



# HOUSE BILL 2764 (AS INTRODUCED)

104th General Assembly - Spring 2025

## POTENTIAL IMPACT ANALYSIS

### Summary Information

#### Potentially Impacted Population

During the first three years of implementation, about 3,900 people in prison could be eligible for earned reentry.

### Bill Summary

House Bill 2764 ([HB2764](#)) creates a process called “earned reentry” where a person could be released from prison, if the Prisoner Review Board (PRB) grants earned reentry. A person is eligible for earned reentry after serving the required number of years of continuous imprisonment. See Page 2 for a detailed summary of the bill.

### Outcomes

HB2764 provides PRB the discretion to grant people serving long prison sentences earned reentry.

If PRB grants someone earned reentry, they are released from the Illinois Department of Corrections, reducing the prison population.

### Impacts

#### 1. Demographic Impact (Page 4)

- 65% of people eligible in IDOC are Black
- 21% of people eligible in IDOC are White

#### 2. Fiscal Impact

- Due to data limitations and the discretionary nature of HB2764, SPAC can not measure the fiscal impact of the proposal.

#### 3. Victimization Impact

- Due to data limitations and the discretionary nature of HB2764, SPAC can not measure the fiscal impact of the proposal.



Illinois Sentencing Policy Advisory Council

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# Illinois Sentencing Policy Advisory Council

## HOUSE BILL 2764 (INTRODUCED)

730 ILCS 5/3-3-3.1 (new),

730 ILCS 5/3-3-3, 730 ILCS 5/3-5-1

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### Earned Reentry

### Potential Impact Analysis

### INSUFFICIENT DATA TO SUPPORT A FULL IMPACT ANALYSIS

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#### Introduction

The Illinois Sentencing Policy Advisory Council (SPAC) is mandated to review sentencing policies and practices and examine how these policies and practices impact the criminal justice system in Illinois. One of SPAC’s duties is to analyze data relevant to proposed sentencing legislation and its effect on current policies or practices.<sup>1</sup> SPAC monitors legislation and prepares impact statements when the data are available, valid, and reliable. These impact statements do not endorse or recommend any particular action on the legislation filed but instead are intended to inform the legislature and the public about the potential impact of legislation on the sentenced population.

This impact statement first summarizes the bill and explains the proposed changes. It then presents data on the prison population to identify how many people could be impacted by the proposed changes in the first three years had the bill been effective beginning on July 30th, 2024. Finally, SPAC provides a projection showing long-term changes to the population. Additional information about our impact analyses, projections, and costs are published in the [2025 Data, Costs, and Baseline Projection for Impact Analyses](#) document on our website.

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<sup>1</sup> 730 ILCS 5/5-8-8.

## Bill Summary

House Bill 2764, as introduced ([HB2764](#)), amends the Code of Corrections. The proposal creates a new statute, 730 ILCS 5/3-3-3.1, that defines “earned reentry” as the termination of an incarcerated person’s sentence as granted by the Prisoner Review Board (PRB). For those granted earned reentry, his or her sentence would be considered complete after mandatory supervised release. The proposal also deletes 730 ILCS 5/3-3-3(d), which results in people serving a natural life sentence eligible for potential earned reentry.

HB2764 specifies that the PRB shall consider the following factors in determining whether a candidate shall be granted earned reentry:

1. A statement, oral or written, by the candidate as to the reasons why he or she should obtain earned reentry;
2. Any evidence of the candidate’s rehabilitation during the period of his or her incarceration, including remorse for any criminal acts, if applicable;
3. Any evidence of the likelihood that the candidate will not recidivate;
4. Any character references, letters of support from family or community members, or references by staff, volunteers, or incarcerated persons in the Department of Corrections;
5. Any evidence of the candidate’s participation in educational, vocational, substance abuse, behavior modification, life skills, or reentry planning programs;
6. The candidate’s disciplinary record while incarcerated;
7. The candidate’s employment history while incarcerated;
8. The candidate’s criminal history; and
9. The candidate’s parole plan, including plans for housing, employment, and community support upon release from incarceration.

If the PRB denies earned reentry, the Board shall provide a written statement to the candidate that shall include the reasons for the denial, what the candidate must accomplish to be granted earned reentry in the future, and when the candidate is eligible to reapply for earned reentry, which shall be no later than 2 years after the initial denial.

