



MOST EXTREME SENTENCING IN THE COUNTRY

Illinois's mandatory gun enhancements are the most severe in the U.S. They drive long sentences and contribute to prison overcrowding.

In Illinois, judges are **required to add 15, 20, or 25 years** to prison sentences of defendants who had firearms during the commission of certain felonies. Fifteen years are added if a firearm is possessed but not discharged; 20 are added if the gun is discharged with no injuries; and 25 are added if there is a death or grievous injury.

Our state has the **highest mandatory enhancement** for possession in the country. In other states, the enhancement for firearm possession tends to range from 1 to 5 years. Many states do not criminalize firearm possession at all, while others allow judges the discretion to apply or withhold enhancements based on the context of each case.

Background:

In 2015, Illinois officials took an important step with HB2471 to make firearm enhancements discretionary for juveniles. In the first year of implementation of HB2471, judges departed from applying the sentencing enhancement in 14 out of 16 homicide cases involving firearms and juvenile defendants.

Problem:

Mandatory sentence enhancements still remain for everyone 18 and older. They present an undue cost to inmates, families, communities, and society. There is no reason to keep people in prison if they are not a danger and have served significant time with a good record. Consider the following.

- Research shows policies that increase the severity of punishments do little to meaningfully reduce crime. A 2015 report from the National Research Council's Committee on Law and Justice found no evidence that firearm enhancements reduced gun crime in any significant way.
- Early release isn't possible for people sentenced after 1998.
- It costs around \$40K to incarcerate a person for one year. (IDOC says \$24K, but that does not include overhead, employee health care, employee benefits, pensions, capital expenses, settlements, etc.)
- Illinois has one of the most overcrowded prison systems in the country.

Solution:

HB4376 would make firearm enhancements discretionary for both juveniles and adults.

Judges would have the authority to decide whether the enhancements make sense on a case-by-case basis. **They could still choose to apply the enhancements.**