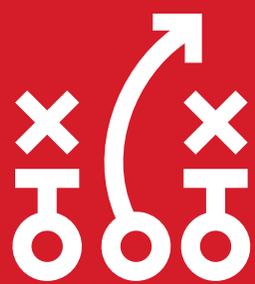


FAITH & JUSTICE FELLOWSHIP



LEGISLATIVE **PLAYBOOK**

2018-2019

A report designed to assist policymakers and staff as they support justice reform that transforms those responsible for crime, validates victims, and encourages communities to play a role in creating a safe, redemptive, and just society.



DEAR FRIENDS,

As we approach criminal justice reform, human dignity and value must remain at the center of the conversation. We are encouraged by your commitment to bringing restorative principles to your state’s criminal justice system. We know that criminal justice is most effective when it balances proportional punishment with evidence-based measures that engage people responsible for crime as active, accountable agents in their own rehabilitation and the restoration of their victims, families and communities.

In the era following waves of “tough-on-crime” legislation, state and federal governments bear the weight of policies like overly harsh mandatory minimums, heightened sentencing guidelines, and increased punishments for non-violent drug offenses. Now, dealing with the costly upkeep of vastly expanded prison populations, state and federal legislators and executives are driving a policy conversation that brings criminal justice reform to the forefront.

With 40 years of experience helping restore men and women behind bars, Prison Fellowship advocates for federal and state criminal justice reforms that transform those responsible for crime, validate victims, and encourage communities to play a role in creating a safe, redemptive, and just society. As leaders like you join the Faith & Justice Fellowship, we seek to provide you with practical information and guidance as you work toward important criminal justice reforms.

We offer this Legislative Playbook to assist each of you along with your staff members, by providing a guide to all stages of the criminal justice process and reforms that are gaining momentum across the nation. In this initial copy, we provide to you an overview of sentencing reforms that have been signed into law in recent years, and recommend best practices from a perspective that values redemption and opportunity for transformation, as well as fiscal responsibility and public safety. It is my hope that you may use this first chapter of the Playbook, and those to follow, as a means to better understand the national landscape of justice reform and decide how best to move forward within your jurisdiction. I look forward to sharing additional chapters of the Playbook and discussing other topics of justice reform, as they are released.

State and federal legislative action is vital to initiating lasting criminal justice reform that will help to heal the families and communities affected by crime and incarceration. We at Prison Fellowship look forward to partnering with you in achieving this important goal.

Sincerely,



Craig DeRoche
Senior Vice President of Advocacy & Public Policy
Prison Fellowship



ADVANCING JUSTICE THAT RESTORES

Prison Fellowship advocates for justice that restores, an approach to criminal justice that recognizes the value and potential of every human life.



COMMUNITY



VICTIM



RESPONSIBLE PARTY



We promote reforms that help transform those responsible for crime, validate victims, and create safer communities by:

- Advancing more proportional punishment that promotes both accountability and restoration;
- Facilitating a constructive prison culture that is safe, rehabilitative, and allows people to make amends for their crime while earning back the public’s trust;
- Advocating for genuine opportunities for people with a criminal record to achieve closure, returning to communities as fully contributing citizens who make the most of their second chance and fulfill their God-given potential.





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SENTENCING: ISSUE OVERVIEW

It can be challenging to arrive at a sentencing scheme that reflects the value of proportional punishment. Operating on the premise that harsh punishments would deter crime, government actors of past decades introduced lengthy mandatory minimum sentences that were linked to various criminal acts. However, the underlying assumption about the deterrent effect of harsher punishments has not been supported by subsequent evidence. Data analysis has revealed a sometimes-inverse relationship between longer sentences and safer communities.¹ When punishment for a crime includes excessively long terms of incarceration, an incarcerated person's family and community ties are often broken—and these ties have been shown to positively impact the person's societal reintegration post incarceration.²

It is also important to note that the risk of an incarcerated person reoffending after release declines notably after a certain length of incarceration.³ Called “risk convergence,” this point often occurs long before the conclusion of the sentence applied under existing sentencing schemes.⁴ In fact, a 2004 study utilizing a risk assessment system found that many of those who committed nonviolent crimes could have been released at an earlier date without posing a threat to public safety.⁵ Another study published in 2016, estimates that approximately 576,000 people are incarcerated in America with minimal public safety rationale supporting their continued detention.⁶ Many of these individuals have already served a proportional sentence or may have been candidates for an appropriate alternative to incarceration.⁷

Proportional punishment is vital to reducing recidivism rates and associated correctional costs, but also to respecting the dignity of the individual. A just response to crime, one that is in due proportion to the harm caused, the intent, and the sentences imposed in similar cases, recognizes the intrinsic worth of the responsible party and engenders greater trust in the fairness of the system. While a disproportional sentence can undermine accountability, trust in the justice of the punishment can bring willingness to cooperate with the process of rehabilitation. When punishment is not unduly severe and provides meaningful opportunities for transformation and a path to rejoin the community, society benefits from safer streets and the contributions of law-abiding citizens.

Ultimately, punishment should aim to restore the responsible party, the victim, and the impacted community by requiring punishment that fits the crime. Alternatives to incarceration should be considered where appropriate. Sentencing should be fitting and consistent. Proportional punishment, while valuing fair sentences, aims to break the cycle of recidivism by addressing circumstances and administering appropriate consequences.

¹Committee on Causes and Consequences of High Rates of Incarceration, *Incarceration in the United States: Exploring Causes and Consequences*, THE NATIONAL ACADEMIES PRESS, 345 (2014), <https://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>.

²*Id.* at 262.

³Douglas N. Evans, *Punishment Without End*, JOHN JAY COLLEGE OF CRIMINAL JUSTICE RESEARCH & EVALUATION CENTER, 4 (July 2014), https://jjrec.files.wordpress.com/2014/07/jf_johnjay1.pdf.

⁴*Id.*

⁵Public Safety Performance Project, *Time Served: The High Cost, Low Return of Longer Prison Terms*, THE PEW CHARITABLE TRUST, 4 (June 2012), <http://www.pewtrusts.org/en/research-and-analysis/reports/2012/06/06/time-served-the-high-cost-low-return-of-longer-prison-terms>.

⁶James Austin, et al., *How Many Americans are Unnecessarily Incarcerated?*, Brennan Center for Justice (2016), https://www.brennancenter.org/sites/default/files/publications/Unnecessarily_Incarcerated.pdf.

