

Sentences Imposed on Those Convicted of Felony Illegal Possession of a Firearm in Illinois

EXAMINING THE CHARACTERISTICS AND TRENDS IN SENTENCES
FOR ILLEGAL POSSESSION OF A FIREARM

RESEARCH REPORT

Center for Criminal Justice Research, Policy, and Practice

LOYOLA UNIVERSITY CHICAGO

JULY 2021



About the Report:

Prepared by David E. Olson, Ph.D., Don Stemen, Ph.D., Kaitlyn Foust, M.A., Cynthia Guzman, M.A., Lisa Jacobs, J.D., Sophia Juarez, MA, Holly Michalak, MS, Avery Pankratz, M.A., and Amanda Ward, Ph.D. Department of Criminal Justice & Criminology, and Center for Criminal Justice Research, Policy and Practice

Data Sources: This research relied on data from Illinois Criminal History Record Information (CHRI) maintained by the Illinois State Police and provided by the Illinois Criminal Justice Information Authority, Illinois Department of Corrections & the Cook County State's Attorney's Office.

Center for Criminal Justice Research, Policy & Practice
Loyola University Chicago
25 East Pearson, Suite 1116
Chicago, Illinois 60611
Phone: 312-915-7876
ccj@luc.edu
<https://www.luc.edu/ccj/>

The Center promotes fair, informed, effective, and ethical criminal justice approaches through collaborative interdisciplinary research, professional development and targeted projects.

This project was possible through the support of the Joyce Foundation.

Executive Summary

Loyola University Chicago's Center for Criminal Justice Research, Policy and Practice, through the support of the Joyce Foundation, completed the most comprehensive, detailed analysis of the sentencing of those convicted of firearm possession offenses in Illinois to date. These offenses do not involve the use of a firearm in the commission of a violent crime or the unlawful discharge of a firearm. Rather, these convictions are for the possession of a firearm by individuals not legally authorized to possess or carry a firearm because of their age, having a prior felony conviction, or not applying for and receiving a license to carry a concealed handgun. Depending on the factor(s) that make the possession of a firearm illegal, the legal classifications and possible sentences range from Class 4 felonies (the least serious felony) to Class X felonies (the most serious felonies other than first degree murder), and carry sentences ranging from probation for up to 30 months to 30 years in prison. Out of all the arrests and convictions in Illinois for firearm-related offenses over the past decade, 72% have been for firearm possession offenses while 28% have been for the use of a firearm in the commission of a violent crime or illegal discharge of a firearm.

Despite the concern over firearm violence, and increasingly punitive laws surrounding illegal firearm possession offenses implemented over the past 15 years, the lack of objective, detailed research limits the ability of practitioners and policy makers to assess the efficacy and impact of these approaches. The major findings from the research include:

- 1) The majority of felony firearm possession convictions in Illinois occur in Cook County, primarily involve Black men, and are disproportionately concentrated in specific Chicago neighborhoods;
- 2) The majority—52%—of felony firearm possession convictions in Illinois involved Class X, 2, or 3 felony offenses of a person with a prior felony conviction possessing a firearm; 34% involved a Class 4 felony offense;
- 3) For the least serious felony firearm possession offense (e.g., a Class 4 felony), one-third (33%) of the *statewide* convictions stemmed from arrests in 11 of Chicago's 77 neighborhoods. Of those convicted of a Class 4 felony firearm possession offense, 74% were 18-24 year-olds;
- 4) As a result of increased arrests, and mandatory prison sentences for most firearm possession offenses, prison admissions for these crimes increased 27% between 2014 and 2019, while admissions for all other crimes fell 38%;
- 5) Legislative changes in 2011 and 2018 to Class 4 felony firearm possession offenses primarily impacted sentencing practices in Cook County;
- 6) Of those firearm possession offenses where prison is not mandatory under all circumstances (i.e., the Class 4 felony offenses), those convicted in Cook County were more likely to be sentenced to prison than in the rest of Illinois;

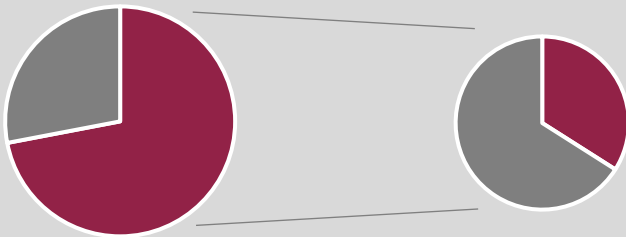


7) The vast majority of those sentenced to prison for firearm possession offenses were not arrested for a violent crime within 3 years of release from prison. Having a prior conviction for a violent crime was a stronger predictor of a subsequent arrest for a violent crime, and the majority of those convicted and sentenced to prison for firearm possession offenses do not have prior convictions for violent crimes;

8) Those sentenced to probation or prison in Cook County for a Class 4 firearm possession offense had similar, and relatively low, rates of arrests for a violent crime within 3 years of sentencing after taking into account other characteristics correlated with recidivism, including age, sex, and prior criminal history.

PRIMARY FINDINGS

The majority of firearm-related convictions were for firearm possession



72% of firearm convictions were for *possession* offenses

34% of *possession* offenses involved Class 4 Felony possession

Prison sentences for firearm possession have increased



27% increase in prison admissions for firearm possession from '14 to '19



38% decrease in prison admissions for all other crimes from '14 to '19

The majority of Class 4 Felony firearm possession convictions occurred in Cook County, involved Black men, and were disproportionately concentrated in specific Chicago neighborhoods



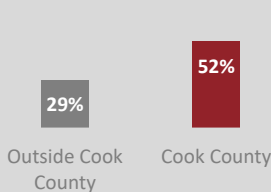
76% of statewide convictions for Class 4 Felony firearm possession occurred in Cook County

33% of statewide convictions for Class 4 Felony firearm possession occurred in just 11 Chicago neighborhoods



74% of individuals convicted of Class 4 Felony firearm possession were Black men

Defendants convicted of Class 4 Felony firearm possession in Cook County were more likely to receive a prison sentence than defendants in the rest of Illinois



52% of defendants convicted of Class 4 felony firearm possession in Cook County were sentenced to prison, compared to 29% in the rest of the state



90% of the increase in admissions to prison for Class 4 Felony firearm possession between 2010 and 2017 was due to the higher likelihood of a prison sentence in Cook County.

Defendants convicted of firearm possession were rarely arrested for violent crimes involving a firearm after release from prison



7% of defendants were arrested for a violent crime involving a firearm after release from prison for firearm possession



Introduction

Previous research by Loyola’s Center for Criminal Justice Research, Policy and Practice (the Center), examined trends and characteristics of people *arrested* in Illinois for three categories of crimes involving a firearm.¹ These included: (1) the use of a firearm in the commission of a violent crime, (2) the unlawful discharge of a firearm, and (3) the illegal possession of a firearm. The research found that arrests for the last category of offenses—illegal possession of a firearm—accounted for the vast majority (72%) of firearm-related arrests between 2008 and 2019. Importantly, these firearm possession arrests *did not* involve allegations of any violent crime committed with a firearm or the unlawful discharge of a firearm. Further, these firearm possession arrests increased 70% between 2008 and 2019, substantially more than arrests for any other crime involving a firearm.² Given that arrests for the illegal possession of a firearm account for such a large share of firearm-related arrests, this research brief examines in detail the outcome of these arrests in terms of conviction, sentencing, and post-sentencing patterns of arrest or “recidivism.”

Illegal possession of a firearm offenses involve the possession of firearms by persons prohibited from having firearms due to their age, criminal record, or failure to obtain the required Firearm Owner’s Identification (FOID) card or Concealed Carry License (CCL). These offenses also include possessing a firearm in prohibited places, or possessing prohibited firearms (e.g., stolen firearms, firearms with their serial numbers obliterated). Building on the prior research examining arrests, the Center examined the post-arrest outcomes (conviction and sentencing) of those arrested for illegal firearm possession using a variety of data sources. The primary data source was Criminal History Record Information (CHRI) provided by the Illinois Criminal Justice Information Authority (ICJIA) and the Illinois State Police (ISP).³ These CHRI data were supplemented with information from the Illinois Department of Corrections⁴ and the Cook County State’s Attorney’s Office.⁵

¹ See Olson, Stemen, Michalak, Juarez, Ward & Jacobs, 2020 at [https://www.luc.edu/media/lucedu/ccj/pdfs/IllinoisGunPossessionArrestBulletinJuly2020\[9718\].pdf](https://www.luc.edu/media/lucedu/ccj/pdfs/IllinoisGunPossessionArrestBulletinJuly2020[9718].pdf)

² In fact, based on aggregate data generated by ICJIA from CHRI, arrests for almost all crimes decreased in Illinois between 2008 and 2019. Broadly, arrests for felony-level crimes were down 10%, arrests for misdemeanors fell 40%, and arrests for all crimes combined were down 39% between 2008 and 2019.

³ Detailed, individual-level data were provided for all adults arrested in Illinois for a crime involving a firearm charge from January 2008 through August 2019, including the court disposition and sentencing information for the firearm arrest charge within the sampling time period, as well as all prior and subsequent criminal history record events for any crime, such as arrests, convictions and sentences.

⁴ Information on all admissions to, and exits from, prison, from 2000 to 2019, for firearm-related sentences were provided by the Planning and Research Unit of the Illinois Department of Corrections. In addition, detailed information on all adults released from prison between 2011 and 2015 were also provided and combined with CHRI data from the ICJIA/ISP to allow for detailed, three-year, post-release recidivism analyses of those released from prison for firearm possession and other sentences.

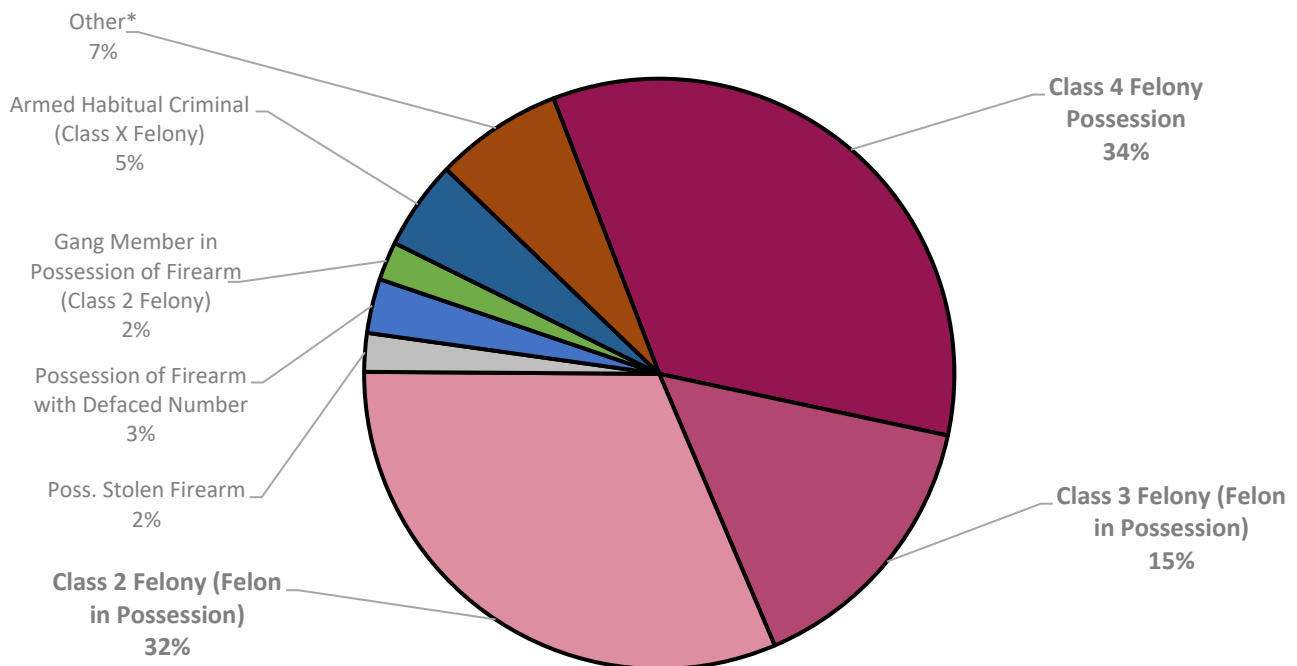
⁵ Because the majority of firearm possession convictions in Illinois occurred in Cook County, and the Cook County State’s Attorney’s Office makes de-identified case-level data available that is more current and contains some unique information not included in the CHRI data, these data were also examined.



