



Model Legislation for State Sentencing Reform

Category	Issue Area	Policy Change	Legislation
Sentencing	Reduce Number of Persons Detained	Require criminal justice stakeholders to reduce, to the extent possible, the average rate of detainees to a determined level and maintain the rate at this level. For example, Vermont set a goal of reducing the average rate of detainees to 300 per 100,000 after citing rising rates between 2008 and 2010. The stakeholders include: the court administrator, the administrative judge of the trial courts, the commissioner of the department of corrections, the executive director of the department of state's attorneys and sheriffs, and the public defender.	<ul style="list-style-type: none"> Vermont (S 292, 2010)
Sentencing	Modify "Truth in Sentencing"	Modify truth-in-sentencing policies that require defendants to serve 85% of their sentence. Legislation passed in Mississippi exempted certain offenses from truth-in-sentencing, rendering them parole eligible sentences. Additionally, Michigan introduced a measure to amend the Code of Criminal Procedure and repeal such provisions.	<ul style="list-style-type: none"> Mississippi (SB 2136, 2008) Michigan (HB 4499, 2009)
Sentencing	Juvenile Life Without Parole	Eliminate juvenile life without parole; permit persons to be reviewed for parole if sentenced prior to age eighteen. For example, Colorado authorized legislation that allowed for parole review after 40 years for juveniles sentenced to life.	<ul style="list-style-type: none"> Colorado (HB 1315, 2006)
Sentencing	Mandatory Sentencing	Enhance judicial discretion to allow courts to consider alternative penalties for mandatory minimum sentences when mitigating factors are considered. For example, in Minnesota legislators authorized sentencing without regard to mandatory minimum provisions for certain offenses.	<ul style="list-style-type: none"> Minnesota (SF 802, 2009)

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Sentencing	Modify Property Threshold Amounts	Increase the dollar amount required to trigger a felony offense for theft. For example, Oregon adopted this reform to reflect that the threshold between a misdemeanor and a felony had become reduced in value over time as a result of inflation.	<ul style="list-style-type: none"> Oregon (HB 2323, 2009)
Sentencing	Early Discharge for Parole or Probation	Authorize early discharge for persons on probation or parole who have complied with all conditions of supervision. For example, in Vermont where probation terms are unlimited, this policy applies to persons with nonviolent misdemeanors or felonies.	<ul style="list-style-type: none"> Vermont (S 292, 2010)
Racial Justice	Racial Impact Statements	Authorize racial impact statements to assess the policy implications of proposed sentencing legislation. Iowa and Connecticut adopted such policies in 2008, and Texas introduced legislation that authorizes the designated state agency to produce criminal justice impact statements that include a racial analysis prior to consideration of proposed legislation in committee.	<ul style="list-style-type: none"> Texas (HB 930, 2009)
Collateral Consequences	Eligibility for Food Stamps for Persons with Felony Drug Convictions	Opt out of the federal ban that excludes persons with felony drug convictions from eligibility for food stamps. For example, the Ohio legislature amended the state code to opt out of the ban incorporated into the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.	<ul style="list-style-type: none"> Ohio Revised Code Annotated § 5101.84, 1997
Collateral Consequences	Remove Employment Barriers -Ban the Box Initiatives	Delay the inquiry into criminal history for public employee applicants until after a job candidate has been invited for an interview, such as legislation passed in Massachusetts. In recent years Connecticut, New Mexico, and Minnesota have also passed similar measures.	<ul style="list-style-type: none"> Massachusetts (SB 2583, 2010)

To discuss how The Sentencing Project can support your efforts in these areas of state policy reform, please contact Nicole D. Porter, State Advocacy Coordinator at [nporter\[at\]sentencingproject\[.\]org](mailto:nporter[at]sentencingproject[.]org).

12/11