⁷*Id.*



POLICY FOCUS AREA: RECLASSIFICATION OF DRUG OFFENSES

Classification of an act within the criminal code is directly associated with the resulting penalty. However, due to the diversity of code sections throughout the nation, sentencing disparities often arise across jurisdictional lines. Disparities of this sort are particularly apparent where drug crime is concerned.

As states attempt to respond to the increasing toll that drug addiction has taken on their communities, many have chosen to classify possession of certain drugs as felonies, with lengthy statutory penalties for those convicted. Even so, significant variation exists between states in determining the amount of such a drug necessary to possess in order to constitute a felony charge. The same is true for other policy areas related to drug crime, including distribution of illegal substances.

A national public opinion survey published in 2012 revealed that, with little differentiation on the basis of party affiliation, a majority of voters agree that those with convictions for nonviolent offenses should spend less time in prison and more time in community corrections.⁸ As the public increasingly questions the use of incarceration in response to drug addiction and demands increased scrutiny of the causes of our country's increasing prison population, states have begun to address the issue of inconsistent drug crime classification. This can be achieved through legislation that either reduces the statutorily prescribed sentence structure for felony or misdemeanor offenses, or by redefining possession or distribution of drugs as a misdemeanor or civil infraction.

EXAMPLES OF DRUG OFFENSE RECLASSIFICATION:

AL SB 67 (2015): Among other things, this bill reduced the classification of marijuana possession for personal use and possession of all other controlled substances to the newly created Class D felony level. This reduces the maximum length of incarceration that may be imposed for such crimes from 10 years to 5 years and the maximum fine that may be imposed from \$15,000 to \$7,500. This legislation did not impact the minimum sentence for these crimes, which remains at 1 year and 1 day of incarceration.

CO HB 1352 (2010): This bill reclassified basic possession of marijuana to a Class-2 misdemeanor from a Class-6 felony. It also reduces minor possession levels across the board, designating possession of two ounces a petty offense, and possession of six to 12 ounces a Class-1 misdemeanor. This bill also states that individualized community-based treatments, coupled with mental health treatment where necessary, is beneficial to the reduction of drug crimes. Finally, this bill stated that savings garnered from any reductions in prison population should be reinvested in community options so they are accessible in all counties.

DE HB 19 (2011): This bill comprehensively repeals and replaces a substantial number of previous drug laws in the state to create three major categories of drug offenses: "drug dealing", "aggravated possession", and "possession." Each of these three crimes has multiple sub-classification tiers based upon factors such as the amount of substance in question. One primary result of this bill is to remove the correlation between "possession" and "possession with intent to deliver," whereas previous law had closely associated the two.

LA SB 220 (2017): Among other things, this bill reformed penalties for possession and distribution of drug crimes. This bill created tiered-penalties based on the quantity of drugs being distributed. For possession of drugs, this bill created structured penalties based on the amount possessed and the number of qualifying previous convictions. The punishment for a first-time possession of marijuana is 15 days and not more than three hundred dollars. Penalties scale upward to the punishment for the fourth subsequent offense, which is up to eight years and five hundred dollars. Qualifying previous convictions for purposes of enhancement do not include simple possession, where there are no other convictions in the person's criminal history.

⁸Public Opinion Strategies & The Mellman Group, *Public Opinion on Sentencing and Corrections Policy in America*, The Pew Charitable Trusts (March 2012), http://www.pewtrusts.org/-/media/assets/2012/03/30/pew_nationalsurveyresearchpaper_final.pdf.





MD HB 121 (2015): This bill allows for persons convicted of certain drug-related offenses, including possession, intent to distribute, and manufacture of drugs, to be able to participate in drug treatment programs. The length of a sentence will no longer prevent a person from being eligible for the program. The bill also allows for the departure from mandatory minimum sentences upon a finding of the court that the nature of the crime coupled with the defendant's criminal history and chances of rehabilitation present a "substantial injustice," and that doing so would not sacrifice public safety goals.

MD SB 1005 (2016): This bill, among other things, reduced the sentence imposed for volume distribution of crack cocaine and repealed mandatory minimum sentences for those with repeated drug offences. The legislation also created structured penalties for misdemeanor drug possession based on the number of previous convictions. For example, someone convicted of a fourth possession would receive a maximum of 2 years and a fine of \$5,000. Punishment for possession of marijuana was also reduced from a maximum of 1 year to 6 months. The punishment for possession with intent to distribute was also reformed from a statutory minimum of 10 years to a statutory maximum of 20 years and a fine of \$15,000.

MO SB 628 (2012): This bill increases the threshold amount required for a charge of drug trafficking related to certain controlled substances. Previously, a minimum weight of two to six grams resulted in Class-A felony conviction for some substances. This bill adopts a classification scheme to raise the amount of the substance in question required for a felony possession. This bill also substantially increased the amount required for disqualification from probation and parole as a result of the conviction.

MS HB 585 (2014): This omnibus bill contained reforms that reclassified many of the crimes involving drugs within the code and created the new crime of "aggravated trafficking." For marijuana, it reduced the penalties imposed for possession with intent to distribute and altered "trafficking" to be based on possession of 1 kilogram or more, instead of the number of past offenses committed. For other drugs, the law created additional classes of possession crimes with corresponding sentence ranges and required any possession of 500 grams or more to be treated as trafficking or aggravated trafficking.

RI SB 2253 (2012): This bill reduced the classification of marijuana possession in the amount of one ounce or less from a misdemeanor to a civil infraction punished by a fine, when the person possessing it is 18 years of age or older and has not had more than one previous similar offense in the past 18 months. If the person possessing marijuana is a minor, possession of one ounce or less of marijuana is reduced to a civil fine and requires completion of a drug awareness program or community service. The parents of the minor must be notified of the offense, and the drug awareness program must contain at least four hours of instruction and 10 hours of community service and be approved by the sentencing court.

*Click [here](#) to see a more comprehensive list of reforms on this topic in the appendix.



JUSTICE VALUES COMMENTARY:

When structuring sentencing classification for possession of illegal substances, policymakers should consider the existing data on best practices in proportional sentencing, seeking to provide a framework for judicial officers to assess the culpability of the defendant and provide sentences accordingly. Prison Fellowship supports the trend to distinguish between possession, intent to distribute, trafficking, and other variations of drug crime. In addition, amounts, the type of drug, and other factors including profit, previous convictions, and proof of a leadership role in a criminal enterprise can help determine culpability and guide proportional sentencing.