Categories of Firearm Possession Offense Convictions

As described above, “illegal possession of a firearm” refers to a range of offenses. As seen in Figure 1, of the roughly 27,000 convictions in Illinois for illegal firearm possession between 2008 and 2019, just over one-third (34%) were for a Class 4 felony, the least serious category of felony offenses in the state.⁶ Just under one-third (32%) involved Class 2 felony offenses of “a felon in possession of a firearm,” used to categorize offenses involving the possession of a firearm by individuals with *at least one* prior conviction for a forcible felony,⁷ a felony firearm possession offense, stalking, or a Class 2 or greater felony drug-law violation. Class 3 felony offenses accounted for 15% of convictions; these offenses include the possession of a firearm by individuals with prior felony convictions for all crimes not delineated above for the Class 2 offenses. Combined, Class 2 and 3 offenses accounted for almost one-half (47%) of convictions for a firearm possession offense.

Figure 1: Convictions for Firearm Possession in Illinois, 2008-2019



* Other includes firearm possession offenses where the felony class could not be determined from the data provided.

Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of CHRI data provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority

⁶ Class 4 unlawful possession of firearms includes the possession of a handgun by someone under the age of 18, under the age of 21 if previously convicted of *any* crime, addicted to narcotics, has been a patient in a mental institution within the past 5 years, or has an intellectual disability (720 ILCS 5/24-3.1). Aggravated unlawful possession of a firearm includes the possession of a handgun on a person or in a vehicle that is loaded and accessible by someone not licensed under the Firearm Concealed Carry Act (720 ILCS 5/24-1.6).

⁷ "Forcible felony" means treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against any individual (720 ILCS 5/2-8).



The remaining 17% of convictions for illegal possession of a firearm included a variety of specific offenses, including armed habitual criminal (5%),⁸ possession of a firearm with the serial number/identification marks defaced (3%), possession of stolen firearms (2%), and possession of a firearm by a gang member (2%).⁹ Each category of firearm possession carries different sentencing requirements and is examined separately in the sections that follow. Roughly 7% of convictions lacked the detail needed to determine the specific felony class of the conviction offense.

Sentencing Structure in Illinois

One of the most important determinants of the sentence imposed following conviction for a firearm possession offense is the felony class into which the crime has been placed.¹⁰ In Illinois, the felony class dictates the allowable length of the prison or probation sentence that can be imposed, and determines how long someone sentenced to prison is supervised following their release (referred to in Illinois as mandatory supervised release, or MSR). Originally, under Illinois law, Class X felonies distinguished those crimes that carried mandatory prison sentences, and thus, were recognized as the most serious offenses other than First Degree Murder (which is its own class of offense). However, over the past 40 years, a number of other specific, non-Class X felony offenses have been re-categorized as non-probationable (i.e., they carry a mandatory prison sentence even though they are not Class X felonies), including many firearm possession crimes.¹¹

Table 1 shows the general sentencing requirements for those convicted of the most frequent firearm possession offenses (i.e., those shown in Figure 1), sorted from most to least serious in terms of their felony classification. For firearm possession offenses, there are a number of sentencing elements that make them unique from other crimes within the same felony classes. For example, for most Class 3 felony offenses in Illinois, a sentence to probation for up to 2 ½ years can be imposed, and if a prison sentence is imposed, the sentencing range is 2 to 5 years. However, people convicted of a Class 3 felon in possession of a firearm offense must be sentenced to prison since 2012, and the sentencing range is 2 to 10 years. Similarly, for most Class 2 felonies, a sentence to probation for up to 4 years is allowed, and if a prison sentence is imposed, the

⁸ A person is considered an armed habitual criminal in Illinois if they possess a firearm after having been convicted 2 or more times for any combination of forcible felonies, unlawful use of a weapon by a felon, aggravated unlawful use of a weapon, aggravated discharge of a firearm, vehicular hijacking, aggravated vehicular hijacking, aggravated battery of a child, intimidation, aggravated intimidation, gunrunning, home invasion, aggravated battery with a firearm, or any violation of the Illinois Controlled Substances Act or the Cannabis Control Act that is punishable as a Class 3 felony or higher (720 ILCS 5/24-1.7).

⁹ Because convictions for possession of a firearm with the serial number/identification marks defaced, possession of stolen firearms, and possession of a firearm by a gang member account for such a small portion of cases they are not analyzed in as much detail as other offenses. See Appendix 1 for a brief discussion of the sentencing of these crimes.

¹⁰ See Olson, D. & Stemen, D. (2019): *An Examination of Factors Influencing the Sentencing of Convicted Felons in Illinois*. Chicago, IL., Illinois Criminal Justice Information Authority.

https://icjia.illinois.gov/researchhub/files/Factors_Influencing_the_Sentencing-191011T20093012.pdf

¹¹ For some offenses, and under specific circumstances, Illinois law also allows maximum sentences to go beyond the normal statutory sentencing ranges associated with the felony classes (i.e., extended-term sentencing).



sentencing range is 3 to 7 years. However, people convicted of a Class 2 felon in possession of a firearm offense must be sentenced to prison, and the sentencing range is 3 to 14 years.

Table 1: Sentencing Ranges for Felony Classes & Mandatory Prison Requirements for Firearm Possession Offenses

Felony Class	Sentencing Range for Most Offenses	Sentencing Range for Firearm Possession Offenses	Mandatory Prison Sentences Introduced for Firearm Possession Offenses
Class X	6 to 30 years prison + 3 years MSR	6 to 30 years prison + 3 years MSR	2005
Class 2	3 to 7 years prison + 2 years MSR Up to 4 years probation	3 to 14 years prison + 2 years MSR Up to 4 years probation	2006
Class 3	2 to 5 years prison + 1 year MSR Up to 2 ½ years probation	2 to 10 years prison + 1 year MSR Up to 2 ½ years probation	2012
Class 4	1 to 3 years prison + 1 year MSR Up to 2 ½ years probation	1 to 3 years prison + 1 year MSR Up to 2 ½ years probation	2011 (if firearm loaded & accessible) 2018 (only if defendant is 21+ years old)

Convictions and Sentences for People with Prior Felony Convictions Possessing a Firearm

Under both federal and Illinois law, it is illegal for a person with a prior felony conviction to possess a firearm. Almost one-half (47%) of all convictions for firearm possession in Illinois were convictions for Class 2 or 3 felony offenses, where a person with a prior felony conviction was found to be in possession of a firearm. An additional 5% were convictions under the Armed Habitual Criminal law (a Class X felony, Figure 1).

Currently, any individual convicted of a Class X, Class 2 or Class 3 illegal possession of a firearm by a felon offense receives a mandatory prison sentence. Since 2005 when the armed habitual criminal statute was established, anyone convicted of this Class X felony offense must also be sentenced to prison, but with longer sentences (between 6 and 30 years). Since 2006, those convicted of a Class 2 felony offense of a felon in possession of a firearm *must* be sentenced to prison for between 3 and 14 years (Table 1). For all other instances where a person has a prior felony conviction and possesses a firearm, that crime is a Class 3 felony, which carries a mandatory prison sentence of 2 to 10 years. Although this Class 3 felony has carried a *mandatory* prison sentence since 2012, even prior to that law becoming effective, more than 60% of the people convicted of this crime were sentenced to prison.

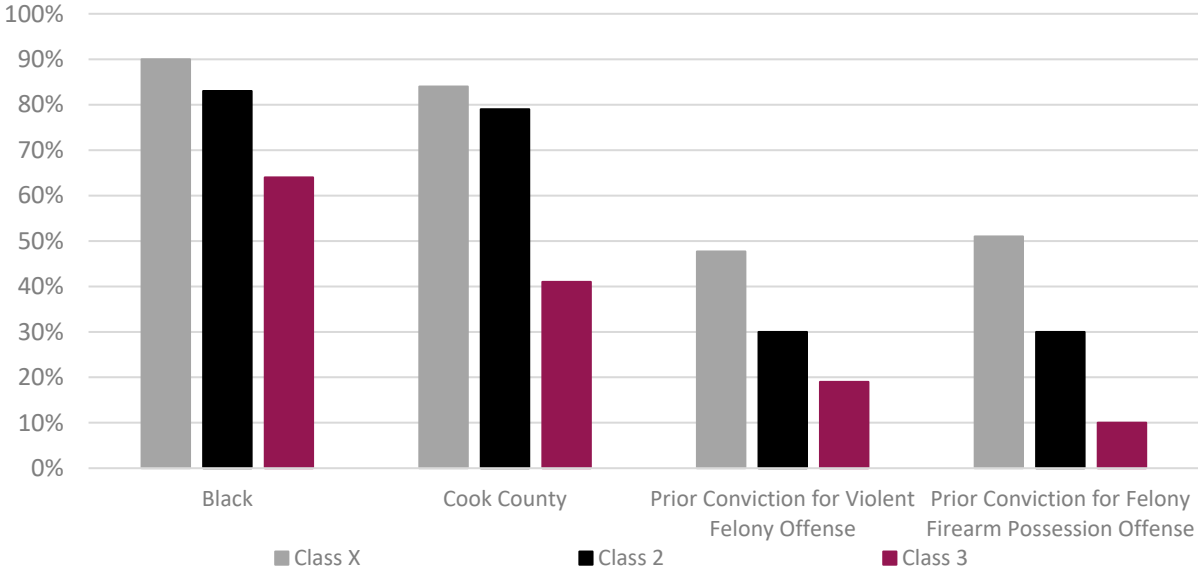
There were a total of 12,637 Class 2 and 3 felony convictions for a felon in possession of a firearm between 2008 and 2019. However, there were some differences in the characteristics of those



convicted of Class 2 felony offenses versus Class 3 felony offenses (Figure 2). Most notably, the majority (79%) of convictions for Class 2 felonies occurred in Cook County, whereas the majority (59%) of convictions for Class 3 felonies occurred *outside* Cook County. Also, while the majority of those convicted of either felony class were Black individuals, a larger share of those convicted of the more serious Class 2 felony were Black (83%), compared to 64% of those convicted of Class 3 felony offenses. Finally, more than 96% of those convicted of either felony class were male.

Often, when the public hears the term “felon in possession of a firearm,” the assumption is that all felonies are violent crimes. However, Illinois law categorizes a broad range of non-violent offenses as felonies, including the illegal possession of drugs and most retail thefts. Indeed, most individuals convicted of either Class 2 or 3 felon in possession of a firearm offenses did not have any prior felony convictions for a violent crime or a prior firearm possession offense (Figure 2). As would be expected, given the criminal history differences that distinguish Class 2 from Class 3 felon in possession of a firearm offenses, those convicted of a Class 2 felony were more likely to have a prior felony conviction for a violent crime (30%) than those convicted of a Class 3 felony (19%). Similarly, 30% of those convicted of a Class 2 felony had a prior felony conviction for a firearm possession charge, compared to 10% of those convicted of a Class 3 felony. Thus, just under one-half (47%) of those convicted of the Class 2 felony had no prior convictions for either violent crime felonies or felony firearm possession offenses, compared to 73% of those convicted of Class 3 offenses.