HB2764 specifies that the PRB shall notify those who become eligible for earned reentry within 2 months of becoming eligible. During the first two years following the effective date of the Act, the PRB shall hold hearings within one year of the person becoming eligible and within 8 months for the third and each subsequent year following the effective date. HB2764 specifies an effective date of January 1, 2026, with an implementation schedule<sup>2</sup> as follows:

1. For the first year following the effective date of the Act, a person is eligible for earned reentry if he or she has served a term of imprisonment of at least 35 consecutive years.
2. For the second year following the effective date of the Act, a person is eligible for earned reentry if he or she has served a term of imprisonment of at least 25 consecutive years.
3. For the third year and each year thereafter following the effective date of the Act, a person is eligible for earned reentry if he or she has served a term of imprisonment of at least 20 consecutive years.

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<sup>2</sup> Although HB2764 specifies a January 1, 2026 effective date, this impact analysis assumes the bill would be effective on July 1, 2024 to best accommodate the data SPAC has available.

## Prison Data

SPAC used Illinois Department of Corrections (IDOC) data from fiscal year 2024 to identify those who were incarcerated on June 30th, 2024 who would be eligible for potential earned reentry as specified in HB2764 had the bill been effective July 1, 2024. Table 1 shows about 80-85% of those eligible over the first three years would have been incarcerated for a murder or homicide offense. Most of those eligible in the first year would have a natural life sentence, but this decreases to just over 25% by the end of year 3. Other characteristics of the eligible population would not change much over time.

**Table 1: Characteristics of Eligible Population in 1st, 2nd, and 3rd Years**

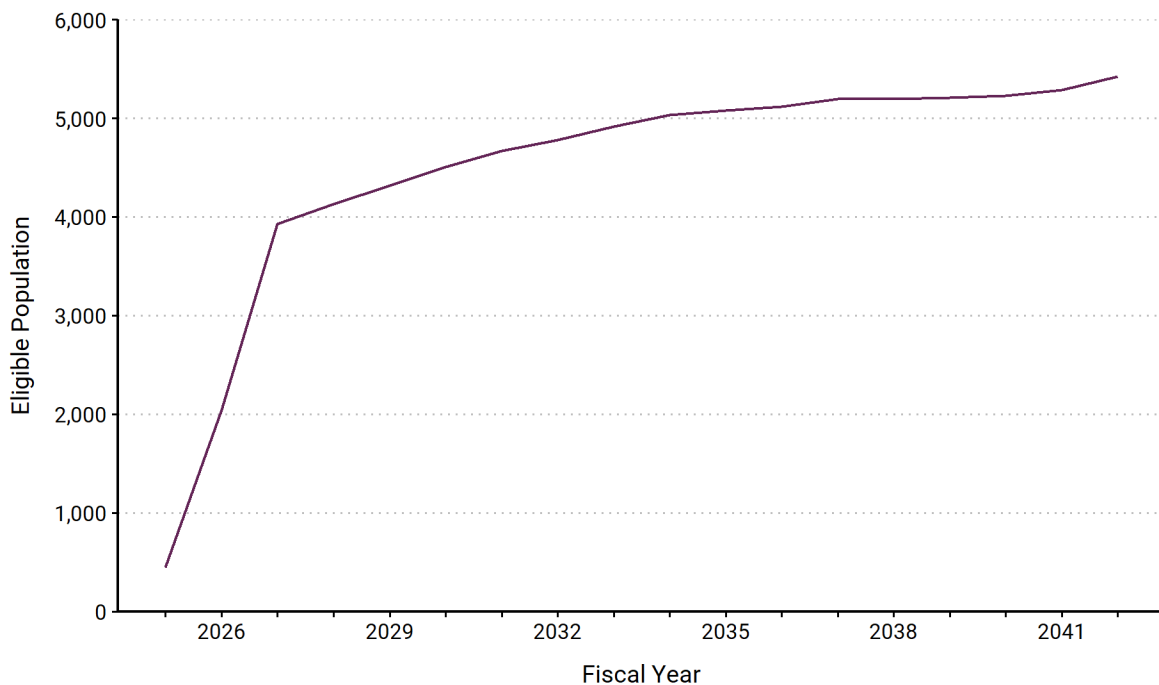
| Characteristic  | Year 1<br>35+ years served |         | Year 2<br>25+ years served |         | Year 3<br>20+ years served |         |
|-----------------|----------------------------|---------|----------------------------|---------|----------------------------|---------|
|                 | Count                      | Percent | Count                      | Percent | Count                      | Percent |
| <b>Offense</b>  |                            |         |                            |         |                            |         |
| Homicide        | 382                        | 85.7%   | 1,736                      | 85.0%   | 3,205                      | 81.6%   |
| Sexual Assault  | 40                         | 9.0%    | 220                        | 10.8%   | 508                        | 12.9%   |
| Armed Robbery   | 20                         | 4.5%    | 51                         | 2.5%    | 82                         | 2.1%    |
| Other           | 4                          | 0.9%    | 36                         | 1.8%    | 135                        | 3.4%    |
| <b>Sentence</b> |                            |         |                            |         |                            |         |
| Life            | 331                        | 74.2%   | 873                        | 42.7%   | 1,074                      | 27.3%   |
| Non-life        | 115                        | 25.8%   | 1,170                      | 57.3%   | 2,856                      | 72.7%   |
| <b>Race</b>     |                            |         |                            |         |                            |         |
| Black           | 310                        | 69.5%   | 1,376                      | 67.4%   | 2,559                      | 65.1%   |
| White           | 113                        | 25.3%   | 456                        | 22.3%   | 831                        | 21.1%   |
| Hispanic        | 21                         | 4.7%    | 201                        | 9.8%    | 516                        | 13.1%   |
| Other           | 2                          | 0.4%    | 10                         | 0.5%    | 20                         | 0.5%    |
| Unknown         | 0                          | 0.0%    | 0                          | 0.0%    | 4                          | 0.1%    |
| <b>Sex</b>      |                            |         |                            |         |                            |         |
| Male            | 439                        | 98.4%   | 1,981                      | 97.0%   | 3,792                      | 96.5%   |
| Female          | 7                          | 1.6%    | 62                         | 3.0%    | 138                        | 3.5%    |
| <b>County</b>   |                            |         |                            |         |                            |         |
| Cook            | 283                        | 63.5%   | 1,319                      | 64.6%   | 2,477                      | 63.0%   |
| Non-Cook        | 163                        | 36.5%   | 724                        | 35.4%   | 1,453                      | 37.0%   |
| <b>Total</b>    | <b>446</b>                 |         | <b>2,043</b>               |         | <b>3,930</b>               |         |