POLICY FOCUS AREA: RECLASSIFICATION OF PROPERTY OFFENSES

Property offenses, which include theft and destruction of property, are primarily categorized in state and federal criminal codes by the monetary value associated with the item stolen or destroyed. These monetary standards, or thresholds, for sentencing often differ from state to state, sometimes resulting in wide disparities in the way that property crimes are punished.⁹ State legislatures often overlook these sentencing thresholds and rarely adjust them to reflect inflation and other changes in property value over time.

Though approximately 39 states have passed reforms to address disparate monetary thresholds since 2001, many state criminal codes are still awaiting adjustment.¹⁰ As a result, felony thresholds for property crimes in the United States vary from valuations of just \$200 to \$2,500.¹¹ For example, New Jersey has the lowest monetary threshold in the nation for a felony property crime, \$200, hundreds of dollars below the average threshold of approximately \$1,000.¹²

Some state legislatures are addressing these disparities in order to ensure proportional punishment for property crimes. This is done by including standard adjustments for inflation and by taking into account the monetary and human cost of lengthy terms of incarceration along with the value of the property impacted. A study conducted by Pew Charitable Trusts has found that raising the monetary threshold for felony theft does not impact the frequency with which larceny or other property crimes occur.¹³

EXAMPLES OF RECLASSIFICATION OF PROPERTY OFFENSES:

AK SB 91 (2016): Among many other reforms of the state's criminal justice system, this bill both raised the monetary value of the property taken or damaged that was required for someone to be charged with certain theft and fraud related crimes, and provided a mechanism for this figure to be adjusted for inflation every five years. For example, the threshold to be convicted of theft in the second degree was increased from \$750 to \$1000 and the threshold for a class C felony charge of concealment of merchandise was increased from \$750 to \$1000.

AR SB 750 (2011): This bill raised the misdemeanor and felony thresholds for property theft crimes. For example, the threshold for a Class A misdemeanor was raised from \$500 to \$1000, and the threshold for a Class D felony was increased from \$500 to property valued over \$1000 but less than \$5000.

CO HB 1266 (2014): This bill raised the monetary value thresholds for theft crimes while reorganizing its classification system for property crimes, adding more classification categories. For example, the crime of defrauding a secured creditor previously allowed for two felony classifications and two misdemeanor classifications but this legislation now classifies the crime into five felonies, three misdemeanors, and one petty offense.

IL SB 3797 (2010): This bill raised the monetary value thresholds for property crime in the state, generally raising the threshold for felony theft crimes from \$300 to \$500. Further, the bill establishes that when considering property value, multiple thefts may be aggregated together if they are the result of one continuing course of conduct from one or more retail establishments.

⁹Jake Horowitz & Monica Fuhrmann, States Can Safely Raise Their Felony Theft Thresholds, Research Shows, The Pew Charitable Trusts (May 2018), <https://www.pewtrusts.org/en/research-and-analysis/articles/2018/05/22/states-can-safely-raise-their-felony-theft-thresholds-research-shows>.

¹⁰*Id.*

¹¹*Id.*

¹³*Id.*

¹³*Id.*



NE LB 605 (2015): This bill reclassified and increased the monetary value thresholds for certain theft-related and drug crimes. To constitute felony theft, the law now requires the stolen property have a value exceeding \$1,000, which previously only required a value of \$500. The legislation also reclassified the theft of property with a value exceeding \$5,000 from a class III felony to a class IIA felony, which carries a maximum penalty of twenty years in prison.

NV AB 142 (2011): This bill raised monetary value thresholds for all state property crimes. After adoption of this bill, the threshold for category C felony classification was raised from \$250 to \$650 for crimes such as theft, check fraud, and grand larceny. The category B classification threshold for such crimes was increased as well from \$2,500 to \$3,500.

OK Ballot Question 780 (2016): The citizens of Oklahoma voted to increase the felony property value threshold for the following crimes in the November 2016 election: false declaration of a pawn ticket, embezzlement, larceny, grand larceny, theft, receiving or concealing stolen property, taking domesticated fish or game, fraud, forgery, counterfeiting, or issuing bogus checks. The threshold was increased from \$500 to \$1,000 without the possibility of imprisonment exceeding five years for a felony conviction.

UT SB 10 (2010): This bill increases the monetary value thresholds for theft-related, fraud-related, and arson-related crimes in the Utah. For example, the felony theft threshold has been increased from \$1,000 to \$1,500 and the threshold to be convicted of a high-level misdemeanor increased from \$300 to \$500.

TX HB 1396 (2015): This bill increased the value thresholds required for classification of certain arson and theft-related crimes. To be considered a felony the value of the property must now be \$2,500 and to be placed in a state prison the value must exceed \$30,000. Certain kinds of property, including livestock and precious metals, continue to require a unique value threshold.

*Click [here](#) to see a more comprehensive list of reforms on this topic in the appendix.

JUSTICE VALUES COMMENTARY:

The penalty for the same criminal act should not vary solely based on jurisdiction, or monetary inflation. Although easily neglected, failing to account for inflation is evidence of disproportional punishment, as the same criminal act may receive a weightier punishment over time due solely to this oversight. Policymakers can advance the dual goals of increased public safety and proportional punishment by taking steps to revise outdated monetary thresholds for property crime in accordance with data and experience.

POLICY FOCUS AREA: REVISION OF MANDATORY-MINIMUM SENTENCES

Throughout most of history, judges were given nearly complete discretion to determine the sentence imposed upon an individual who has been found guilty of a crime. During the 1970's and 1980's, this began to change as studies revealed that there were extreme disparities between the sentences being imposed for nearly identical cases.¹⁴ These findings led to increased pressure for standardized sentences and ultimately to Congressional action. The Anti-Drug Abuse Act of 1986 was passed to curb the abuse of drugs in the United States and created new minimum sentence lengths termed “mandatory minimums.”¹⁵

A mandatory minimum imposes a certain fixed minimum sentence based on the crime for which an individual has been convicted. These sentences allow only minimal variation and limit consideration of individual circumstances and mitigating factors during the sentencing process. For example, most mandatory minimums for drug crimes are calculated based on three factors alone: the type of drug involved, the amount of the drug involved, and the number of prior convictions on an individual's record.¹⁸

Today, many state and federal crimes carry some form of mandatory minimum sentence, and are particularly common when the criminal conduct is drug-related. Many jurisdictions have begun to rethink such statutory sentencing requirements, as the cost of incarcerating over 2.2 million Americans has continued to grow and research has revealed that long sentences may not be the most effective method to reducing crime and substance abuse.¹⁹ Since 2000, the federal government and more than 29 states have undertaken reforms of their mandatory sentencing laws in an effort to reduce taxpayer spending on corrections, restore more judicial discretion, and increase public safety through more effective alternatives.²⁰

EXAMPLES OF MANDATORY-MINIMUM REVISION:

CA Prop. 36 (2012): This proposition revised previous “three-strikes” laws in California, making life sentences mandatory only if the third felony is considered serious or violent. This bill was applied retroactively, so those currently incarcerated on this offense are allowed to appeal for reduced sentences for their qualifying conviction and are entitled to the provisions of this bill if a judge concludes that such a sentencing revision would not pose an unreasonable risk to public safety.