Figure 2: Characteristics of Persons Convicted of Felon in Possession of a Firearm Offense, by Class Offense, 2008 to 2019



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of CHRI data provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority



Conviction as an armed habitual criminal (a Class X felony) is the most serious felon in possession of a firearm offense, both in terms of the extent of prior felony convictions and the allowable sentencing range. However, these convictions also account for a relatively small proportion (5%) of all convictions for firearm possession crimes (Figure 1). Between 2008 and 2019, 1,321 people in Illinois were convicted as an armed habitual criminal and subsequently sentenced to prison. As with the Class 2 felon in possession of a firearm convictions, most (84%) of the armed habitual criminal convictions took place in Cook County, and almost all defendants were non-white (Figure 2), with 90% accounted for by Black individuals and 7% accounted for by Hispanic individuals. While a larger portion of those convicted as armed habitual criminals had prior convictions for a felony-level violent crime than the other groups, almost one-half (51%) did not have any prior convictions for a felony-level violent crime (Figure 2). Almost all of those convicted as armed habitual criminals (99.7%) were male.

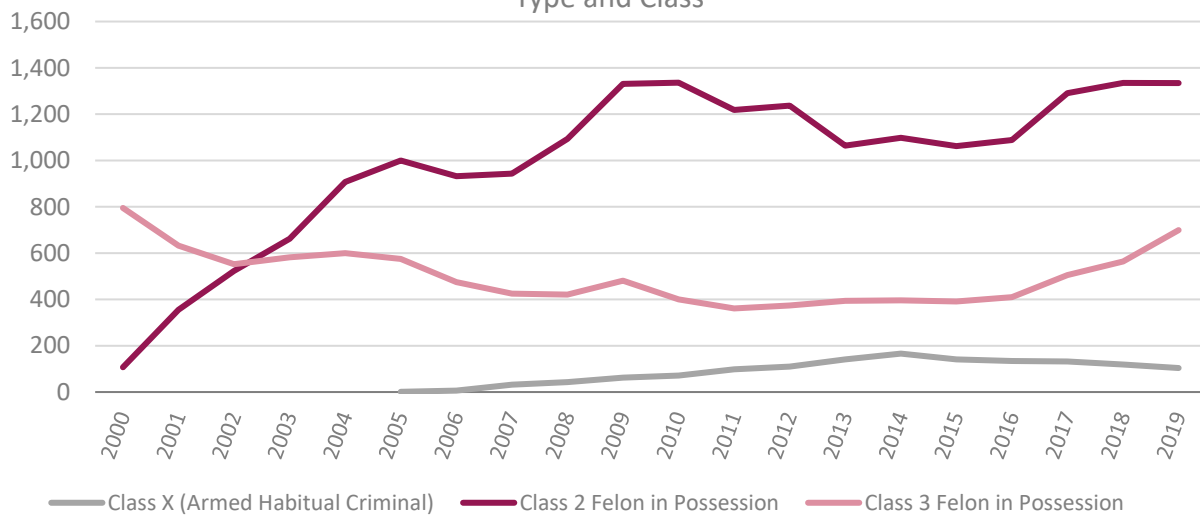
Among those convicted for these Class 2 and 3 felony offenses of felon in possession of a firearm during the study period, 86% were sentenced to prison (keep in mind that prison was not mandatory for all of these offenses during the entire study period). Statewide, the majority (75%) of those convicted for these Class 2 and 3 felon in possession of a firearm offenses combined were Black men, and 35% were Black men between 18 and 24 years old. Further, the majority (55%) of those convicted as a felon in possession of a firearm did not have *any* prior felony convictions for crimes of violence or illegal firearm possession offenses. Specifically, 26% had a prior felony conviction for a crime of violence and 23% had a prior conviction for a felony illegal firearm possession offense (5% had prior convictions for both). In addition to these convictions being concentrated primarily among young Black men, these convictions also resulted from arrests that were geographically concentrated. It is estimated that almost one-third (30%) of these statewide convictions stemmed from arrests in just 11 of Chicago's 77 community areas.¹² These 11 community areas accounted for less than 1% of Illinois' land area and just 4% of Illinois' population, but roughly 19% of all violent crime, and 28% of all murders, in Illinois. Overall, 67% of all of the convictions in Illinois for these Class 2 and 3 felony offenses occurred in Cook County.

As seen in Figure 3, the number of sentences to prison for Class 2 and 3 felony offenses increased substantially between 2015 and 2019. Sentences for the Class 2 felonies increased 26% between 2015 and 2019, while those for the Class 3 offenses increased 78%. The increases in prison sentences coincide with increased arrests for these offenses. By comparison, sentences to prison for convictions of armed habitual criminal offenses (Class X felony) were relatively low, increased until 2014 when they totaled 166, and have since decreased.

¹² Although CHRI data do not indicate in what neighborhood arrests for gun possession were made, Chicago Police Department data indicates that 53% of gun possession arrests in Chicago occurred in 11 specific neighborhoods. There were a total of 12,673 arrests statewide for Class 2 and 3 firearm possession offense, and of these, 7,194 occurred in Chicago. Thus, it is estimated that 53% of these 7,194 Chicago arrests (or 3,813) occurred in these 11 neighborhoods. Therefore, it is estimated that 3,813 (30%) of the 12,673 arrests in Illinois occurred in these 11 neighborhoods.



Figure 3: Admissions to Prison for Firearm Possession Offense, by Offense Type and Class



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of CHRI data provided by the Illinois Department of Correction’s Planning and Research Unit

Because Class 2 and 3 felon in possession of a firearm offenses carry mandatory prison sentences, there were not differences in whether a prison sentence was imposed between those convicted in Cook County versus the rest of Illinois. However, there was variation in the *length* of the sentences imposed. As described earlier, the range of possible sentences are determined by the felony class of the crime, with Class 2 felonies carrying a prison sentence of 3 to 14 years, and Class 3 felonies carrying prison sentences of 2 to 10 years.¹³ During the period examined, the average sentence imposed on Class 2 felon in possession of a firearm convictions was 4.25 years in Cook County, compared to 5.25 years outside of Cook County.¹⁴ For the Class 3 felony offenses, the average sentence in Cook County was 2.75 years, compared to 3.33 years outside of Cook County.¹⁵

Those sentenced to prison are also given credit for time served if they were held in pretrial detention or on electronic monitoring while their case was being adjudicated. Among those admitted to prison from Cook County, those sentenced for a Class 2 felon in possession of a firearm offense received an average of 257 days (8.6 months) credit for time served during the

¹³ As described in Table 1, the maximum prison sentence for most Class 2 and 3 felony offenses is shorter than what is allowed for firearm possession offenses. Still, only 8% of all prison sentences imposed during the study period for Class 2 and Class 3 felony firearm possession offenses were more than maximum allowed for non-firearm possession offenses (i.e., more than 7 years for Class 2 felonies and more than 5 years for Class 3 felonies).

¹⁴ For the sentences imposed on Class 2 felony offenses outside of Cook County there was no discernable trend in the sentence length. However, in Cook County, the length of the sentences imposed appears to have increased; during 2017 to 2019, the average sentence was 4.5 years, compared to 4.2 years in the 2008 to 2016 period. See Appendix 2.

¹⁵ For the sentences imposed on Class 3 felony offenses there were no discernable trends over time when Cook County or the rest of Illinois were examined. See Appendix 2.



period examined, compared to an average of 194 days (6.5 months) for those sentenced to prison from the rest of Illinois.¹⁶ Similarly, those sentenced for a Class 3 felon in possession of a firearm offense in Cook County received an average of 221 days (7.4 months) credit for time served during the period examined, compared to an average of 133 days (4.4 months) for those sentenced to prison from the rest of Illinois.¹⁷ These differences likely reflect differences in the time to case disposition¹⁸ as well as differences in the rate at which individuals were held pre-trial or on electronic monitoring pre-trial.

Because of these sentences, credit for time served, and day-for-day good conduct credit, among those released from prison in Illinois between 2008 and 2019, the amount of time spent incarcerated for Class 2 offenses sentenced in Cook County averaged 23.3 months (14.7 months in prison plus 8.6 months in pre-trial detention/electronic monitoring). For those sentenced outside of Cook County for these Class 2 offenses, the amount of time incarcerated averaged 29.5 months (20.9 months in prison plus 8.6 months in pre-trial detention/electronic monitoring). As mentioned earlier, those released from prison are subject to a statutorily set length of time on supervision (MSR), and for Class 2 felony offenses, this MSR period is 2 years. Thus, on average, these individuals were under the custody/supervision of the justice system for an average of roughly 4 years when time incarcerated plus time on MSR were combined. Similarly, among those sentenced for Class 3 felon in possession of a firearm offenses and released from prison, the amount of time incarcerated for those sentenced in Cook County averaged 15.6 months (8.2 months in prison plus 7.4 months in pre-trial detention/electronic monitoring), compared to an average of 17.3 months (12.9 months in prison plus 4.4 months pre-trial detention/electronic monitoring) for those sentenced in the rest of Illinois. These Class 3 felony prison sentences are then followed by one year of MSR, resulting in these individuals being under the custody/supervision of the justice system for roughly 28 months.

Among the small proportion of individuals sentenced for Class X felonies as armed habitual criminals, the sentencing range is a minimum of 6 years up to 30 years. During the period examined, the average sentence imposed in Cook County for the 1,115 defendants convicted of armed habitual criminal offenses was 8.1 years, compared to an average of 11.2 years for the 206

¹⁶ When the amount of credit for time served was examined over time for those sentenced on these Class 2 felony offenses, there was a steady increase seen in Cook County, with the average days of credit for time served increasing from less than 200 days between 2008 and 2011 to more than 300 days between 2018 and 2019. Similarly, increases were seen outside of Cook County; between 2008 and 2014 the average days of credit was below 200, but an average of more than 200 days between 2015 and 2019.

¹⁷ When the amount of credit for time served was examined over time for those sentenced on these Class 3 felony offenses, there was a steady increase seen in Cook County, with the average days of credit for time served increasing from less than 200 days between 2008 and 2015 to more than 270 days between 2016 and 2019. Outside of Cook County, a clear trend was not evident over time in the average days of credit for time served.

¹⁸ The time to disposition (from arrest to conviction) for these Class 2 felony cases in Cook County averaged 211 days, compared to 160 days in the rest of Illinois. The time to disposition (from arrest to conviction) for these Class 3 felony cases in Cook County averaged 210 days, compared to 169 days in the rest of Illinois.



individuals convicted outside of Cook County. On average, those sentenced from Cook County received 545 days (18.2 months) of credit for time served pretrial, compared to 398 days (13.3 months) among those sentenced from outside of Cook County. Among those released from prison after having served their sentence for this offense, those originally sentenced from Cook County spent an average of 74.5 months (6.2 years) incarcerated (56.3 months in prison plus 18.2 months in pre-trial detention/electronic monitoring), compared to an average of 81.5 months (6.8 years) incarcerated (68.2 months in prison plus 13.3 months in pre-trial detention/electronic monitoring) in the rest of Illinois. Combining this time with the 3 years of MSR required for Class X felonies, these individuals were under the custody/supervision of the justice system for roughly 9 years.

Class 4 Felony Firearm Possession Convictions and Sentences

Convictions for Class 4 felony illegal firearm possession accounted for one-third of firearm possession convictions, the second largest category of offenses following Class 2 felon in possession of a firearm offenses. This offense includes individuals who possess a firearm outside their residence without the required Firearm Owner’s Identification (FOID) Card or Concealed Carry License (CCL),¹⁹ or who, because of their age (i.e., under 21), are not legally allowed to possess a handgun. This offense was a misdemeanor crime in Illinois prior to 2000, when it became a Class 4 felony. In 2011, the law was changed, whereby a person convicted of possessing a loaded, accessible firearm outside their residence without a Concealed Carry License was subject to a mandatory prison sentence. Finally, in 2018, the mandatory prison sentence required when a firearm was loaded and accessible was eased slightly, allowing those between 18 and 20 without specific prior convictions for a violent crime to be given a sentence of probation—referred to as the First Time Gun Offender program. The required elements are that the individual complete 50 hours of community service, look for employment, attend school/educational programming to get their GED, pay all court-imposed fees and fines, and attend any counseling sessions required by the program administrator. The probation sentence must be at least 18 months but not to exceed 24 months. This First Time Gun Offender provision of the law is set to expire on January 1, 2023.²⁰ There is no statutory requirement that this program be evaluated to determine its efficacy.

