



2011 State Legislation on Sentencing and Corrections Selected States August 2011

Policy makers in more than a dozen states tackled sentencing and corrections issues during their 2011 legislative sessions. Many of these states enacted evidence-based policies to improve public safety, hold offenders accountable and control corrections costs.

More often than not these changes resulted from a data-driven process involving state leaders of both parties, all three branches of state government, and a diverse group of stakeholders at the state and local level. While the legislative packages vary in scope and scale, the reforms should bring each state a better public safety return on its corrections dollars for years to come.

ALABAMA

- **Action:** Governor Robert Bentley signed two bills based on policy recommendations from the bipartisan, inter-branch Alabama Public Safety and Sentencing Coalition. The Technical Violator bill passed 27-1 by the Senate and 79-20 by the House, reserves prison space for the most dangerous criminals by limiting revoked offenders to 90 days in prison when a new crime has not been committed. The Victim Notification bill, passed unanimously by the House and 28-1 by the Senate, modernizes the systems used to communicate with victims.
- **Impact:** The state has not calculated potential savings of the measures.

ARKANSAS

- **Action:** The omnibus Public Safety Improvement Act passed the Senate unanimously and the House 79-14. The law, which stems from the recommendations of a bipartisan, inter-branch working group, concentrates prison space on violent and career criminals by revising felony definitions and classifications for non-violent drug and property offenses; reduces recidivism through the implementation of evidence-based community supervision practices such as earned discharge and swift and certain sanctions; and improves government efficiency by streamlining the parole-release process and strengthening data collection and reporting of sentencing departures.
- **Impact:** The Act is projected to save Arkansas \$875 million in prison construction and operation expenses through 2020. A portion of the savings will be reinvested in community-based supervision, sanctions, and services designed to improve public safety and hold offenders accountable.

COLORADO

- **Action:** Colorado now requires the use of a risk and needs assessment in sentencing, excludes low-level drug offenders from being sentenced under the state's habitual offender statute, adds qualifications and training requirements for parole board members, and creates a presumption of parole for certain lower-risk offenders.

- **Impact:** Although these bills are anticipated to reduce the prison population and reduce recidivism, their impact has not been quantified. The legislature decreased the FY 2012 DOC budget by \$24 million, in anticipation of a reduction in inmates in private prisons, and also decommissioned another state prison, effective March 2012. This will be the fourth prison closed in Colorado since 2009.

KENTUCKY

- **Action:** The Public Safety and Offender Accountability Act, generated by a legislatively created task force, passed the Senate unanimously and the House 96-1. The law ensures prison space is available for the most serious offenders by distinguishing between serious drug trafficking and peddling, and establishing a proportionate scale of penalties; strengthens probation and parole by incorporating risk and needs assessments into the decision-making process and requiring the use of evidence-based practices to reduce recidivism; and tracks progress under the law so the legislature can effectively evaluate results.
- **Impact:** The law is estimated to save Kentucky taxpayers \$422 million over 10 years. Approximately half of the savings will be reinvested in efforts to reduce recidivism among substance-abusing offenders.

LOUISIANA

- **Action:** Five bills recommended by the bipartisan, inter-branch Louisiana Sentencing Commission became law. They establish: expanded parole eligibility for first-time offenders; reporting requirements for home detention programs; requirements that parole board members receive training and consider risk assessment information in making release decisions; administrative sanctions for parole and probation violations; and streamlining of good time credits to improve the transparency of the system for victims of crime.
- **Impact:** The parole eligibility bill is projected to save Louisiana \$43 million over 10 years, and the savings are directed to be reinvested in strengthened probation and parole supervision and effective community programs.

MARYLAND

- **Action:** The Maryland legislature unanimously passed a bill establishing a pilot program in two counties that will impose swift and certain administrative sanctions for parole violations.
- **Impact:** The state did not calculate potential savings of the measure.

NORTH CAROLINA

- **Action:** The Justice Reinvestment Act passed the North Carolina Senate unanimously and the House 115-1. Developed by a bipartisan, inter-branch working group, the law creates a new habitual felon law for breaking and entering, expands post-release supervision to an additional 15,000 offenders, expands diversion programs for drug-involved offenders, and helps focus prison space on more serious offenders by using swift and certain sanctions for probation violations and limiting revocations for technical violations to 90 days in prison.

- **Impact:** The Act will avert a projected 1,400 increase in the prison population and reduce the population by more than 3,600 inmates, saving North Carolina more than \$290 million over the next five years. At least \$4 million of the savings will be reinvested annually in community-based programs aimed at reducing reoffense rates for high-risk offenders.

OHIO

- **Action:** Ohio enacted a comprehensive criminal justice reform package with overwhelming bipartisan support. The legislation diverts first-time property and drug offenders to serve probation terms with appropriate treatment; increases the felony theft threshold from \$500 to \$1,000; raises the sentence length for certain serious violent offenses; makes more cost-effective use of community corrections programs by requiring use of evidence-based practices and the adoption of a common set of risk assessment instruments; strengthens probation supervision by establishing statewide standards for supervision; and sets a goal of reducing recidivism by 10 percent.
- **Impact:** The law will avert a projected 3,000-inmate increase, avoiding \$500 million in prison construction and operation costs and reducing corrections spending by \$78 million by 2015. The law also reinvests \$20 million over four years by providing funding and incentive grants for improving felony probation supervision.

OKLAHOMA

- **Action:** Oklahoma enacted legislation that expands eligibility for GPS monitoring and community sentencing; limits the requirement that the governor sign paroles for low-risk non-violent offenders; and adds qualifications criteria for members of the Oklahoma Pardon and Parole Board.
- **Impact:** The new law is expected to save the Corrections Department at least \$5 million a year as more nonviolent offenders are sentenced to community service or monitored with electronic devices.

TEXAS

- **Action:** Despite a state budget shortfall of \$15 billion, the 2011 Texas legislature maintained virtually all of the historic investment in prison alternatives it made in 2007. In addition, legislators enacted bills that offer earned time to probationers and state jail inmates for completing risk-reduction programs and provide performance incentive funding to local jurisdictions that reduce the number of low-level offenders they send to prison through sentencing and/or probation revocations. The state also closed the first high-security facility in Texas history.
- **Impact:** Preserving Texas's justice reinvestment framework is projected to keep the prison population stable despite a rapidly growing general population. The earned time legislation is forecast to reduce the state jail population by about 1,300 inmates, saving \$49 million over the next biennium.