DE SB 163 (2016): This bill eliminated mandatory minimum sentences for those convicted of habitual Title 11 felonies. Title 11 felonies include but are not limited to: arson, murder in the first and second degree, kidnapping, sexual offenses, and burglary. The mandatory minimum sentence had previously been life in prison for all Title 11 felonies.

¹⁴Brian Forst & Charles Wellford, *Punishment and Sentencing: Developing Sentencing Guidelines Empirically from Principles of Punishment*, 33 Rutgers L. Rev. 799 (1981); L. Paul Sutton, *Federal Sentencing Patterns: A Study of Geographical Variations*, U.S. Department of Justice (1978); Anthony Partridge & William B. Eldridge, *The Second Circuit Sentencing Study: A Report to the Judges of the Second Circuit*, Federal Judicial Center (August 1974), [http://www.fjc.gov/public/pdf.nsf/lookup/2dcrstdy.pdf/\\$file/2dcrstdy.pdf](http://www.fjc.gov/public/pdf.nsf/lookup/2dcrstdy.pdf/$file/2dcrstdy.pdf).

¹⁵Bruce Gross, *Mandatory Minimums*, 17 Forensic Examiner 64 (2008).

¹⁶*Id.*

¹⁷Bruce Gross, *supra* note 15; Harvard Law Review, *Mandatory Minimum Sentences*, 124 Harvard L. Rev. 2115 (June 2011).

¹⁸*Id.*

¹⁹E Ann Carson & Elizabeth Anderson, *Prisoners in 2015*, U.S. Department of Justice (December 2016), <https://www.bjs.gov/content/pub/pdf/p15.pdf>; United States Sentencing Commission, 2011 Report to the Congress: *Mandatory Minimum Penalties in the Federal Criminal Justice System*, United States Sentencing Commission (2011), <http://www.ussc.gov/research/congressional-reports/2011-report-congress-mandatory-minimum-penalties-federal-criminal-justice-system>; Jonathan P. Caulkins, *Are Mandatory Minimum Drug Sentences Cost-Effective?*, RAND Corporation (1997), http://www.rand.org/pubs/research_briefs/RB6003.html.

²⁰Ram Subramanian & Ruth Delaney, *Playbook for Change?: States Reconsider Mandatory Sentences*, VERA Institute for Justice (February 2014), <http://archive.vera.org/sites/default/files/resources/downloads/mandatory-sentences-policy-report-v2b.pdf>.





GA HB 349 (2013): This bill authorized sentencing judges to depart from set mandatory minimum sentences for drug offenses where: 1) the defendant was not a criminal leader; 2) the defendant did not possess a weapon during the crime; 3) no death or serious injury occurred to innocent persons; 4) the defendant has no prior felony conviction; and 5) “the interests of justice” would not be served by imposing a mandatory minimum penalty. The judge must specify reasons for departing from the mandatory minimum, and must grant a sentence in accordance with sentencing guidelines otherwise specified in the code. Defendants who have received a sentence in departure from mandatory minimums are not eligible to have their sentence further reduced through earned time, early release, work release, etc.

IA HF 2064 (2016): This bill reduced the mandatory minimum sentences for robbery and certain drug offenses. Previously, a robbery in the second degree was a seven-year sentence, rendering a person ineligible for parole until seven-tenths of that sentence had been served. This bill reduced the penalty to five years of incarceration and allowed the person to serve only half of the sentence before becoming eligible for parole. This bill reduced the penalty for Class B drug offenses from eight and one-third years to four and one-sixth years.

MD HB 121 (2015): This bill authorized deviation from the mandatory minimums prescribed for certain drug crimes when certain circumstances are satisfied and the individual who is being charged with the crime is found to be of good character and has a high chance of rehabilitation. For the court to deviate from the mandatory minimum it must find that the minimum sentence will result in “substantial injustice” and is not necessary for the protection of the public.

ND HB 1030 (2015): This bill provides a judge with discretion to depart from the mandatory minimum sentence provided by statute if the circumstances show that its imposition would lead to a “manifest injustice” and this mandatory minimum is not required for the protection of the public. The bill provides for certain circumstances where the departure is not allowed, such as when a firearm or other dangerous weapon was used in the crime in a way that causes bodily injury.

OH HB 86 (2011): This omnibus bill provided a large number changes to the minimum sentences imposed by the state for crimes but three are significant enough to warrant mention here. The most noteworthy is that individuals who are incarcerated can now be placed on supervised release after serving 80% of the imposed sentence. The second is that the maximum penalty for “major drug offenders” is changed from 20 years to 10 years. Lastly, the maximum penalty of 8 years for possession of marijuana is now restricted to possession of more than 40 kilograms, whereas it had previously applied for all amounts exceeding 20 kilograms.

OK HB 1574 (2015): This bill reforms Oklahoma’s three strike law for those who have been charged with a drug-related crime. Under the previous law, an individual who had been previously convicted of two violations of Oklahoma’s controlled substance laws would be required to receive a sentence of life without parole. This legislation provides a new mandatory minimum of 20 years and grants the judge discretion to impose a sentence between that minimum and life without parole based on the circumstances of the case.

*Click [here](#) to see a more comprehensive list of reforms on this topic in the appendix.





FEDERAL REFORM SPOTLIGHT:

In 2010, Congress passed the Fair Sentencing Act which sought to reduce the disparity in sentences which were required to be imposed for two different types of cocaine. The legislation reduced the disparity for the criminal penalties imposed between crack and powder cocaine from 100 to 1 to 18 to 1 and eliminated the five-year mandatory penalty that was required to be imposed for a charge of simple possession of crack cocaine. Among other things, the bill also incorporated both aggravating and mitigating factors that must now be considered when imposing any drug trafficking offense.