As was seen with convictions for Class X and Class 2 felony firearm possession offenses, the vast majority of the nearly 9,200 adults in Illinois convicted of a Class 4 felony firearm possession offense were arrested in Cook County, primarily Chicago. Specifically, 62% of all convictions in Illinois for this offense were for arrests that occurred in Chicago and an additional 14% from arrests in suburban Cook County. Further, evidence suggests that the arrests leading to these convictions were concentrated in particular neighborhoods within Chicago. It is estimated that

¹⁹ The ability for Illinois adults 21 and older to carry a concealed, loaded handgun through obtaining a CCL was implemented in 2013, and this licensing requires individuals to complete a training class, pay a licensing fee, and submit detailed information to the Illinois State Police to facilitate a background check that ensures they do not have a criminal history that prohibits them from firearm ownership.

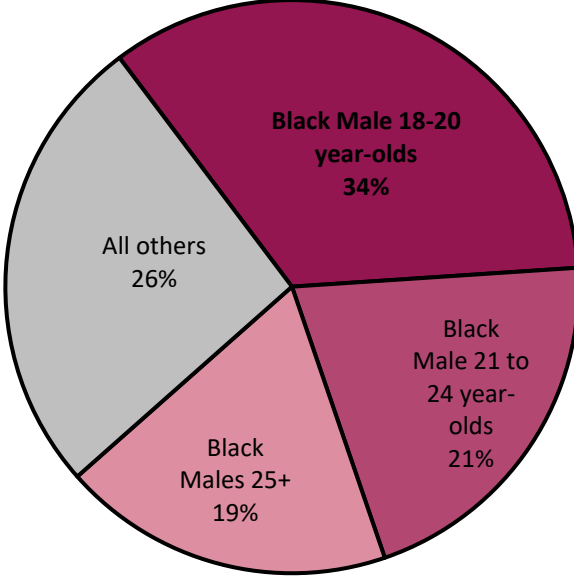
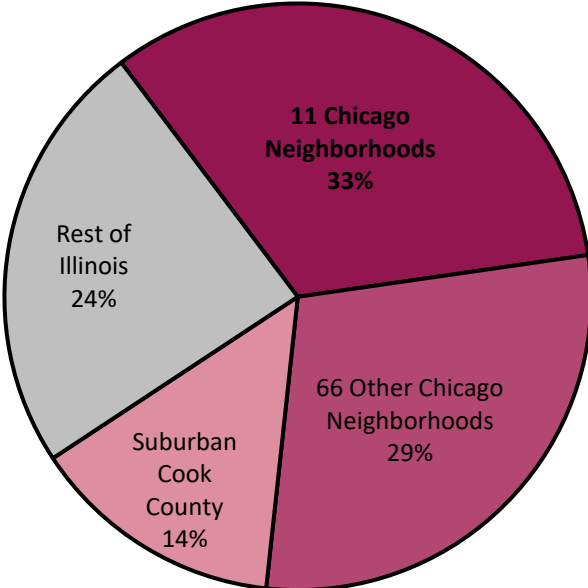
²⁰ 730 ILCS 5/5-6-3.6



33% of all *statewide* convictions for this offense stemmed from arrests that took place in 11 of Chicago’s 77 neighborhoods (Figure 4a).²¹ Thus, one-third (33%) of all of the convictions in Illinois for a Class 4 felony firearm possession offense resulted from arrests in neighborhoods that collectively accounted for just 4% of Illinois’ population and 0.1% of the state’s land area. Not only are these Class 4 felony firearm possession convictions *geographically* concentrated, they are also primarily affecting Black men between 18 and 24 years old. Statewide, 55% of all people convicted of this offense were Black men between 18 and 24 years old (Figure 4b); among those convicted in Cook County the concentration is even higher, with 58% of all convictions being Black men between 18 and 24 years old.

Figure 4a: Class 4 Felony Convictions

Figure 4b: Class 4 Felony Convictions



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of CHRI data provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority

Convictions for this offense are also heavily concentrated among 18-24 year-olds. This age cohort is often referred to as “emerging adults” because, despite having reached social and legal adulthood, research has shown that, cognitively, this age group still tends to exhibit immaturity when it comes to impulsivity and decision-making.²² Statewide, almost one-half (46%) of those convicted of a Class 4 felony firearm possession were in the narrow age range of 18 to 20, and an

²¹ Although CHRI data do not indicate the neighborhood where gun possession arrests or convictions occurred, Chicago Police Department data indicates that 53% of firearm possession arrests in Chicago occurred in 11 specific neighborhoods. There were a total of 9,166 Class 4 felony firearm possession convictions statewide and, of these, 5,663 were based on Chicago arrests. Thus, it is estimated that 53% of these 5,663 Chicago-based convictions (or 3,001) occurred in these 11 neighborhoods. Therefore, it is estimated that 3,001 (33%) of the 9,166 convictions in Illinois resulted from arrests made in these 11 neighborhoods.

²² Loeber, R., & Farrington, D. 2012. From juvenile delinquency to adult crime: Criminal careers, justice policy, and prevention. New York: Oxford University Press.



additional 28% were between 21 and 24. Combined, 74% of all people in Illinois convicted of a Class 4 felony firearm possession offense were emerging adults.

Unlike Class X, 2 and 3 felon in possession of a firearm convictions, convictions for a Class 4 felony firearm possession offense do not require a prison sentence in all situations (i.e., if the firearm is not loaded/accessible or defendant eligible for First Time Gun Offender program). Across all years combined during the study period, 46% of people convicted in Illinois of this Class 4 offense were sentenced to prison. However, there were dramatic differences in the rate of prison sentences over time, across defendant characteristics, and when Cook County was compared to the rest of Illinois. As seen in Figure 5a, prior to 2011, the majority of people convicted of a Class 4 felony firearm possession offense statewide were *not* sentenced to prison, and this trend was similar for convictions that took place in Cook County as well as the rest of Illinois. In 2011, a change in law made it mandatory that anyone convicted of a Class 4 felony where the firearm was loaded and accessible receive a prison sentence. As a result, the percent of people sentenced to prison for a conviction of this crime *increased* dramatically in 2011, and then *decreased* in 2018 (coinciding with the passage of the First Time Gun Offender provision). However, this statewide trend was heavily influenced by Cook County, which accounts for most convictions of Class 4 felony firearm possession offenses in Illinois.

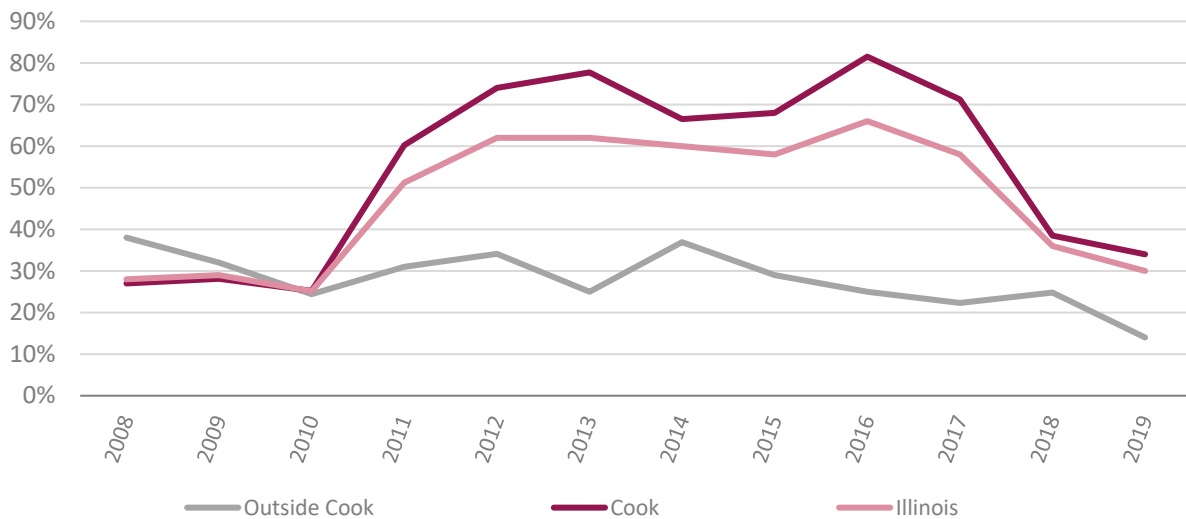
The 2011 change in law resulted in a dramatic shift in sentencing practices in Cook County, but *not* in the rest of Illinois. Among those convicted in Cook County, the percent sentenced to prison for a Class 4 felony firearm possession offense rose from less than 30% between 2008 and 2010 to 60% during just the first year that the new law was in effect (2011). By 2016, more than 80% of people convicted in Cook County for this offense were sentenced to prison. Outside of Cook County, the percent of people sentenced to prison remained relatively stable and low—averaging between 20% and 40% for the period from 2008 through 2018. Importantly, these convictions occurring outside of Cook County also tended to be the result of arrests that were concentrated in large urban areas, including jurisdictions such as Rockford (Winnebago County), Peoria (Peoria County), Waukegan (Lake County), Joliet (Will County), East St. Louis (St. Clair County), Springfield (Sangamon County), and Elgin/Aurora (Kane County). From the data available, it is not possible to determine what proportion of the arrests or convictions involved the “loaded and accessible” element of the crime that carries the mandatory prison sentence. However, it is unlikely that a dramatic change in this element being present in cases occurred between 2010 and 2011 in Cook County, nor that there is a dramatic difference in this element being present across arrests and convictions that occur in Cook County and the other urban areas of the state. Thus, the use of this element of the crime during the plea bargaining process may result in differences in the rate of prison sentences being sought/imposed over time and across place in Illinois.²³ Overall, 52% of

²³ The CHRI data used for most of the analyses does not include any information regarding whether a conviction was the result of a guilty plea or a trial. However, the case-level data available from the Cook County State’s Attorney’s Office does include the method of conviction. For all of the Class 2, 3, and 4 felony gun possession convictions in Cook County, the majority—85% or more—were the result of a guilty plea. For Class X armed habitual criminal convictions, while the majority were still the result of a guilty plea, more than one-third were convicted at trial.



those convicted in Cook County during the study period for this offense were sentenced to prison, compared to 29% of those convicted in the rest of Illinois.

Figure 5a: Percent of Class 4 Felony Firearm Possession Convictions Sentenced to Prison



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of CHRI data provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority

In addition to the significant difference in the likelihood of a prison sentence for Class 4 felony firearm possession offenses in Cook County compared to the rest of Illinois, analyses were performed to examine the influence of other defendant characteristics on whether or not a prison sentence was imposed. Specifically, the influence of age, race, sex, the number of charges in the current case, time to case disposition, and prior criminal history (i.e., prior arrests and convictions) on the likelihood of a prison sentence was examined (See Appendix 3). Through these analyses it was also possible to determine if the changes in the likelihood of a prison sentence prior to and after the legislative changes in 2011 and 2018 were due to the law itself, or changes in the characteristics of those convicted that might have influenced the imposition of a prison sentence (e.g., age or criminal history).

