

HB 2045

ELDER PAROLE: A PROCESS FOR PERMITTING A SELECT FEW PERSONS IN PRISON WHO ARE THE OLDEST, AND HAVE SERVED THE LONGEST TIME, TO PROVE TO THE PAROLE BOARD THAT THEY ARE READY TO REJOIN SOCIETY

Sponsored by Representative Justin Slaughter

THE PROBLEM: Illinois' prison population has an increasing percentage of persons who are growing old in prison and have no opportunity for early release, no matter how rehabilitated they are. These persons have aged out of crime, are unlikely to re-offend, and are the most expensive for the State to continue to imprison due to medical expenses for old age and end of life care.

- The percentage of IDOC inmates 55 and older increased from 3.4% in 2005 to 14% in 2023. Due to the stresses of prison life and the disadvantaged backgrounds of these people, they have generally aged more than their years indicate.
- Experience shows that persons who commit violent crimes when they are young age out of crime: in Maryland, 199 people with life sentences, ages 51-85, were released as a result of a court decision, and had a recidivism rate of 3% versus 40% for the general prison population.
- The average per-person cost of a prisoner in Illinois for fiscal 2022 was \$45,828. The John Howard Assn has estimated that an average older person in prison can cost more than twice as much, or over \$90,000.
- Illinois abolished parole on Feb. 1, 1978 for all persons sentenced before that date, leaving executive clemency as the only remaining way to obtain early release.

THE SOLUTION: The Elder Parole Bill

- To apply for early release under the Elder Parole Bill, an individual would have to be 55 years of age or older, and incarcerated for at least 25 consecutive years. This would extend the right to parole to fewer than 1000 persons, about 3.3% of the population.
- In 2022, Illinois instituted a medical release process for those who are terminally ill or medically incapacitated. Elder Parole would build on this by allowing a select few, who are approaching old age, to seek early release before they are terminally ill or incapacitated, and before requiring the medical expenses of old age and end of life care, when they can still contribute to society.
- Victims and their families would have to be notified and given an opportunity to participate in the parole hearing.
- A parole hearing would be conducted by a panel of 8 members of the Prisoner Review Board, with the decision to be made by a majority of the panel.
- To address the aging of the prison population that already exists, the Elder Parole law would apply retroactively to include time served before enactment of the law.
- Eligibility to apply would include those with natural life sentences, and sentences of life without possibility of parole. Excluded would be persons serving life sentences for sex offenses.