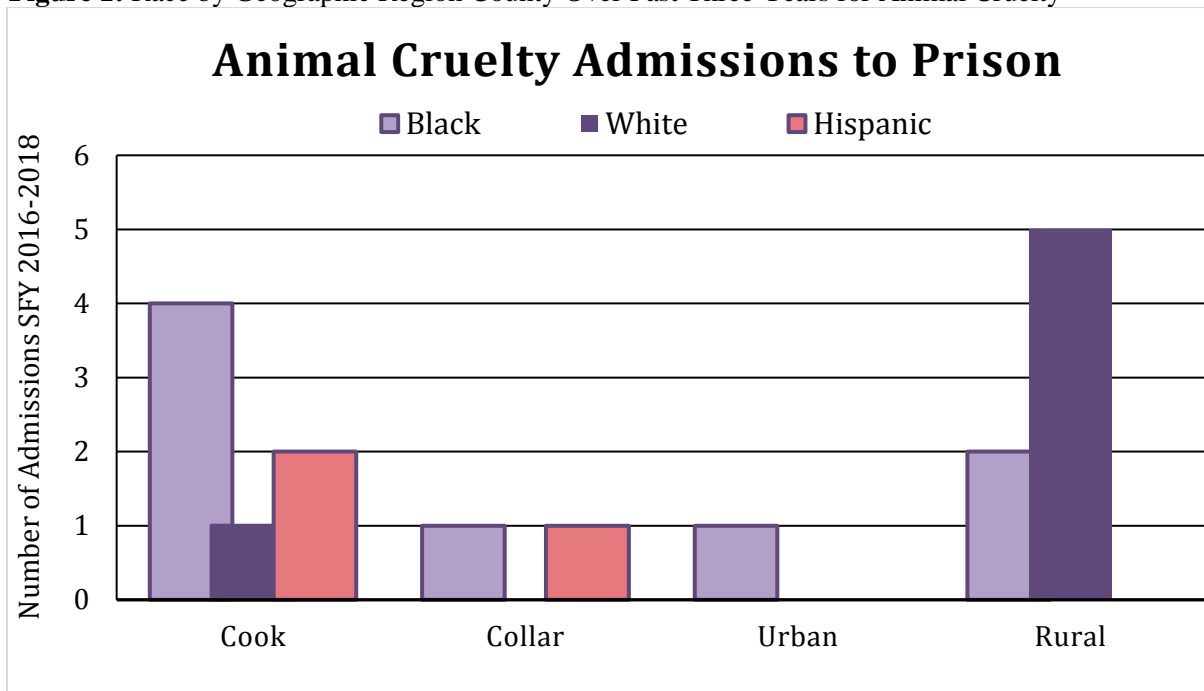
**Table 6: Admitting Counties over Past Three Years for Animal Cruelty**

<b>County</b>	<b>Number of Admissions</b>	<b>Percent</b>
Cook	7	41%
Clay	1	6%
Coles	1	6%
Franklin	1	6%
Lake	1	6%
Lawrence	1	6%
Lee	1	6%
Macon	1	6%
Shelby	1	6%
Stephenson	1	6%
Will	1	6%
<b>Total</b>	<b>17</b>	<b>100%</b>

**Table 7: Race by Geographic Region County Over Past Three Years for Animal Cruelty**

	Cook	Collar	Urban	Rural	Percent
Black	4	1	1	2	47%
White	1	0	0	5	35%
Hispanic	2	1	0	0	18%
Other	0	0	0	0	0%
<b>Total</b>	<b>41%</b>	<b>12%</b>	<b>6%</b>	<b>41%</b>	

**Figure 1: Race by Geographic Region County Over Past Three Years for Animal Cruelty**





## Table 8: Fiscal Impact Analysis

### Animal Cruelty 510 ILCS 70 For Fiscal Years 2016, 2017, and 2018

Total arrests	845
Total convictions	237
Total conditional discharge / court supervision	69

Conditional discharge/court supervision are charges sentences are dismissed or judgment vacated upon completion of a set time period.

	Dollar Value from 2016-18
Current Costs	\$586,241
Proposed Costs	\$1,323,737
Victimization Benefits	\$197
<b>Total Costs</b>	<b>\$737,300</b>

Sentences		Number of Offenders	Average Sentence Imposed (years)	Average Jail Stay Prior to IDOC Sentence (years)	Average Sentence Served in IDOC (years)
	Pretrial Detention	61		0.5	
	Misdemeanor Probation	34	1.38	0.09	
	Felony Probation	48	1.93	0.13	
	Class 3 and Class 4 Prison	17	2.52	0.5	0.85

\* Averages for sentence imposed are from recent admissions; sentence served are from previous years' exits. Average sentence served is the time less credit for time served in pretrial detention and any sentence credits for which the offender is eligible.  
Source: SPAC analysis of past three years of IDOC and CHRI data.

Current Cost		Cost	Length of Stay (Years)	Current Cost for Each Offender	Number of Offenders	Total Cost of Current System
		C	L	C x L	N	C x L x N
	Pretrial Detention	\$3,218	0.50	\$1,609	61	\$98,149
	Misdemeanor Probation	\$2,011	1.38	\$2,775	34	\$94,356
	Felony Probation	\$2,011	1.93	\$3,881	48	\$186,299
	Class 3 and Class 4 Prison	\$8,005	0.85	\$6,804	17	\$115,672
	IDOC Supervision	\$2,841	1.90	\$5,398	17	\$91,764
	<b>Total</b>				<b>99</b>	<b>\$586,241</b>

Note: SPAC uses the average cost of supervising all risk levels of offenders from AOIC's 2015 calculations. IDOC Supervision is average time spent on MSR for these offenders.