The analyses revealed that the characteristics of the case that were most strongly related to a prison sentence being imposed statewide included: 1) being sentenced after 2010, 2) being convicted in Cook County, 3) the defendant being young (i.e., 18-24 years-old were more likely to be sentenced to prison than those 25 and older), and 4) the defendant having prior convictions for any crime (Appendix 3).²⁴ In similar analyses that included only cases in Cook County, the

²⁴ Roughly 32% of those convicted of a Class 4 felony firearm possession offense had a prior conviction for any crime, and 19% had a prior conviction specifically for a felony offense. The existence of a prior felony conviction among those convicted for a Class 4 felony firearm possession offense likely indicates some degree of plea bargaining, whereby a conviction as a felon in possession of a firearm is not obtained.



characteristics of the case that were most strongly related to a the likelihood of a prison sentence included: 1) being sentenced after 2010, 2) the defendant being young (i.e., 18-24 years-old vs. those 25 and older), and 3) the defendant having any prior convictions. Outside of Cook County, the three top factors related to a prison sentence included: 1) the defendant's age, 2) the number of arrest charges filed in the case, and 3) the defendant having any prior convictions. Statewide, and in the separate analyses looking only at Cook County cases and cases outside of Cook County, the influence of race and sex on sentencing was small relative to the other defendant and case characteristics, in part because most of those convicted were Black men (Appendix 3).²⁵

These separate analyses of Cook County and the rest of Illinois also revealed that, after accounting for the characteristics of the defendant and their cases, the change of the law in 2011 significantly increased the likelihood of a prison sentence in Cook County, but had no effect outside of Cook County. By comparison, the change in the law in 2018 reduced the imposition of prison sentences in both Cook County and the rest of Illinois. Thus, after taking into account the influence of age, prior convictions, sex, race, and other case characteristics, the likelihood of being sentenced to prison for this offense was similar in Cook County when compared to the rest of Illinois prior to 2011. However, since 2011, people convicted in Cook County were *more likely* to be sentenced to prison for this offense than in the rest of Illinois. While it appears the change in the law in 2018 did reduce the likelihood of prison in Cook County and the rest of Illinois, the likelihood of going to prison in Cook County was still higher.

Looking at prison sentences another way, Figure 5b shows the *number* of people sentenced to prison for a Class 4 possession of a firearm offense using data from the Illinois Department of Corrections. Again, it was not until 2000 that this crime was classified as a felony, and thus 2000 was the first year people could be sentenced to prison for this crime. Figure 5b also shows the dramatic impact the 2011 change in the law had on admissions to prison for this offense but, as described above, the impact was only felt in Cook County. Thus, while there was an increase in arrests and convictions for these Class 4 felony offenses,²⁶ most (almost 90%) of the increase in the number of admissions to prison for this offense between 2010 and 2017 was due to the higher likelihood of a prison sentence in Cook County.

²⁵ Understanding the impact of race and ethnicity on sentencing using the CHRI data has some limitations. Specifically, prior to 2015, there was not a separate category for Hispanics in the State Police's CHRI system, and as a result, these individuals were likely recorded as "white" in the data. It is only since 2015 that Hispanics were a separate race category in the CHRI data. When analyses were performed using only the cases from 2015 to 2019, the overall results did not change: statewide Black defendants were more likely to be sentenced to prison than whites, although relative to the other variables of age, prior arrests and convictions, and the time period when the sentence was imposed, the influence of race was small. Those defendants that were Hispanic were no different than those that were white in the likelihood of being sentenced to prison.

²⁶ The number of people convicted of a Class 4 felony firearm possession offense increased from 582 in 2014 to 892 in 2018, a 53% increase.



Figure 5b: Number of Class 4 Felony Firearm Possession Convictions Sentenced to Prison



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of IDOC data provided by the IDOC Planning and Research Unit

There were also differences in the length of the average prison sentence imposed. In Cook County, where a much higher percent of those convicted of Class 4 felony firearm possession were sentenced to prison, the sentences tended to be shorter than in the rest of Illinois. Throughout the period examined, 52% of those convicted in Cook County were sentenced to prison and the average sentence imposed was 15.4 months.²⁷ In the rest of Illinois, 28% of those convicted were sentenced to prison and the average sentence imposed was 21 months.

Among those admitted to prison from Cook County for Class 4 felony firearm possession, defendants received an average of 165 days (5.5 months) credit for time served, compared to an average of 125 days (4.2 months) for those sentenced to prison from the rest of Illinois.²⁸ As was the case with the analyses of the Class 2 and 3 felony firearm possession, these differences likely reflect differences in the time to case disposition²⁹ as well as differences in the rate at which individuals were held in jail or on electronic monitoring pre-trial.

²⁷ When the average sentences were examined over time, there was a slight decrease in Cook County. Specifically, in 2008 and 2009, the average sentence was more than 17 months, but fell to an average of less than 16 months from 2011 to 2017, before increasing to more than 16 months in 2018 and 2019. In the rest of Illinois, the average sentence imposed on these Class 4 felony firearm possession offenses has remained between 19 and 22 months throughout the period examined and did not show any clear trend.

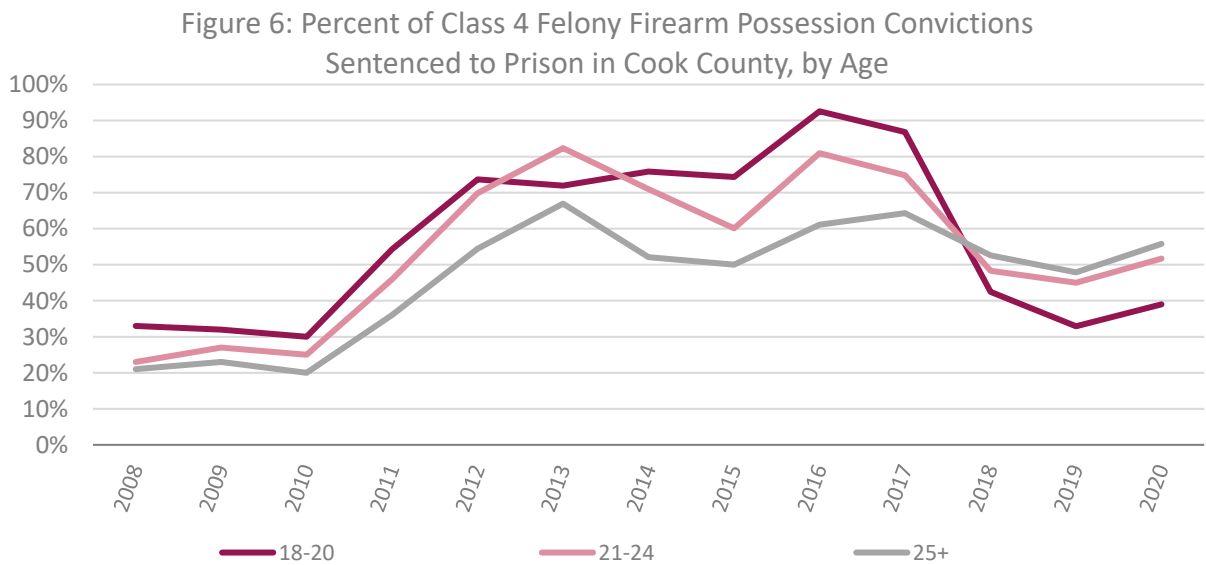
²⁸ When the amount of credit for time served was examined over time for those sentenced on these Class 4 felony offenses, there was a steady increase seen in Cook County, with the average days of credit for time served increasing from roughly 100 days between 2008 and 2009 to more than 200 days between 2018 and 2019. Similarly, increases were seen outside of Cook County; between 2008 and 2009 the average days of credit was below 100, but averaged more than 130 days between 2013 and 2019.

²⁹ The time to disposition (from arrest to conviction) for these Class 4 felony firearm possession cases in Cook County averaged 198 days, compared to 157 days in the rest of Illinois.



Among those released from prison between 2008 and 2019 for Class 4 felony firearm possession, the average amount of time spent incarcerated was 8.6 months for those sentenced in Cook County (3.1 months in prison plus 5.5 months in pretrial detention/on electronic monitoring) and 9.6 months for those sentenced in outside Cook County (5.4 months in prison plus 4.2 months in pretrial detention/on electronic monitoring). These periods of incarceration were then followed by 1 year of MSR.

Given that most of the statewide convictions for Class 4 felony firearm possession occurred in Cook County, and disproportionately involved young adults, more detailed analyses of the sentencing patterns across specific age groups in Cook County were performed. Across all age groups combined, 71% of those convicted of this offense in Cook County during 2017 were sentenced to prison, falling to 40% in 2018 and 35% in 2019. Defendants between 18 and 20 years old (Figure 6), experienced the largest decrease in the likelihood of being sentenced to prison; this was largely due to the 2018 amendment that made possession of a loaded and accessible firearm probationable for this age group. In 2016, more than 90% of defendants between 18 to 20 years old who were convicted of this offense in Cook County were sentenced to prison; by 2019, only 33% of this age group were sentenced to prison.³⁰ In fact, 18 to 20 year-olds went from being the age-cohort most likely to be sentenced to prison for this crime to the least likely.



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of CHRI data provided by the Illinois Criminal Justice Information Authority & Cook County State’s Attorney’s Office data

³⁰ Because the number of annual convictions for Class 4 felony firearm possession offenses across individual age groups are relatively small outside of Cook County, clear trends over time were not evident. However, the analyses suggest that a decrease in the likelihood of a prison sentence for people convicted of Class 4 felony firearm possession offenses did occur during the 2018-2019 period for some age groups. Specifically, among those in the 20-24 years old and 25+ age groups, they were less likely to be sentenced to prison during the 2018-2019 period as compared to the 2008-2017 period, however, a statistically significant change in the likelihood of prison was not seen for the 18-20 year-olds.



Less dramatic, albeit still significant, decreases were seen among other age groups. Among defendants between 21 to 24 years old, the percent sentenced to prison fell from 80% in 2016 to 45% in 2019 and, among those 25 and older, the percent sentenced to prison fell from just over 60% to just under 50% during the same period. More current data from the Cook County State's Attorney's Office suggests a slight increase across all age groups in the percent of those convicted of Class 4 felony firearm possession being sentenced to prison between 2019 and 2020.

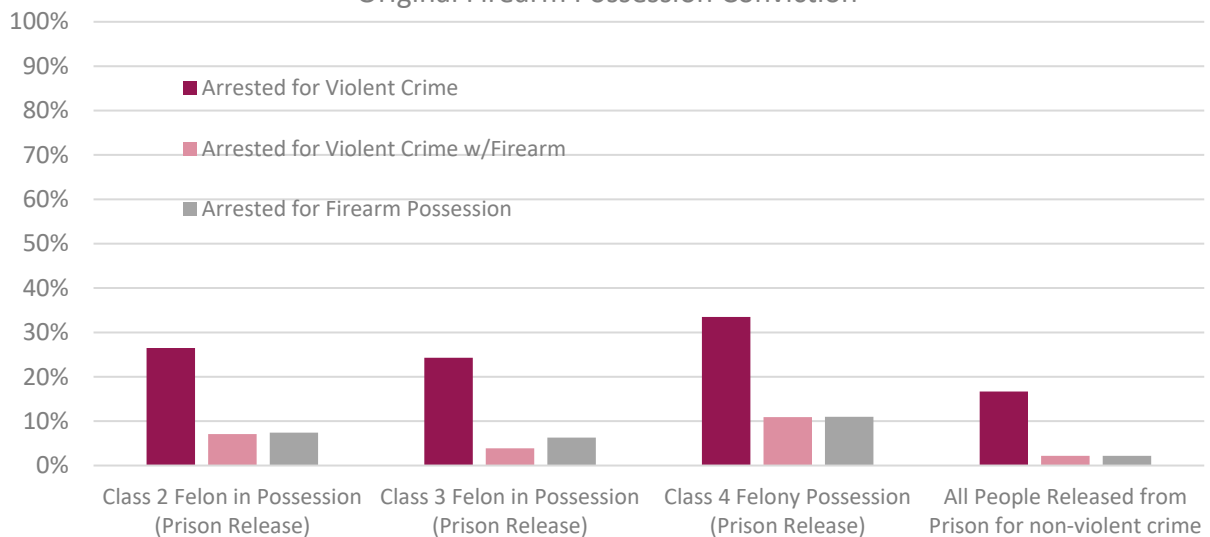
Arrests Post-Disposition/Release from Prison

One of the arguments for sentencing those convicted of illegal firearm possession offenses to prison is that they are potentially violent individuals needing incapacitation to ensure public safety. In other words, without a sentence to prison, these people would commit violent crimes (i.e., they would "recidivate"). Indeed, it is this argument that has led to Illinois mandating prison sentences for most felony firearm possession crimes. Because almost all people convicted as a felon in possession of a firearm (i.e., the Class 2 and 3 felony firearm possession offenses) were sentenced to prison during the study period, it is not possible to examine the similarities or differences in recidivism for those sentenced to prison versus those sentenced to probation. For these individuals, however, it is possible to examine their patterns of recidivism across different types of criminal histories (e.g., those felons in possession of a firearm who did not have any prior convictions for a violent crime versus those who did). For these analyses, recidivism was defined as an arrest for a violent crime within three years of release from prison. For a more detailed description of the methodology used, see Appendix 4.