JUSTICE VALUES COMMENTARY:

Policymakers should be cautious that mandatory minimums do not undermine a just process for the defendant by diminishing judicial flexibility and unduly increasing prosecutorial discretion. Further, each mandatory minimum should be evaluated based on whether it provides a proportional and consistent response to the crime committed. Sentencing uninhibited by the constraints of mandatory minimums may provide a more meaningful opportunity for judges to weigh the defendant's intent, culpability and other factors that impact public safety.



POLICY FOCUS AREA: INCREASED DIVERSION OPTIONS

As legislatures consider how to ensure that their criminal justice process is restorative, diversion courts pose a unique and exciting option to address many of the systemic difficulties of traditional sentencing. Through diversion courts, members of the judiciary are permitted to identify those with behavioral, mental, or substance-abuse issues and offer them a method of accountability designed to address the underlying cause of the criminal behavior in question. When implemented properly, these diversion courts result in substantially lower recidivism rates than incarceration alone.²¹

Traditional hallmarks of a diversion court include a treatment plan supervised by court-authorized case workers, regular meetings presided over by a judge, and the use of swift and certain sanctions for violations of program parameters or conditions. By simultaneously providing appropriate punishment and addressing underlying behavioral problems, diversion courts not only promote public safety but also encourage greater accountability of the responsible party and increased community engagement.

In order to ensure that diversion court programs are effective, legislators should require the tracking of outcomes, such as recidivism rates and cost savings, where possible. It is important to incentivize local participation when beginning a statewide diversion court program while also acknowledging that financial and local resource constraints may inhibit program implementation and the realization of state goals.

MENTAL HEALTH COURTS

Mental illnesses affect approximately half of males and two-thirds of females incarcerated in state prisons, but these staggering numbers also represent a population with a higher than average likelihood of recidivism.²² According to a 2006 study conducted by the Bureau of Justice Statistics, nearly 25 percent of those who suffer from mental illness and are incarcerated in state prisons and local jails have served at least three prior terms of incarceration.²³ By providing a means to address both the criminal behavior and the mental illness contributing to it, mental health courts provide a unique avenue to reduce many types of crime.

²¹Ojmarrh Mitchell, et al., *Assessing the Effectiveness of Drug Courts on Recidivism: A Meta-Analytic Review of Traditional and Non-Traditional Drug Courts*, 40 J. Crim. Just. 60 (February 2012); Christine M. Sarteschi, et al., *Assessing the Effectiveness of Mental Health Courts: A Quantitative Review*, 39 J. Crim. Just. 12 (February 2011); Elizabeth K. Drake, et al., *Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State*, 4 Victims and Offenders 170 (2009), http://www.wsipp.wa.gov/ReportFile/1033/Wsipp_Evidence-Based-Public-Policy-Options-to-Reduce-Crime-and-Criminal-Justice-Costs-Implications-in-Washington-State-Full-Report.pdf; Nancy Wolff & Wendy Pogorzelski, *Measuring the Effectiveness of Mental Health Courts: Challenges and Recommendations*, 11 Psychol. Pub. Pol'y L. 539 (December 2005); Steven Belenko, *Research on Drug Courts: A Critical Review 2001 Update*, Columbia University (June 2001), <https://pdfs.semanticscholar.org/1450/f4776d89877366bd93b1a696c1040c30adae.pdf>.

²²*Id.*
²³Doris J. James & Lauren E. Glaze, *Mental Health Problems of Prison and Jail Inmates*, U.S. DEPT OF JUSTICE (2006), <http://www.bjs.gov/content/pub/pdf/mhppji.pdf>.



EXAMPLES OF MENTAL HEALTH COURT LEGISLATION:

IL SB 1837 (2011): This bill required an existing, local mental health court in the state to collect data on the viability and impact of its programming, including crisis intervention training for first responders, and to cooperate with both accredited service providers and academic institutions to publish peer-reviewed studies of the mental health court's outcomes.

MI SB 558 (2014): This bill required each county in Michigan to create a written interagency agreement to initiate a collaborative program to provide mental health treatment to eligible persons who suffer from serious mental illness, are at risk for entering the criminal justice system, and are not receiving sufficient treatment during incarceration in a state prison or local jail. Such an agreement is required to address 14 areas that the legislature deemed likely to be in controversy, and will be supervised by an interdepartmental task force.

MS HB 1089 (2017): This bill created a mental health diversion pilot program with the stated goal of reducing the number of future criminal justice contacts among persons with mental health issues. The program allows for eligible adults and juveniles to immediately enter a highly structured intervention process. The curriculum of the program adheres to the components laid out by the Bureau of Justice.

NH HB 1442 (2014): This bill empowered any circuit or superior court to create mental health courts that both supervise persons charged or convicted of crimes and require compliance with mental health services to address underlying behavior. This bill specifically requires that participants be identified, referred, and accepted into the mental health court and linked to community-based services as soon as possible. To participate in this mental health program, a charged person must give informed consent that he or she understands the program, and meet minimum eligibility requirements. Eligibility requirements must take into account the relationship between mental illness and the charges or convictions levied against a person, while allowing room to consider individual circumstances. This bill also requires data collection and analysis on the effectiveness of the established mental health courts, and provides that graduates of the program may petition the court six months after completion of the program for annulment of any record of the person's criminal conduct that initiated their participation in the diversion process.

SC SB 426 (2015): This bill provided for the creation and funding of a mental health court by each state solicitor to assist mentally ill individuals and divert them from the criminal justice system. The legislation provided flexibility as to whether these programs will begin before the individual has been adjudicated or after guilt has been determined. The Chief Justice of the South Carolina Supreme Court holds the power to appoint judges to the voluntary positions in these mental health court.

TX SB 1185 (2013): This bill established a pilot mental health jail diversion program in Harris County (Houston). Allowing for funding to be provided in continuing agreement of the local Commissioners Court, this bill mandates that the county judge use the resources necessary to serve at least 200 individuals, but should aim for a capacity of 500 to 600 incarcerated persons. Clear criteria must be established for identifying the target population, emphasizing the risk of high recidivism and the seriousness of mental illness encountered. This bill also requires a report on the effectiveness of the diversion program to be completed two years after its implementation. This report must compare the recidivism rate of program participants with that of the target population not being served by the program, to conclude whether such a program would be suitable for statewide adoption.

