

Modernize Illinois' Theft Laws: Support SB 3257

Penalties haven't kept up with inflation and are out of step with most other states.

- ▶ The dollar amount distinguishing a felony theft offense from a misdemeanor has been adjusted only once in the past 35 years.
- ▶ In most other states, theft is a misdemeanor unless the value of the stolen property is at least \$1,000. Wisconsin and Texas each have thresholds of \$2,500.
- ▶ But in Illinois, shoplifting an item with a value of just \$300 or more (e.g., a smartphone) is a felony that can result in a prison sentence. Only two states have lower thresholds.



Prison is an inefficient and ineffective tool for dealing with people who commit low-level property crimes.

- ▶ Illinois sends more than 1,000 people to prison every year for thefts that would be misdemeanors in many other states.¹
- ▶ The annual cost to taxpayers of incarcerating each of these individuals is more than \$37,000.²
- ▶ But this approach has not been shown to effectively address criminal behavior: About half of all Illinois prisoners are re-incarcerated within three years after their release.³
- ▶ People often commit low-level offenses like shoplifting as a result of unaddressed issues of poverty, trauma, mental illness, and substance abuse.
- ▶ Prison is ill-suited to address these underlying causes of crime, but community-based supervision using evidence-based practices has shown greater success in reducing recidivism, at a fraction of the cost.⁴

SB 3257 (Sims) would modernize Illinois' theft laws by:

- Increasing the felony thresholds for retail theft and theft to \$2,000 (from \$300 and \$500); and
- Providing that the automatic penalty enhancement from a misdemeanor to a felony shall apply only in cases where the person has been previously convicted of a felony (rather than any theft offense).

Enacting this legislation would substantially reduce Illinois' prison population and the number of people burdened with felony records for nonviolent offenses.

- ▶ Illinois now has one of the largest and most overcrowded prison systems in the country, with more than 10,000 prisoners in excess of its design capacity.
- ▶ If enacted into law, SB 3257 would result in a net decrease of 1,100 inmates incarcerated in the Illinois Department of Corrections each year.⁵
- ▶ People who steal would still be held accountable. A Class A misdemeanor conviction carries a penalty of up to a year in jail and a fine up to \$2,500.

| State | Threshold |
|----------------|-----------|
| Texas | \$2,500 |
| Wisconsin | \$2,500 |
| South Carolina | \$2,000 |
| Colorado | \$2,000 |
| Connecticut | \$2,000 |
| Georgia | \$1,500 |
| Alabama | \$1,500 |
| Utah | \$1,500 |
| Montana | \$1,500 |
| Nebraska | \$1,500 |
| Rhode Island | \$1,500 |
| Delaware | \$1,500 |

The bipartisan Illinois State Commission on Criminal Justice and Sentencing Reform has endorsed this policy.

- ▶ In its 2016 Final Report, the Commission recommended increasing Illinois' felony theft thresholds to \$2,000 and limiting penalty enhancements for theft offenses as part of its comprehensive plan to safely reduce the state's incarcerated population by 25% by 2025.⁶

Research conclusively shows that increasing felony theft thresholds does not lead to more crime.

A 2016 Pew study, examining crime trends in 28 states that had raised their felony theft thresholds,⁷ found that:

- ▶ Raising the felony theft threshold has no impact on overall property crime or larceny rates.
- ▶ States that increased their thresholds reported roughly the same average decrease in crime as the 22 states that did not change their theft laws.
- ▶ The amount of a state's felony theft threshold—whether it is \$500, \$1,000, \$2,000, or more—is not correlated with its property crime and larceny rates.

SUPPORTING ORGANIZATIONS

ACLU of Illinois

Communities United

Target Area Development Corporation

United Congress of Community and Religious Organizations (UCCRO)

¹ [SPAC Analysis of HB 3337 and HB 3856](#). (March 2017)

² Illinois State Commission on Criminal Justice and Sentencing Reform, [Final Report](#) (Dec. 2016).

³ *Supra* note 2.

⁴ Pew Public Safety Performance Project, [Putting Public Safety First](#) (Dec. 2008).

⁵ *Supra* note 1.

⁶ *Supra* note 2.

⁷ Pew Public Safety Performance Project, [The Effects of Changing State Theft Penalties](#) (Feb. 2016).