Among those sentenced to and released from prison for a Class 2 or 3 felony offense of felon in possession of a firearm between 2011 and 2015 (to allow for a 3 year follow-up), the majority (roughly 75%) were not arrested within 3 years for a violent crime. Looked at another way, roughly 25% were arrested for a violent crime (Figure 7). Overall, just 7% were arrested for a violent crime involving a firearm (e.g., robbery, assault/battery), and less than 7% were rearrested for a firearm possession offense. Thus, while a portion of those released from prison for a Class 2 or 3 felon in possession of a firearm offense do get arrested for violent crimes, the majority do not. A similar pattern was seen among those released from prison for Class 4 felony firearm possession offenses: the vast majority were not arrested for violent crimes, violent crimes with a firearm, or new firearm possession offenses after release from prison. Although Figure 7 indicates that those sentenced to prison for Class 4 felony firearm possession offenses had slightly higher recidivism rates than those sentenced for Class 2 and 3 felonies, those sent to prison for Class 4 felonies tended to be younger, and age had a strong influence on recidivism rates. Overall, 7% of all people released from prison after serving a sentence for a firearm possession offense were arrested within three years for a violent crime committed with a firearm. By comparison, among all people released from prison in Illinois for non-violent crimes (e.g., drug-law violations, property crimes), roughly 17% were arrested within 3 years for a violent crime and about 2% were arrested for a firearm possession offense.



Figure 7: Percent of Those Released from Prison Arrested within 3 years, by Original Firearm Possession Conviction



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of data provided by the Planning and Research Unit of IDOC and CHRI data provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority

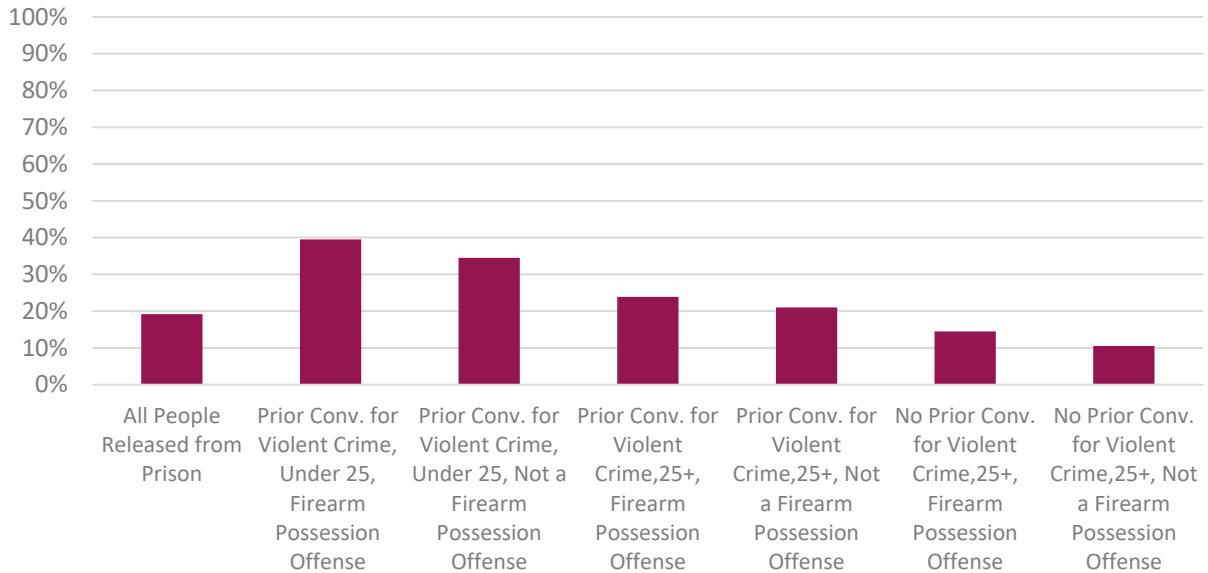
More detailed analyses of recidivism among those released from prison after serving a sentence for a firearm possession offense revealed that the characteristics most strongly associated with a subsequent arrest for a violent crime were age (those under 25) and having a prior conviction for a violent crime. However, even among those with these characteristics, the *majority* were still not arrested for a violent crime after they were released from prison (Figure 8). Indeed, when analyses were performed of *all* people released from prison, age and a prior conviction for a violent crime were the strongest factors associated with an arrest for a violent crime within 3 years.

Those who were in prison for a firearm possession offense were only slightly more likely to be arrested for a violent crime when compared to those in prison for other crimes after accounting for age, prior convictions for a violent crime, and other characteristics. For example, among those who were originally in prison for a firearm possession offense, who also had a prior conviction for a violent crime and were under the age of 25, 40% were arrested for a violent crime within 3 years of release from prison. However, these individuals accounted for only 12% of all the people released from prison for a firearm possession offense. By comparison, those who were released from prison for all other crimes, but who also had a prior conviction for a violent crime and were under the age of 25, 36% were rearrested for a violent crime within 3 years of release. Among those at the other end of the continuum—those without any prior convictions for violent crimes and who were 25 years old or older—less than 15% were arrested for a violent crime within 3 years of release from prison. This group accounted for 28% of all the people released from prison for a firearm possession offense. Thus, among those released from prison for firearm possession offenses, the majority did not get arrested for a violent crime within 3 years, a pattern that holds even for those with the characteristics most strongly associated with recidivism (being under 25



years old and having prior convictions for violent crimes). For those individuals released from prison for firearm possession offenses who were both older and did not have any prior convictions for violent crimes, 14% were arrested for a violent crime after release from prison.

Figure 8: Percent of Those Released from Prison Arrested within 3 years for a Violent Crime, by Characteristics



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of data provided by the Planning and Research Unit of IDOC and CHRI data provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority

Among those convicted of a Class 4 felony firearm possession offense, particularly those sentenced in Cook County, there was a time when *most* were sentenced to probation. As described above, the strongest predictor of whether someone convicted of a Class 4 felony firearm possession offense was sentenced to prison in Cook County was the time-period when they were sentenced (i.e., 2008-2010, 2011-2017, and 2018). Indeed, there were only slight differences in the characteristics of those sentenced to probation or prison during that period (see Appendix 4). As a result, it is possible to compare the rearrest rates for those placed on probation to those sentenced to prison between 2008 and 2015 in Cook County,³¹ and statistically account for differences in terms of the age, race, gender, and prior arrests/convictions between the two groups. Using two different techniques,³² the results of these analyses indicate that for both

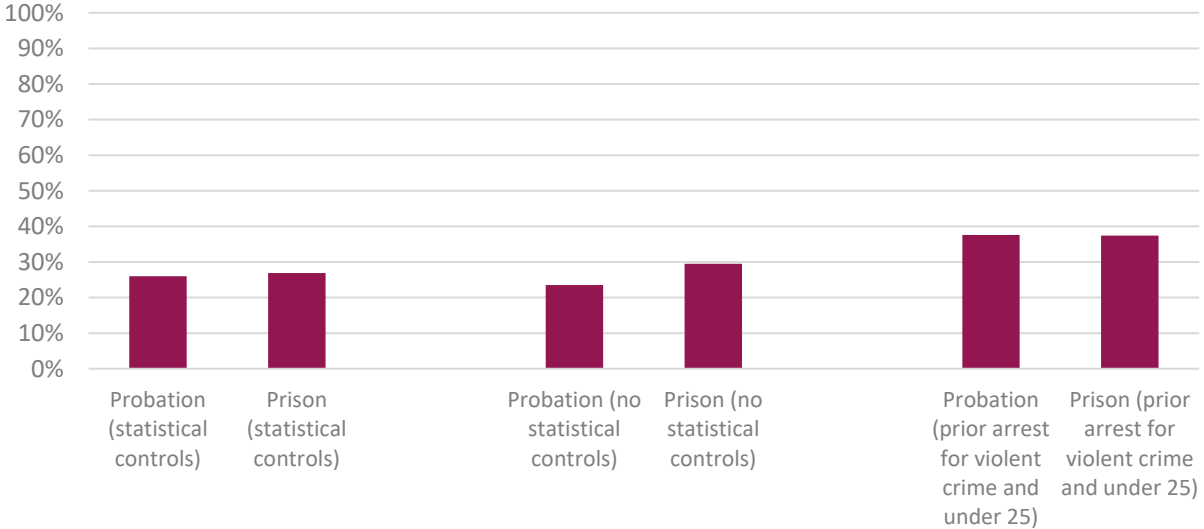
³¹ Because the primary data source used for the research only contained criminal history events posted by September 2019, and the recidivism analyses required a three-year follow-up period, only cases that were disposed of by the end of 2015 were included, thereby ensuring all cases had at least three years of follow-up data.

³² The first analytic technique involved multivariate logistic regression. This technique statistically accounted for the influence of age, race, sex, whether or not the individual had any prior arrest, any prior arrest for a violent crime, and a prior conviction for any crime on recidivism. This allowed for an estimate of the recidivism rate for those who received a prison sentence versus a probation sentence with the influence of all of these characteristics statistically controlled. The second technique involved examining the recidivism of specific groups of individuals based on their prior arrest history and age.



groups—those sentenced to prison or probation – the majority were *not* arrested for a violent crime after their sentence (Figure 9). Further, the analyses also indicate that there was no statistical difference in the likelihood of an arrest for a violent crime between the two groups—for both groups, it is estimated that 26%³³ were arrested for a violent crime within 3 years of their imposed sentence.³⁴ In other words, a sentence to prison did not result in a lower rate of recidivism relative to a probation sentence. Figure 9 also presents the 3-year violent crime rearrest rates without any statistical controls, revealing a similar pattern as seen in the analyses that controlled for the influence of age, race, sex, and criminal history characteristics. Indeed, even among those individuals with the characteristics most strongly associated with recidivism (under 25 and having a prior arrest for a violent crime), the majority were not rearrested for a violent crime within 3 years (Figure 9).

Figure 9: Percent Arrested within 3 years of Case Disposition for a Violent Crime, by Sentence Imposed, Cook County Class 4 Felony Cases Only



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of CHRI data provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority

Finally, of those people who were arrested for a violent crime, the majority of those arrests were for misdemeanor crimes. Among those sentenced to probation and subsequently arrested for a violent crime within 3 years, 78% were arrested for a *misdemeanor* offense as the most serious charge, compared to 69% of those sentenced to prison and arrested for a violent crime. When the nature of the arrest for a violent crime was examined more closely, domestic violence offenses

³³ The point estimate for the probation recidivism estimate is 26.0% and the 95% confidence interval is 24.1% to 27.9%. The point estimate for the prison recidivism estimate is 26.9% and the 95% confidence interval is 25.1% to 28.7%.

³⁴ The three-year window to examine recidivism started at the point of case disposition/sentencing. For those placed on probation, they were immediately in the community and at risk of rearrest. For those sentenced to prison, a portion of this time was spent in prison. As seen earlier in the report, those sentenced to prison from Cook County for Class 4 felony firearm possession offenses spent an average of 3 months in prison; thus, the prison cohort examined in these recidivism analyses was actually at risk of rearrest for a slightly shorter period of time than the probation cohort.