*Click [here](#) to see a more comprehensive list of reforms on this topic in the appendix.



FEDERAL REFORM SPOTLIGHT:

In 2000, Congress passed America's Law Enforcement and Mental Health Project Act. This act authorized the U.S. Attorney General to make grants to both state and local governments for the creation of mental health court programs. The funding provided by this legislation has contributed to the creation of 150 mental health court programs in jurisdictions across the country. Evaluations of programs that received funding through this program have shown that such courts should result in net savings for a jurisdiction in the near future.²⁴

JUSTICE VALUES COMMENTARY:

Legislative focus on addressing the root causes of criminal behavior, rather than defaulting to incarceration, demonstrably advances public safety. Mental health courts offer an alternative form of accountability for those with serious mental illness, while also providing critical services and care. Rather than warehousing people with mental illness in prison where they are often unable to cope, participants in mental health courts have access to community support services, enabling them to earn back the public's trust by demonstrating their ability to progress through the outlined court requirements.

²⁴The Council of State Governments & Bureau of Justice Assistance, *Mental Health Courts: A Primer for Policymakers and Practitioners*, Bureau of Justice Assistance (2008), https://www.bja.gov/Publications/MHC_Primer.pdf; Shelli B. Rossman, et al., *Criminal Justice Interventions for Offenders with Mental Illness: Evaluation of Mental Health Courts in Bronx and Brooklyn, New York*, Urban Institute (February 2012), <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/412603-Criminal-Justice-Interventions-for-Offenders-With-Mental-Illness-Evaluation-of-Mental-Health-Courts-in-Bronx-and-Brooklyn-New-York.PDF>.



DRUG COURTS

People convicted of drug-related crimes account for a significant portion of America's prison population. In fact, in 2018, 46.1 percent of those held in federal prison were convicted of a drug crime.²⁵ However, the number of incarcerated persons who suffer from a drug addiction is not limited to those convicted of a drug crime. In a 2010 study by the National Center on Addiction and Substance Abuse at Columbia University, alcohol and drugs were involved in 78 percent of violent crimes, 83 percent of property crimes, and 77 percent of public order, immigration, or weapon offenses, and probation or parole violations.²⁶ When approaching sentencing, it is imperative to address the underlying problem of substance addiction and abuse. Drug courts provide a uniquely restorative method of doing so. While also implementing cost-saving changes and promoting the safety in the community through recidivism reduction.

EXAMPLES OF DRUG COURT LEGISLATION:

AR SB 679 (2011): This bill established that state district court judges are able to preside over a drug court, a probation supervision program, or a parole supervision program. In doing so, this bill amends prior authorization for such supervision limited to circuit judges. The bill provides specifically that, where a circuit judge is unable to dedicate consistent oversight to a drug court program, a district court judge may be appointed instead.

NH HB 1665 (2012): This bill enabled any circuit court or superior court to create drug courts that would supervise those charged with or convicted of drug crimes and requires compliance with drug treatment programs to address underlying behavior. After a person successfully completes a program recommended by a drug court, a judge may conclude the case in the manner set out in the agreement and by policies of the drug court. This includes dismissal of the charge, deferred sentencing, and reduced incarceration, among other options. After one year has passed from the time of program completion, a person may petition for annulment of all records related to their entry into the drug court.

OR HB 3194 (2013): Among other things, this bill authorized the creation of diversion courts in the state of Oregon, including drug courts, veteran's courts, and mental health courts. These courts must be established in accordance with evidence-based standards that are designed for fiscally responsible reduction of recidivism, be tailored to medium- and high-risk individuals. This bill also requires that any future savings accrued to the state as a result of the bill's passage be invested into public safety systems at the local level.

NH SB 464 (2016): This bill established a statewide grant program to fund drug court and other substance abuse programs in counties across the state. The bill describes that the fund will also assist in creating drug courts and programs in counties that do not have one established at the time the bill was passed.

SD SB 70 (2013): This large omnibus bill authorized the creation of a drug court program in any court that has jurisdiction over criminal cases as an alternative to incarceration. The law prohibits any statement from being used in any subsequent legal proceeding or prosecution that is made by an individual during their involvement in a drug court program or a report of the drug court itself.

WV SB 371 (2013): This bill required the creation of a drug court program in each judicial circuit or a region of judicial circuits. Each judicial circuit has been given the freedom to design its drug court program in the manner it feels is most beneficial as long as it includes the "Ten Key Components" provided by statute. These components include things such as alcohol and drug treatment services, use of a non-adversarial approach, and other components which the state believes will lead to an effective drug court program. Only individuals who are charged with a felony drug crime and have been found to be at a high risk of reoffending are eligible for these drug court programs.

*Click [here](#) to see a more comprehensive list of reforms on this topic in the appendix.

²⁵Federal Bureau of Prisons, Inmate Statistics: Offenses, Federal Bureau of Prisons (October 2018), https://www.bop.gov/about/statistics/statistics_inmate_offenses.jsp.

²⁶National Center on Addiction & Substance Abuse, Behind Bars II: Substance Abuse and America's Prison Population, National Center on Addiction & Substance Abuse (February 2010), <https://www.centeronaddiction.org/addiction-research/reports/behind-bars-ii-substance-abuse-and-america%E2%80%99s-prison-population>.



FEDERAL REFORM SPOTLIGHT:

Congress passed the Violent Crime Control and Law Enforcement Act of 1994 which, among other things, authorized the provision of grants to state and local governments for the creation of drug court programs across the country. As a condition of such funding, the programs could not accept those convicted of violent offenses under federal law and must include mandatory drug testing throughout the length of the program. As of 2018, The Office of Justice Programs reports that there are more than 3,100 drug courts across the country treating both adults and juveniles and that these programs lead to lower recidivism, less drug use, and overall savings of between \$5680 and \$6208 per person.²⁷

JUSTICE VALUES COMMENTARY:

In order to address issues of drug abuse, legislators should consider the impact of alternatives to incarceration. Drug courts can help to bring underlying problems leading to substance abuse and criminal activity to the forefront. Participants in drug court programs are afforded a meaningful opportunity to earn back the public's trust by demonstrating their ability to progress through the outlined court requirements while living in the community.

²⁷ Office of Justice Programs, *Drug Courts*, U.S. Department of Justice (May 2018), <https://www.ncjrs.gov/pdffiles1/nij/238527.pdf>.

