Sentencing reform has become a matter of significant bipartisan interest at the federal level, with two reform bills under consideration in the current legislative session, and strong endorsements for reform by both President Barack Obama and Attorney General Eric Holder. Mandatory sentencing policies have been under scrutiny and revision at the state level for some time. In this policy report, Vera’s Center on Sentencing and Corrections summarizes state-level mandatory sentencing reforms since 2000, raises questions about their impact, and offers recommendations to jurisdictions considering similar efforts in the future.

NEW APPROACHES TO MANDATORY SENTENCES

Since 2000, at least 29 states have taken steps to roll back mandatory sentences, with 32 bills passed in just the last five years. Legislative activity largely has focused on adjusting penalties for nonviolent drug offenses through the use of one or a combination of the following reform approaches:

1. Expanding judicial discretion by creating so-called “safety valve” provisions
2. Limiting automatic sentence enhancements
3. Repealing or revising mandatory minimum sentences

RESEARCH AND POLICY CONSIDERATIONS

To date, there has been little research into the impact of recent state reforms on incarcerated populations, recidivism rates, or cost. In addition, the restrictive scope and application of recent reforms—including narrow eligibility criteria and the discretionary nature of some of the policies—suggest that the impact of reform may be limited. As states increasingly look to each other for sentencing reform strategies, deliberate, data-driven policy development and outcomes research are ever more critical. Moving forward, there are a number of steps policymakers can take to ensure that reform efforts fulfill their promise, are sustainable, and protect public safety:

- Link proposed policies to research
- Include stakeholders in policy development
- Match proposed policies with available resources in the community
- Define eligibility requirements clearly and match these to the policy goal
- Consider whether a proposed reform should apply retroactively
- Track and analyze the impact on system outcomes
- Examine the impact on system dynamics

READ THE COMPLETE REPORT:
www.vera.org/mandatory-sentences-playbook-for-change
New York’s Rockefeller drug laws come into effect, establishing mandatory minimum sentences for drug offenses.

Minnesota and Pennsylvania become first states to establish sentencing commissions.

Congress formally adopts federal sentencing guidelines; five states now have sentencing guidelines.

- California passes Proposition 184 (three strikes law) enhancing mandatory penalties for third-time felony convictions.
- Violent Crime Control and Law Enforcement Act introduces a federal three strikes law and restricts federal funding for prison construction to states that enact truth-in-sentencing laws. Five states already have truth-in-sentencing laws in place.
- Violent Crime Control and Law Enforcement Act creates the first safety valve provisions that allow judges to sentence certain nonviolent offenders below mandatory minimums in limited circumstances.

Sixteen states now have abolished parole.

Michigan eliminates mandatory sentences for most drug offenses.

New York eliminates mandatory minimums in low-level drug cases and reduces minimum mandatory penalties in other drug cases.

At least thirteen states now have narrowed sentence enhancements.

State general fund correctional spending*

State prison population sentenced to at least one year**

Anti-Drug Abuse Act establishes mandatory minimums for federal drug offenses and institutes the 100:1 powder-to-crack cocaine sentencing ratio. (100:1)

$7.7 billion 469,934

Minnesota becomes first state to adopt sentencing guidelines.

Eleven additional states pass truth-in-sentencing laws.

- Twenty-four states now have three strikes laws.
- Seventeen states now have sentencing guidelines.
- Twenty-nine states now have truth-in-sentencing laws.
- Sixteen states now have abolished parole.
- Michigan eliminates mandatory sentences for most drug offenses.

New York eliminates mandatory minimums in low-level drug cases and reduces minimum mandatory penalties in other drug cases.

At least thirteen states now have narrowed sentence enhancements.

$19.5 billion 881,871

$34.3 billion 1,237,476

$46 billion 1,315,817

$19.5 billion 881,871

$34.3 billion 1,237,476

$46 billion 1,315,817