Predicted Sentence (Length of Stay Under Proposal)		Percent Sentenced to Sanction	Estimated Average Sentence (years)	Estimated Average Jail Detention	Total Length of Stay in Prison (years)
	Misdemeanor Probation	100%	1.0	0.09	N/A
	Felony Probation	75%	2.0	0.13	0.00
	Class 3 and Class 4 Prison (new)	25%	2.5	0.50	0.76
	Class 3 and Class 4 Prison (enhanced)	100%	3.5	0.58	1.18

\* New average sentence is the average from the next higher misdemeanor or felony class of animal cruelty offenses. Percent probation is from past three years' data. Estimated average jail detention includes pretrial detention and jail sentences.

Effect of Legislative Proposal		Cost	Length of Stay Proposed (Years)	Predicted Cost for Each Offender	Number of Offenders	Total Cost of Predicted System
		C	L'	L' x C	N	L' x C x N = TC'
	County Detention (pretrial and jail)	\$3,218	0.55	\$1,770	110	\$194,689
	Misdemeanor Probation	\$2,011	1.38	\$2,775	11	\$30,527
	Felony Probation	\$2,011	1.93	\$3,881	110	\$426,935
	Class 3 and 4 Prison (New)	\$8,005	0.76	\$6,084	21	\$127,760
	Class 3 and 4 Prison (Enhanced)	\$8,005	1.18	\$9,446	29	\$273,931
	IDOC Supervision	\$2,841	1.90	\$5,398	50	\$269,895
	<b>Total</b>					<b>\$1,323,737</b>

Note: Some convictions are unaffected by the proposed legislation because they are not near schools. The costs of the legislative proposal are equal to the current costs. The number of offenders for each row are independently calculated assuming no change in each misdemeanor and felony class's proportion receiving pretrial detention and prison sentences.

Incapacitation Benefits		Length of Stay (Years)	Average Length of Stay Proposed (Years)	Difference in Years	Price of One Year Victimization per Offender	Net Present Value of Victimization Price under Proposal (3% discount rate)	Net Present Value of Delayed Release	Number of Offenders	Victimization Benefits
		L	L'	L' - L = T	V1	$V1/[(1+0.03)^T] = V1'$	$NPV = V1' - V1$	N	$NPV \times N$
	Class 3 & 4 Felony	0.85	1.00	0.15	\$0	\$0	\$0	50	\$0
	<b>Total</b>								<b>\$0</b>

Note: The new average length of stay (L') is a weighted average for those who would receive prison under the proposal.

Recidivism Benefits	Age Group	Percent of Offenders in Each Age Group	Number Offenders	Recidivism Rate Change per Year	Average Difference in Years	Predicted Recidivism Rate Change	Ratio of Convictions to Recidivists	Three Year Victimization Costs per Offender	Victimization Benefits	
		P	$N \times P = N'$	K	$L' - L = T$	$K \times T = E$	(Victims:Conviction) = Z	V3	$N' \times E \times Z \times V3$	
		18 to 27	29.0%	15	-2.1%	0.15	-0.3%	1.68	-\$2,249	\$173
		28 to 36	30.0%	15	0.3%	0.15	0.0%	1.68	-\$2,249	-\$26
		37 to 50	25.0%	13	-0.7%	0.15	-0.1%	1.68	-\$2,249	\$50
	<b>Total</b>	<b>84%</b>	<b>42</b>					<b>Total</b>	<b>\$197</b>	

Increased Costs, Had This Bill Been in Effect for Past Three Years		Proposed Cost	Current Cost	Total Cost Increase
	Pretrial	\$194,689	\$98,149	\$96,540
	Probation	\$457,462	\$280,655	\$176,807
	Prison	\$401,691	\$115,672	\$286,019
	MSR	\$269,895	\$91,764	\$178,131
	<b>Total:</b>			<b>\$737,496</b>

**Table 9: New Pretrial Detention Calculation**

Offense Class	Current Number of Convictions	Current Number with Pretrial Detention Credits	Percent with Pretrial Detention Credits	Offense Class Raised One Class	New Pretrial Detention
	<b>N</b>	<b>P</b>	<b>r = P/N</b>	<b>N+</b>	<b>N+ x r</b>
Class 2	N/A	N/A	63%	11	7
Class 3	11	8	72%	65	47
Class 4	65	30	46%	105	48
Class A	105	20	19%	43	8
Class B	43	3	7%	N/A	N/A
Current total pretrial:		<b>61</b>	New total pretrial:		<b>110</b>

**Table 10: New Probation Sentence Calculation**

Offense Class	Current Number of Convictions	Current Probation Sentences	Current Percent Probation	Offense Class Raised One Class	New Probation Sentences
	<b>N</b>	<b>P</b>	<b>r = P/N</b>	<b>N+</b>	<b>N+ x r</b>
Class 2	N/A	N/A	50%	11	6
Class 3	11	6	55%	65	36
Class 4	65	42	65%	105	68
Class A	105	26	25%	43	11
Class B	43	8	19%	0	0
Current Misdemeanor Probation:		<b>34</b>	New Misdemeanor Probation:		<b>11</b>
Current Felony Probation:		<b>48</b>	New Felony Probation:		<b>110</b>

**Table 11: New Prison Sentence Calculation**

Offense Class	Current Number of Convictions	Current Prison Sentences	Current Percent Prison	Offense Class Raised One Class	New Prison Sentences	
	<b>N</b>	<b>P</b>	<b>r = P/N</b>	<b>N+</b>	<b>N+ x r</b>	
Class 2	N/A		47%	11	5	<b>29</b> Enhanced Prison Sentences
Class 3	11	4	36%	65	24	
Class 4	65	13	20%	105	21	<b>21</b> New Prison Sentences
Class A	105	N/A	N/A	43	0	
Class B	43	N/A	N/A	N/A	0	