VETERANS COURTS

In the United States, there are almost 19 million veterans of our nation's armed forces alive today, and over 180,000 of these individuals are currently incarcerated in federal, state, and local correctional facilities.²⁸ Unfortunately, one in five veterans will face some mental health problems at some time during his or her life.²⁹ Veterans courts are a type of problem-solving court which seeks to provide specialized treatment that will fulfill the complex set of needs faced by this population when interacting with the criminal justice system. While these types of courts have only recently been introduced, preliminary evidence shows that they will result in the same kinds of positive impacts realized by other types of diversion courts.³⁰

EXAMPLES OF VETERANS COURT LEGISLATION:

CO HB 1141 (2010): This bill authorized the chief justice of each judicial district to establish a veteran court program and to seek funding for the establishment, maintenance, and expansion of such programs. This authorization followed a finding by the legislature that it is in the best interest of the entire community to create these court programs to fulfill the special needs of the state's veteran population.

FL HB 922 (2012): This bill authorized the creation of both a veteran treatment court program and a pretrial veterans' treatment intervention program. The pretrial intervention program is intended for those veterans that commit a felony and seeks to provide a coordinated treatment strategy specific to the needs of the individual. Upon completion of the pretrial intervention program, the court is required to make a recommendation to the state attorney as to the disposition of the pending felony charges. A similar pretrial intervention program for veterans was also created for individual who commit a misdemeanor drug possession crime.

MO SB 118 (2013): This bill authorized the creation of veteran treatment courts that will combine judicial supervision, mental health services, and substance abuse treatment to assist previous or current members of the armed forces who are charged with felonies anywhere in the state of Missouri. Referrals to these courts were authorized to occur at any time during the legal proceedings of the prosecution.

TX HB 3729 (2015): This bill reformed previous legislation in Texas that established a veterans' court program to implement a requirement that the courts must include the participant's family members in the treatment and services provided by such courts in the state.

*Click [here](#) to see a more comprehensive list of reforms on this topic in the appendix.

²⁸Jennifer Bronson, et al., Veterans in Prison and Jail, 2011-12, Bureau of Justice Statistics (December 2015), <https://www.bjs.gov/content/pub/pdf/vpj1112.pdf>; United States Census Bureau, Selected Social Characteristics in the United States: 2015 American Community Survey 1-Year Estimates, United State Census Bureau (2015), <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>.

²⁹William McMichael & Jennifer Altman, The Battle on the Home Front: Special courts turn to those who served to help troubled vets regain discipline, camaraderie, 97 ABA J. 42 (November 2011); Samantha Walls, The need for special Veteran Courts, 39 Denv. J. Int'l L. & Pol'y 695 (2011)

³⁰R. Scott Johnson, et al., US Veterans' Court Programs: An Inventory and Analysis of National Survey Data, 52 Cmty. Mental Health J. 180 (February 2016); Paul A. Lucas, et al., No Soldier Left Behind: The Veterans Court Solution, 45 Int'l J. L. Psychol. 52 (2016).



FEDERAL REFORM SPOTLIGHT:

Congress created veterans' treatment courts for the federal criminal justice system in the Comprehensive Addiction and Recovery Act of 2016. This bill sought to create a program which would involve all federal criminal justice, veteran, mental health, and substance abuse agencies assisting in the treatment of veterans interacting with the criminal justice system. These agencies will now collaborate to provide qualified veterans with judicial supervision, a continuum of treatment services, alternative sentencing options, and other appropriate workforce development services. The act also provided for the provision of grants to expand or establish similar programs on the state or local level.

JUSTICE VALUES COMMENTARY:

Like other diversion courts, veteran's courts offer an avenue by which a responsible party may be held accountable for their actions while providing targeted solutions to the underlying challenges faced by this unique population. Focusing on outcomes, policymakers can encourage the use of veteran's courts by counties to decrease recidivism.



APPENDIX

RECLASSIFICATION DRUG OFFENSES

[AK SB 91 \(2016\)](#)
[AL HB 363 \(2012\)](#)
[AL HB 376 \(2012\)](#)
[AL SB 67 \(2015\)](#)
[AR SB 766 \(2013\)](#)
[CA AB 2492 \(2014\)](#)
[CA PROP 47 \(2014\)](#)
[CA SB 1010 \(2014\)](#)
[CA SB 1449 \(2010\)](#)
[CO SB 250 \(2013\)](#)
[CO HB 1352 \(2010\)](#)
[CT HB 7104 \(2015\)](#)
[CT SB 1014 \(2011\)](#)
[DE HB 19 \(2011\)](#)
[FL SB 360 \(2014\)](#)
[GA SB 364 \(2014\)](#)
[HI HB 2515 \(2012\)](#)
[IN HB 1006 \(2014\)](#)
[KS HB 2044 \(2013\)](#)
[KS SB 58 \(2013\)](#)
[KS HB 2318 \(2012\)](#)
[KY HB 463 \(2011\)](#)
[LA SB 220 \(2017\)](#)
[LA HB 461 \(2014\)](#)
[LA SB 87 \(2014\)](#)
[MD SB 1005 \(2016\)](#)
[MD SB 121 \(2015\)](#)
[MD SB 456 \(2015\)](#)
[MD SB 654 \(2015\)](#)
[MD SB 364 \(2014\)](#)
[MD SB 214 \(2012\)](#)
[ME LD 113 \(2015\)](#)
[MN SB 3481 \(2016\)](#)
[MO SB 628 \(2012\)](#)
[MS HB 585 \(2014\)](#)
[MT HB 133 \(2017\)](#)
[NC HB 641 \(2013\)](#)
[ND HB 1041 \(2017\)](#)
[ND SB 2030 \(2015\)](#)
[ND SB 2251 \(2013\)](#)
[NE LB 605 \(2015\)](#)
[OK Ballot Question 780 \(2016\)](#)
[OK HB 2479 \(2016\)](#)
[OR HB 2355 \(2017\)](#)
[OR SB 40 \(2013\)](#)
[RI SB 2253 \(2012\)](#)
[SD SB 70](#)

[TN SB 2021 \(2014\)](#)
[UT HB 348 \(2015\)](#)
[UT SB 205 \(2014\)](#)
[VT HB 200 \(2012\)](#)