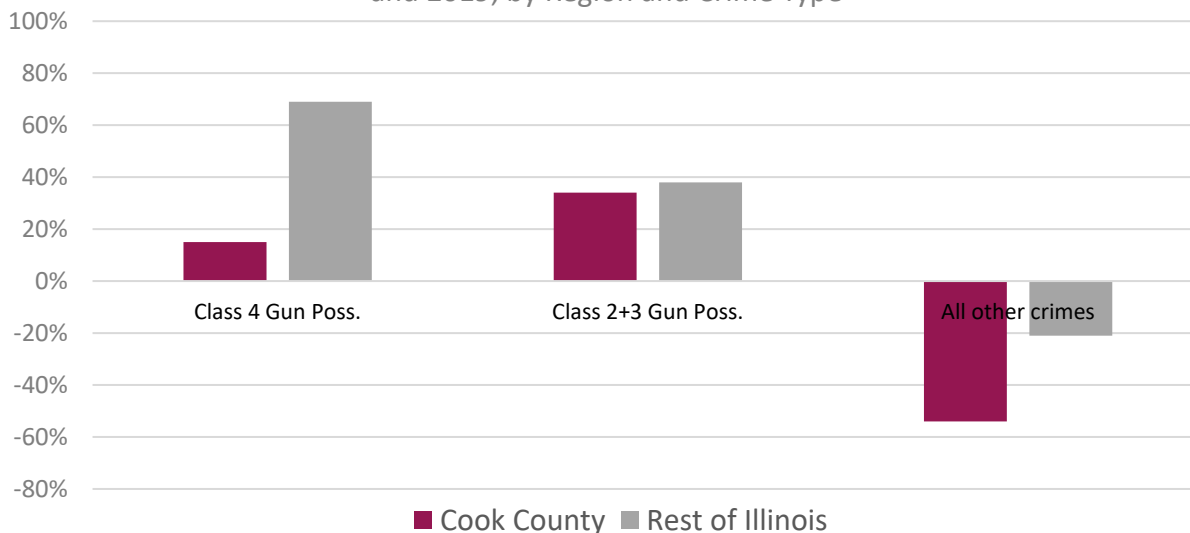


accounted for roughly 25% of those arrested for violent crimes within 3 years of being sentenced, or roughly 7% of all the individuals in both groups.

Conclusion

This research, which is the most comprehensive examination of sentencing patterns for those convicted of felony firearm possession offenses in Illinois to date, revealed a number of patterns and trends that warrant further consideration. First, over the past decade, Illinois has seen a substantial increase in the number of people sentenced to prison for firearm possession offenses, reflecting both an increase in the number of people arrested for these crimes and the fact that most of these offenses carry mandatory prison sentences. As a result, large and increasing numbers of people are sentenced to prison for Class 2 and 3 felony felon in possession of a firearm offenses, yet most do not have prior convictions for prior violent felony crimes. In fact, overall admissions to prison in Illinois have decreased dramatically in the past decade, with the exception of admissions for firearm possession crimes. In Cook County, for example, between 2014 and 2019, admissions to prison for Class 4 felony firearm possession crimes increased 15%, and admissions for Class 2 and 3 felony firearm possession offenses increased 34%, while admissions for all other crimes fell by more than 50% (Figure 10). In the rest of Illinois, admissions for firearm possession offenses increased, while admissions for all other crimes fell by 21% (Figure 10). As a result of these trends, admissions to prison for firearm possession offenses have accounted for a growing share of total admissions; in 2014, firearm possession offenses accounted for 12% of all prison admissions in Cook County, jumping to 27% of all admissions in 2019. These firearm possession offenses increased from 4% to 8% of all prison admissions between 2014 and 2019 outside Cook County.

Figure 10: Percent Change in Sentences to Prison in Illinois Between 2014 and 2019, by Region and Crime Type



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of CHRI data provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority



In addition to the impact on prison admissions, the analyses also highlight the disparate impact of enforcement efforts among specific segments of Illinois' adult population and in specific Illinois communities. Across all types of firearm possession conviction offenses, the majority of those convicted were Black men. For all but Class 3 felony firearm possession convictions, the majority have occurred in Cook County, and were disproportionately concentrated in 11 specific Chicago neighborhoods. As a result, most firearm possession offense convictions in Illinois occur in Cook County, involving Black men disproportionately from specific Chicago neighborhoods. The research found that for the least serious felony firearm possession offense (i.e., Class 4), these convictions primarily impact young adults.

In addition, the likelihood of a prison sentence for Class 4 felony firearm possession displayed the most variation over time and between Cook County and the rest of Illinois. While the proportion of people convicted of this offense being sentenced to prison outside of Cook County did not change dramatically over time, this was not the case in Cook County. In Cook County, the likelihood of a prison sentence increased dramatically as a result of the change to the law in 2011, and also decreased dramatically as a result of the change to the law in 2018. Given the substantial impact of the 2018 change in the law, particularly in Cook County, it is critical that this policy and practice be evaluated more thoroughly since it is set to sunset in 2023. Interestingly, while the likelihood of being sentenced to prison in Cook County was *higher* than the rest of Illinois, the length of the prison sentences were *shorter* in Cook County than the rest of the state. In other words, a defendant was more likely to be sentenced to prison in Cook County but tended to receive a shorter sentence.

Finally, the research found that, most—67% or more—of those convicted of felony firearm possession offenses were not arrested for a violent crime within three years of being released from prison or placed on probation. Depending on the felony class of the offense, between 24% and 33% of defendants were arrested for a violent crime within three years of being released from prison or being placed on probation. However, whether or not the person was in prison for a firearm possession offense was not strongly associated with a subsequent arrest for a violent crime. Rather, whether or not a person had a prior conviction for a violent crime had a stronger relationship with having a subsequent arrest for a violent crime. In other words, someone's *history of violence* was the more important factor, and most of those sentenced to prison for firearm possession offenses, including those convicted as a felon in possession of a firearm, did not have any prior convictions for a violent crime. Finally, there was no difference in the rate of arrests for violent crimes between individuals sentenced to prison and individuals sentenced to probation; for both groups, roughly 26% of defendants were rearrested for a violent crime within three years of being convicted. Given the substantial cost associated with prison relative to probation, the mandatory prison sentences currently required under Illinois law for most firearm possession crimes should be reconsidered. These mandatory prison sentences could either be eliminated, providing judges with greater discretion in how these cases are sentenced, or much more narrowly restricted. For example, rather than everyone with a prior felony conviction who



possesses a firearm receiving a mandatory prison sentence, sentencing criteria should focus more narrowly on criminal histories that are related to risk of recidivism involving violent crime, such as prior convictions for violent crimes or specific types of violent crimes (e.g., domestic violence).



Appendix 1

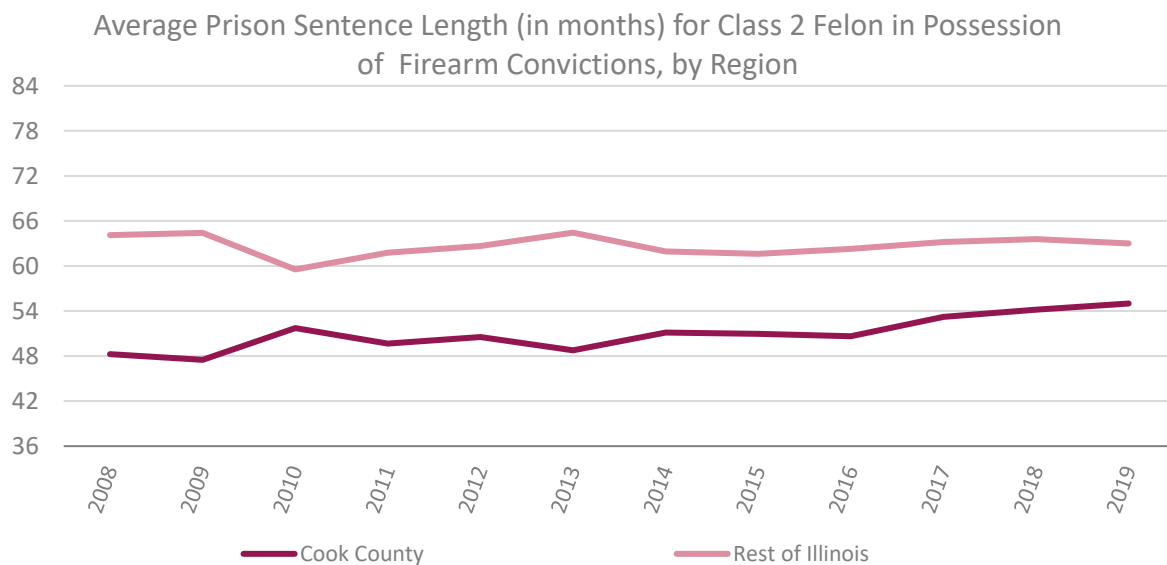
Convictions and Sentences for Other Firearm Possession Offenses

Although convictions for Class X, 2 and 3 felony involving a person with a prior felony conviction(s) possessing a firearm, and Class 4 firearm possession offenses accounted for the majority (roughly 93%) of firearm possession convictions in Illinois, a number of the other firearm possession crimes are noteworthy to examine, including a gang member in possession of a firearm. In 2009, the illegal possession of a firearm by a gang member was categorized as a specific offense, with an elevated felony classification. Specifically, the illegal possession of a firearm by a gang member is similar to the Class 4 felony firearm possession offense, however, when a member of a street gang is convicted of this behavior, it is a Class 2 felony.³⁵ Similar to the Class 4 offense, a gang member in possession of a firearm conviction carries a mandatory prison sentence if the firearm is loaded and accessible. Throughout the entire period examined in this study, 572 people were convicted for this offense in Illinois, with most (78%) occurring in Cook County, and most (94%) resulting in a prison sentence. Based on IDOC data, of those sentenced to prison since the law was established, 50% were identified as Hispanic and 43% were Black individuals. The average prison sentence imposed on those convicted of this Class 2 felony offense throughout the period examined was 49 months (the standard range for a Class 2 felony is 36 to 84 months, see Table 1). Over time, the average prison sentence imposed has increased slightly, from an average of less than 48 months between 2010 and 2014, to more than 52 months between 2016 and 2019.

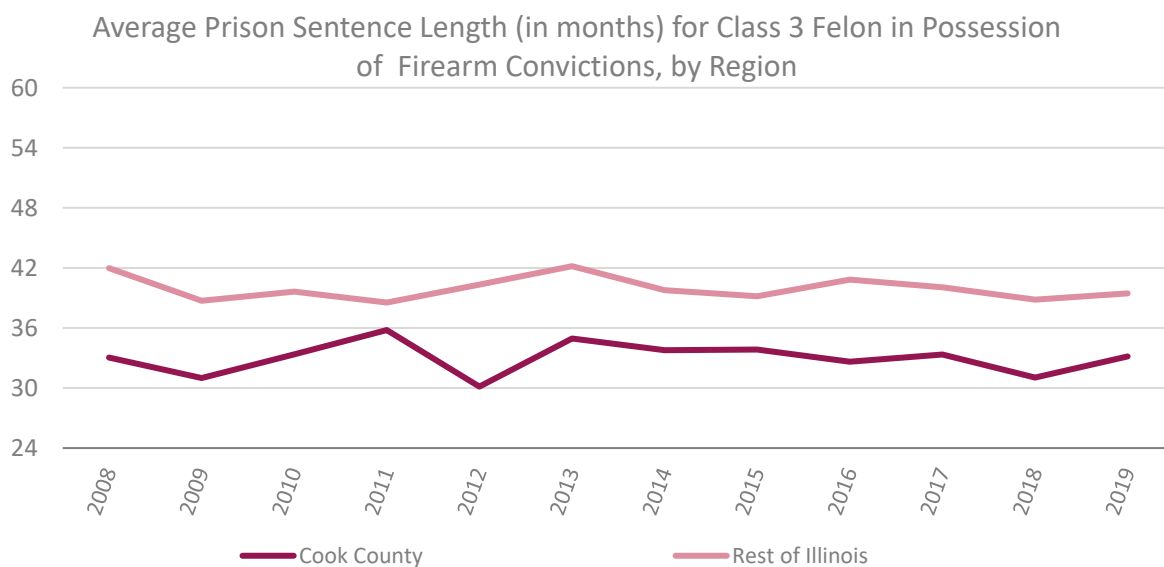
³⁵ 720 ILCS 5/24-1.8



Appendix 2



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of CHRI data provided by the Illinois Department of Correction's Planning and Research Unit



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of CHRI data provided by the Illinois Department of Correction's Planning and Research Unit



Appendix 3

Logistic Regression Results Examining Sentencing Outcome for those Convicted of a Class 4 felony Firearm Possession Offense (0=not prison, 1=prison).