## Prison Population Projection

The impact of HB2764 will depend on how many people were eligible for earned reentry and how many of those eligible would be granted earned reentry. SPAC can project the cumulative population eligible for earned reentry over time, but we do not have data that allows us to predict which people would be granted earned reentry. Figure 1 shows the projected cumulative population eligible for earned reentry, after adjusting for eligible people and also leaving prison as normal.

The first year after implementation would require at least 35 years of continuous incarceration, including time spent in jail pre-trial, resulting in about 450 people being eligible. The second year reduces the required incarceration length to 25 years, which increases the eligible population to about 2,000 people. The third and subsequent years would require 20 years of continuous incarceration, increasing the eligible population to about 4,000 people in the third year and then increasing gradually by about 150 people per subsequent year.

**Figure 1: SPAC Prison Population Projection - HB2764**



## Cost Analysis Summary

SPAC could not produce a fiscal costs analysis for HB2764 due to uncertainty in how many people would be granted earned reentry and the timing of when individuals who would be granted earned reentry would be released from prison.

## SPAC Impact Analysis Methodology

SPAC used data from the Illinois Department of Corrections (IDOC) Planning and Research Unit to estimate the potential impact of the bill had it been in effect beginning in FY2025 on July 1, 2024. SPAC used the June 30, 2024 prison population file and modeled the projection had the implementation began on July 1, 2024.

The projection model assigns people to earned reentry eligibility groups based on how many years the person has served by June 30th of each future year so that those having served 35, 25, and 20 years in years 1, 2, and 3 are assigned to earned reentry eligible Year 1, Year 2, and Year 3 groups, respectively. No changes to technical violator or sexually dangerous person populations are modeled. The projection is cumulative and does not account for people leaving prison because they were granted earned reentry but does account for people leaving prison as they normally would from exiting to mandatory supervised release or mortality.

Prison admissions and population data that SPAC analyzed include all sentences associated with an individual's current holding mittimus, including consecutive sentences under the same mittimus. Notably, the dataset may lack information on additional consecutive sentences under different mittimuses. However, projected release dates consider these additional sentences, irrespective of their mittimus.

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