

Written Testimony to the Senate Criminal Law Committee of the 101st Illinois General Assembly, Sentencing Reform Subject Matter Hearing, September 15, 2020.

Senate Committee on Criminal Law and Special Committee on Public Safety

“The NAACP mission is to ensure the political, educational, social & economic equality of rights of all persons & to eliminate racial hatred & racial discrimination.

Sentencing reform addresses the inequities in sentencing as a result of the court’s due process. . . .There are 3 million people in jail and prison today, far outpacing population growth and crime. Between 1980 and 2015, the number of people incarcerated increased from roughly 500,000 to 2.2. million.

Despite making up close to 5% of the global population, the U.S. has nearly 25% of the world’s prison population.

32% of the US population is represented by African Americans and Hispanics, compared to 56% of the US incarcerated population being represented by African Americans and Hispanics. “(<https://www.naacp.org/criminal-justice-fact-sheet>)

“Echoing national trends, Illinois’ rate of incarceration, even when controlling for population growth, has increased more than 500 percent in the last forty years, with a disproportionate impact on the State’s poor, mostly minority, citizens. “ *Final report, Illinois State Commission on Criminal Justice and Sentencing Reform, 2016*

The Illinois Conference of the NAACP has set its’ strategic direction henceforth:

“ Disproportionate incarceration, racially motivated policing strategies, and racially biased, discriminatory, and mandatory minimum sentencing will end. Incarceration will be greatly reduced and communities will be safer. The death penalty will be abolished at the state and federal level, as well as in the military.

“(<https://www.illinoisnaacp.org>)

We call upon the members of the General Assembly to take immediate action and pass legislation based on the recommendations of Illinois State Commission on Criminal Justice and Sentencing Reform, and reduce the **staggering rate of incarceration of people of color** in Illinois. The burden is not only on the incarcerated citizens who return home to obstacle after obstacle, but also upon their parents, siblings and children. The entire family unit is disrupted and suffers psychologically, financially, socially, and even physically due to the inordinate amount of stress.

A. Repeal, modify or amend Truth in Sentencing (TIS)

The movement to re-sentence juvenile offenders in Illinois is a step in the right direction. Too many juveniles have been sentenced to “de facto life.” In addition, A 30 year old convicted of a Class X felony is also at risk of a veritable “life” sentence when sentenced to sixty years. Under TIS, the entire sixty years would be required to be served. The inmate would not be eligible for release until the age of ninety. Costs for the care for aging and disabled prisoners strains the state coffers needlessly. It is well documented and undisputed that older offenders are unlikely to re-offend, and pose no threat to public safety. The literature further demonstrates that at the ten year point of incarceration, if a offender is to be rehabilitated, it has happened at that point. After that, the time in prison serves only to cost taxpayers, demoralize and destroy families.

TIS dramatically increased the length of sentences. It is projected that thirty percent of all inmates convicted of murder and subject to TIS will not be eligible for release until after their 75th birthday--the average life expectancy of males in the United States (www.cdc.gov). However, while thirty percent of murderers sentenced under TIS received sentences that will result in them most likely spending the rest of their life in prison, only a small proportion of those were explicit “natural life” or “death” sentences.”

(Olson, Seng, Boulger and Melissa McClure, The Impact of Illinois' Truth-in-Sentencing Law on Sentence Lengths, Time to Serve and Disciplinary Incidents of Convicted Murderers and Sex Offenders, Prepared for the Illinois Criminal Justice Information Authority, June 2009)

1. Allow inmates who are currently required by statute to serve 75%, 85%, or 100% of their sentence to earn programming credit and supplemental sentence credit for good conduct that could reduce their sentence below the currently-required percentage. **
2. The amount of programming and supplemental sentence credit available to these inmates should be limited as follows:
 - a) Inmates who currently are required to serve 100% of their sentence should be required to serve no less than 85% of their sentence. **
3. Inmates who currently are required to serve at least 85% of their sentence should be required to serve no less than 70% of their sentence. **
- 4.” Inmates who currently are required to serve 75% of their sentence should be required to serve no less than 60% of their sentence.”
5. “Give judges the discretion to determine whether probation may be appropriate for the following offenses:
 - a) Residential burglary;
 - b) Class 2 felonies (second or subsequent); and
 - c) Drug law violations”

***Note below the recommendations made in this position paper deviate slightly from the ISCJSR as published in their final report.*

Source: Final report of The Illinois Commission on Criminal Justice & Sentencing Reform
<https://www.icjia.state.il.us/cjreform2015>

Respectfully submitted,

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