	Illinois as a whole (N=9,168)				Outside Cook (N=2,254)				Cook County (N=6,914)			
	B	S.E.	Wald	Odds Ratio	B	S.E.	Wald	Odds Ratio	B	S.E.	Wald	Odds Ratio
Age (18-20 reference)			288.6				46.8				229.2	
21-24	-0.6	0.1	99.7	0.56***	-0.6	0.1	20.3	0.57***	-0.6	0.1	75.2	0.56***
25+	-1.0	0.1	277.2	0.36***	-0.8	0.1	43.1	0.45***	-1.1	0.1	221.5	0.34***
Black relative to white	0.1	0.1	5.0	1.14*	0.3	0.1	6.9	1.35**	0.1	0.1	2.7	1.12
Male relative to female	0.6	0.1	18.1	1.76***	1.3	0.4	10.6	3.79**	0.4	0.1	7.3	1.50**
Prior arrest (0=none, 1=1 or more)	0.6	0.1	55.1	1.74***	0.2	0.2	1.5	1.23	0.7	0.1	62.7	1.98***
Prior conviction (0=none, 1=1 or more)	0.7	0.1	162.7	2.08***	0.6	0.1	28.9	1.87***	0.8	0.1	148.5	2.31***
Prior arrest for violent crime (0=none, 1=1 or more)	0.4	0.1	50.5	1.46***	0.3	0.1	8.9	1.40**	0.4	0.1	39.6	1.48***
Current firearm possession charge included a violent crime charge(0=no, 1=yes)	0.2	0.1	3.1	1.18	-0.2	0.2	1.2	0.81	0.2	0.1	4.4	1.27*
Sentencing County (0=not Cook County, 1=Cook County)	1.4	0.1	489.7	4.05***								
Number of arrest charges	0.1	0.0	15.1	1.06***	0.2	0.0	52.3	1.23***	0.0	0.0	0.6	1.01
Days from arrest to disposition	0.0	0.0	17.5	1.00***	0.0	0.0	3.1	1.00	0.0	0.0	35.8	1.00***



Time Period (2008-2010 reference)			903.5				12.6				1042.0	
2011-2017	1.7	0.1	761.4	5.35***	0.0	0.1	0.1	0.97	2.2	0.1	909.5	8.84***
2018-2019	0.3	0.1	10.8	1.32**	-0.6	0.2	10.9	0.53**	0.5	0.1	30.0	1.68***
Original Arrest Charge (firearm possession reference)			21.8				5.2				6.5	
Original charge for violent crime committed with firearm	0.7	0.2	15.1	1.99***	0.4	0.2	4.0	1.53*	0.6	0.3	4.0	1.87*
Original charge for discharge	0.4	0.1	7.8	1.44**	0.2	0.2	1.6	1.26	0.3	0.2	2.6	1.35
Constant	-3.0	0.2	292.2	0.05***	-3.6	0.5	63.1	0.03***	-1.5	0.2	52.4	0.22***
R ²	.28				.15				.30			

*** p<.001, ** p<.01, * p<.05



Appendix 4: Recidivism methodology

To examine recidivism, two different approaches were used. The first combined data from the Illinois Department of Corrections for everyone released from prison between 2011 and 2015 with data from the Illinois State Police's CHRI. With these data, it was possible to examine what percent of those released from prison were rearrested for a violent crime within 3 years of their exit from prison. Violent crimes included any assault, battery, robbery, sexual assault/abuse, or homicide, whether a misdemeanor or a felony. First, analyses were performed to describe the rate of recidivism for those released from prison after serving a sentence for a firearm possession offense. Next, multivariate analyses were performed to identify what specific characteristics of those released from prison were most strongly associated with recidivism, including age, race, sex, education level, marital status, if they were identified as a gang member, total months of sentence served, and the extent and nature of the individual's criminal history (e.g., prior prison sentences, arrests, and convictions).

This source of data was used primarily to examine the recidivism of those convicted of Class 2 and 3 felony offenses involving a felon in possession of a firearm since these are mandatory prison sentences, and this source of data included specific dates when individuals were released from prison. The second approach relied exclusively on CHRI data for every convicted of a firearm possession offense in Illinois during the study period, and examined what percent had a new arrest for a violent crime within 3 years of the disposition of their firearm possession case. This second method was used exclusively to examine recidivism among Class 4 felony convictions for firearm possession as a substantial portion of these cases were eligible to receive a probation sentence. The first arrest event with a violent charge within three years was the recidivism event examined. When multiple charges were involved in the arrest, the most serious, based on the felony/misdemeanor classification, was counted as the arrest charge.

Presented in the following table are the results of logistic regression analyses that examined the influence specific characteristics of the those released from prison in Illinois had on the likelihood of being arrested for a violent crime within 3 years of release. The variable "Offense in Prison" distinguishes those who were serving a prison sentenced for a firearm possession offense versus all other crimes. Based on the Wald statistic, age and having a prior conviction for a violent crime were the two strongest predictors of an arrest for a violent crime following release from prison.



Logistic Regression Results Examining Arrest for Violent Crime (Recidivism) within 3 years Post Release from Prison, all prison releases in Illinois from 2011 to 2014 (N=72,861) (0=no arrest for violent crime, 1=arrest for violent crime).

	B	S.E.	Wald	Odds Ratio
Age (0=25 and older, 1=under 25)	0.9	0.0	1168.7	2.39***
Race (white reference)			118.9	
Black	0.1	0.0	29.5	1.15***
Hispanic	-0.2	0.0	28.1	0.82***
Other	0.0	0.2	0.0	1.00
Sex (Female=0, Male =1)	0.6	0.0	192.7	1.79***
Education level (0=no HS/GED, 1=HS/GED)	-0.2	0.0	76.2	0.84***
Marital Status (0=single, 1=married)	-0.2	0.0	61.7	0.78***
Children (0=none, 1=one or more)	0.0	0.0	0.6	1.02
Gang Member (0=no, 1=yes)	0.3	0.0	118.8	1.29***
Sentencing County (0=outside Cook, 1=Cook)	-0.1	0.0	15.6	0.92***
Holding Crime Class (0=3 or 4, 1=X,1,2)	-0.1	0.0	35.3	0.87***
Total months served (jail plus prison)	0.0	0.0	75.7	0.99***
Prior Illinois Prison Sentences (reference none)			24.1	
One	0.1	0.0	23.5	1.14***
Two or more	0.1	0.0	8.4	1.09**
Prior Conviction for Violent Crime (0=none, 1=1 or more)	0.6	0.0	765.0	1.77***
Prior Firearm Possession arrest (0=none, 1=1 or more)	0.2	0.0	44.6	1.17***
Prior Firearm Use in a Violent Crime arrest (0=none, 1=1 or more)	0.2	0.0	49.9	1.19***
Days at risk of recidivism	0.0	0.0	18.9	1.00***
Drug Treatment recommended (0=no, 1=yes)	0.0	0.0	0.3	0.99
History of mental health treatment (0=none, 1=yes)	0.3	0.0	129.6	1.32***
History of child abuse (0=no, 1=yes)	0.1	0.0	7.5	1.12**
Offense in Prison (0=all others, 1=Firearm Possession Offense)	0.2	0.0	17.8	1.17***
Constant	-2.1	0.1	715.5	0.12***
R ²				0.10

*** p<.001, ** p<.01, * p<.05



The table below provides a description of the cases that were convicted of a Class 4 felony firearm possession offense in Cook County between 2008 and 2015, and a comparison of the characteristics of those that were and were not sentenced to prison. Although there were some differences in the characteristics of those that did and did not get prison, based on the statistics measuring the strength of the relationships (i.e., either Cramer's V or Phi), only the time period when the sentence was imposed was moderately correlated with the sentence imposed (Phi=.42).

Characteristics of Class 4 Felony Firearm Possession Cook County Cases Sentenced Between 2008 and 2015 Used in Comparing Probation and Prison Sentence Recidivism Analyses

	No Prison Sentence (N=2,041)	Prison Sentence (N=2,054)	Total (N=4,095)
Age	$\chi^2 = 122.23, df = 2, \text{Cramer's } V = .173, p < .001$		
18 to 20	38.8%	54.0%	46.4%
21 to 24	29.1%	27.1%	28.1%
25 or Older	32.1%	18.9%	25.5%
Total	100%	100%	100%
Sex	$\chi^2 = 17.88, df = 1, \text{Phi} = .066, p < .001$		
Female	4.9%	2.4%	3.6%
Male	95.1%	97.6%	96.4%
Total	100%	100%	100%
Race	$\chi^2 = 1.25, df = 1, \text{Phi} = .017, \text{n.s.}$		
White/Other	20.6%	19.2%	19.9%
Black	79.4%	80.8%	80.1%
Total	100%	100%	100%
Prior Arrest	$\chi^2 = 56.36, df = 1, \text{Phi} = .117, p < .001$		
No	17.9%	9.8%	13.8%
Yes	82.1%	90.2%	86.2%
Total	100%	100%	100%
Prior Arrest for Person Offense	$\chi^2 = 64.73, df = 1, \text{Phi} = .126, p < .001$		
No	54.8%	42.3%	48.5%
Yes	45.2%	57.7%	51.5%
Total	100%	100%	100%
Prior Conviction	$\chi^2 = 85.53, df = 1, \text{Phi} = .145, p < .001$		
No	76.7%	63.4%	70.0%
Yes	23.3%	36.6%	30.0%
Total	100%	100%	100%
Time Period Sentenced	$\chi^2 = 722.9, df = 1, \text{Phi} = .42, p < .001$		
2008-2010	65.9%	24.1%	44.9%
2011-2015	34.1%	75.9%	55.1%



	100%	100%	100%
Rearrested for Person Offense Within 12 Months	$\chi^2 = 0.53, df = 1, \text{Phi} = .011, n.s.$		
No	89.3%	88.6%	88.9%
Yes	10.7%	11.4%	11.1%
Total	100%	100%	100%
Rearrested for a Person Offense Within 3 Years	$\chi^2 = 19.14, df = 1, \text{Phi} = .068, p < .001$		
No	76.5%	70.5%	73.5%
Yes	23.5%	29.5%	26.5%
Total	100%	100%	100%

Presented in the following table are the results of logistic regression analyses that examined the degree to which the sentence imposed had any relationship on the likelihood of being arrested for a violent crime within 3 years of being sentenced, along with other defendant characteristics that could also influence the odds of arrest for violent crime (e.g., age, prior arrests for violent crimes, etc). The variable "Sentence Imposed" distinguishes those who were sentenced to probation versus prison, and showed no statistically significant relationship to a new arrest for a violent crime. Based on the Wald statistic, age and having a prior arrest for a violent crime were the two strongest predictors of an arrest for a violent crime following being sentenced to either prison or probation.

Logistic Regression Results Examining Arrest for Violent Crime Post Sentencing (Recidivism) for Cook County Class 4 Felony Firearm Possession Offense (0=no arrest for violent crime, 1=arrest for violent crime).

	B	S.E.	Wald	Exp(B)
Male relative to female	0.8	0.3	7.3	2.14**
Black relative to white/other	-0.1	0.1	1.3	0.90
Age (18-20 reference)			158.9	
21-24	-0.6	0.1	46.7	0.55***
25+	-1.3	0.1	148.1	0.27***
Sentence Imposed (0=probation, 1=prison)	0.0	0.1	0.4	1.05
Prior arrest (0=none, 1=1 or more)	0.6	0.1	18.7	1.82***
Prior conviction (0=none, 1=1 or more)	0.0	0.1	0.0	1.01
Prior arrest for violent crime (0=none, 1=1 or more)	0.5	0.1	41.6	1.70***
Constant	-2.7	0.3	79.8	0.07
R ²	.10			

*** p<.001, ** p<.01, * p<.05

