

Proposal  
For a  
Cost-Conscious Criminal Legislation Act  
By: Joseph Dole (June 2011)

As John Maki, the Executive Director of the John Howard Association, recently stated, “[e]veryone wants a cost-effective criminal justice system.”<sup>1</sup> Grover Norquist, the head of Americans for Tax Reform echoed this sentiment recently when he said “[j]ust spending money on something and calling it crime prevention doesn’t make it so. You need to do a cost-benefit analysis of what works and what doesn’t work.”<sup>2</sup>

For too long Illinois has passed legislation establishing new crimes and strengthening the penalties for crimes without considering what the costs of implementation will be or whether those funds could have been spent in an alternative way that could reduce more crime for the same or less expense.

Illinois passed Truth-In-Sentencing legislation which doubled, tripled, or even quadrupled the cost of incarcerating violent offenders who are the least likely out of any category of offenders to recidivate. As a result the state has incurred, and continues to incur, well over a quarter of a billion dollars in additional costs per year.<sup>3</sup>

Additionally Illinois is increasingly passing legislation to register offenders after release with little benefit to public safety, which makes returning offenders to useful citizenship less likely, and may even be “making our kids less safe.”<sup>4</sup>

It is time that both the citizenry and legislators are fully informed as to both the cost and effectiveness of proposed crime bills, instead of just the political rhetoric. An informed society needs the facts, not rhetoric, in order to make informed decisions about how best to utilize our limited resources.

- Whereas the state of Illinois is running historic deficits, with billions of dollars in unfunded pension obligations, in part due to enacting legislation without considering the accompanying costs;
  - Whereas the total appropriations for the Illinois Department of Corrections has increased by more than 60% since 1995 alone, and yet the John Howard Association reports that “one reason why Illinois has such a high recidivism rate is that state funding has not kept pace with the growth in prison population [and], [c]onsequently, there are not enough resources to staff educational and vocational programs that help inmates get jobs and stay out of prison”;<sup>5</sup> And,
  - Whereas state legislators are representatives of the people of Illinois and with the granted authority to tax the people comes the responsibility and duty to use those taxes in the most cost-effective manner.
- 
- Be It Resolved That any state legislator who files a bill to establish a new crime or to strengthen the penalty for an existing crime shall be required to list the cost in terms of housing or monitoring criminals and identify a source of funding;
  - That any state legislator who files a bill to establish any new offender registration or to expand or amend any existing offender registry shall be required to list the cost in terms of registering offenders as well as punishing offenders for failure to register, and identify a source of funding;

- That any state legislator who files a bill to establish a new crime, strengthen the penalty for an existing crime, establish a new offender registry, or expand or amend an existing registry, shall provide a statement elucidating how the passage of such a bill would contribute to public safety in a cost-effective manner;
- That the public safety rationale be supported by empirical evidence;
- That the state legislator shall request the viewpoints of any state agency or department affected by the bill's passage and list whether that agency or department supports or opposes passage of the bill;
- That in indentifying the cost of implementation and source of funding, that the state legislator will also support an equivalent increase to the funds appropriated to the Illinois State Police, Illinois Department of Corrections, or other department or agency that will be required to bear responsibility for implementing the new laws; And
- That the state legislator will list how the bill's passage would contribute to achieving "the objective of restoring the offender to useful citizenship" which is the stated policy of Illinois found in the Illinois Constitution<sup>6</sup>, Unified Code of Corrections <sup>7</sup>, and Criminal Code of 1961.<sup>8</sup>

---

Works Cited

1. Maki, John. Executive Director of the John Howard Association. "Director Tony Godinez and the Challenges Facing the Illinois Department of Corrections." May 4, 2011.
  2. Page, Clarence "NAACP, right-wing foes get friendly." Commentary. Chicago Tribune. Wednesday, April 13, 2011. Section 1, p.21.
  3. Dole, Joseph Rodney II. "Preliminary Findings Concerning the Financial Cost of Implementing Illinois' Truth-In-Sentencing Laws. (2002-2004)." January 11, 2011.
  4. Skenazy, Lenore. "Oddly Enough; Shred Your Sex Offender Map." Forbes.com. June 5, 2010.
  5. Maki, John. Executive Director of the John Howard Association. "Director Tony Godinez and the Challenges Facing the Illinois Department of Corrections." May 4, 2011.
  6. Illinois Constitution of 1970, Article 1, Section 11.
  7. 730 ILCS 5/1-1-2 (c).
  8. 720 ILCS 5/1-2 (d).
- 

"Our resources are misspent, our punishments too severe, our sentences too long."

U.S. Supreme Court Justice Anthony Kennedy (August 2004)