RECLASSIFICATION OF PROPERTY OFFENSES

[AK SB 91 \(2016\)](#)
[AK SB 64 \(2014\)](#)
[AL HB 298 \(2010\)](#)
[AL SB 67 \(2015\)](#)
[AR SB 750 \(2011\)](#)
[CA Prop. 47 \(2014\)](#)
[CO HB 1266 \(2014\)](#)
[CO HB 1160 \(2013\)](#)
[CT HB 5586 \(2014\)](#)
[GA HB 1176 \(2012\)](#)
[HI HB 2205 \(2014\)](#)
[IL SB 3797 \(2010\)](#)
[IL SB 2907 \(2016\)](#)
[KS HB 2462 \(2016\)](#)
[KY HB 161 \(2013\)](#)
[LA SB 220 \(2017\)](#)
[LA HB 791 \(2014\)](#)
[MD HB 1396 \(2013\)](#)
[MD SB 1005 \(2016\)](#)
[MN SB 3481 \(2016\)](#)
[MS HB 585 \(2014\)](#)
[MT HB 133 \(2017\)](#)
[ND HB 1041 \(2017\)](#)
[NE LB 605 \(2015\)](#)
[NC HB 54 \(2012\)](#)
[NV A 142 \(2011\)](#)
[NV AB 236 \(2019\)](#)
[OH HB 86 \(2011\)](#)
[OK Ballot Question 780 \(2016\)](#)
[OK HB 2751 \(2016\)](#)
[RI HB 5115 \(2017\)](#)
[SC SB 1154 \(2010\)](#)
[TN HB 2813 \(2010\)](#)
[TX HB 1396 \(2015\)](#)
[UT SB 13 \(2014\)](#)
[UT SB 10 \(2010\)](#)

REVISION OF MANDATORY MINIMUM GUIDELINES

[AK SB 91 \(2016\)](#)
[CA Prop. 36 \(2012\)](#)
[CO SB 102 \(2016\)](#)

[CT SB 983 \(2013\)](#)
[DE SB 163 \(2016\)](#)
[DE HB 19 \(2011\)](#)
[FL SB 228 \(2016\)](#)
[GA HB 349 \(2013\)](#)
[HI SB 68 \(2013\)](#)
[IA HF 2064 \(2016\)](#)
[LA HB 1068 \(2012\)](#)
[MA SB 2371 \(2018\)](#)
[MD HB 121 \(2015\)](#)
[MD SB 1005 \(2016\)](#)
[MS HB 585 \(2014\)](#)
[MT HB 133 \(2017\)](#)
[ND HB 1269 \(2017\)](#)
[ND HB 1030 \(2015\)](#)
[OH HB 86 \(2011\)](#)
[OK HB 1518 \(2015\)](#)
[OK HB 1574 \(2015\)](#)
[OR HB 3194 \(2013\)](#)
[SC SB 1154 \(2010\)](#)
[TX HB 3384 \(2011\)](#)

INCREASED DIVERSION OPTIONS

[AL HB 494 \(2013\)](#)
[AL HB 495 \(2013\)](#)
[AL HB 198 \(2012\)](#)
[AL HB 573 \(2012\)](#)
[AL HB 634 \(2011\)](#)
[AL HB 654 \(2011\)](#)
[AL HB 663 \(2011\)](#)
[AL SB 481 \(2011\)](#)
[AL HB 348 \(2010\)](#)
[AR SB 96 \(2010\)](#)
[AR HB 1470 \(2013\)](#)
[AR HB 1156 \(2012\)](#)
[AR SB 679 \(2011\)](#)
[AR SB 750 \(2011\)](#)
[AZ HB 2457 \(2014\)](#)
[AZ HB 2310 \(2013\)](#)
[AZ HB 2374 \(2012\)](#)
[CO HB 1156 \(2013\)](#)
[CO HB 1104 \(2010\)](#)
[CT HB 6699 \(2013\)](#)
[CT SB 114 \(2012\)](#)
[FL HB 439 \(2016\)](#)
[FL SB 280 \(2014\)](#)
[FL SB 922 \(2012\)](#)
[FL SB 400 \(2011\)](#)



- [GA SB 320 \(2014\)](#)
- [GA HB 1176 \(2012\)](#)
- [GA SB 39 \(2011\)](#)
- [IA SB 2312 \(2012\)](#)
- [IA SB 259 \(2011\)](#)
- [ID HB 225 \(2011\)](#)
- [IL HB 4926 \(2012\)](#)
- [IL HB 5003 \(2010\)](#)
- [IL SB 1872 \(2012\)](#)
- [IL SB 3423 \(2012\)](#)
- [IL SB 1837 \(2011\)](#)
- [IL HB 5214 \(2010\)](#)
- [IN HB 1016 \(2013\)](#)
- [IN HB 1271 \(2010\)](#)
- [LA HB 1141 \(2016\)](#)
- [LA SB 398 \(2014\)](#)
- [LA SB 532 \(2014\)](#)
- [LA HB 442 \(2013\)](#)
- [LA SB 71 \(2013\)](#)
- [KY HB 463 \(2011\)](#)
- [MD HB 96 \(2012\)](#)
- [ME LD 1698 \(2012\)](#)
- [ME HB 1250 \(2012\)](#)
- [MI SB 558 \(2014\)](#)
- [MI HB 4694 \(2013\)](#)
- [MI HB 4695 \(2013\)](#)
- [MI HB 4696 \(2013\)](#)
- [MI HB 4697 \(2013\)](#)
- [MI HB 5159 \(2012\)](#)
- [MI HB 5162 \(2012\)](#)
- [MN HF 1671 \(2010\)](#)
- [MO SB 118 \(2013\)](#)
- [MS HB 1352 \(2019\)](#)
- [MS HB 1089 \(2017\)](#)
- [MS HB 585 \(2014\)](#)
- [MS HB 1231 \(2013\)](#)
- [MT SB 45 \(2017\)](#)
- [NE LB 919 \(2016\)](#)
- [NH SB 464 \(2016\)](#)
- [NH 1442 \(2015\)](#)
- [NH HB 1665 \(2012\)](#)
- [NJ A 3598 \(2013\)](#)
- [NJ SB 881 \(2012\)](#)
- [NV AB 415 \(2013\)](#)
- [NV AB 84 \(2013\)](#)
- [NV A 93 \(2011\)](#)
- [OH HB 86 \(2011\)](#)
- [OK HB 3119 \(2016\)](#)
- [OR HB 3194 \(2013\)](#)
- [PA SB 383 \(2010\)](#)
- [SC HB 3014 \(2014\)](#)
- [SC SB 426 \(2015\)](#)
- [SD SB 70 \(2013\)](#)
- [TN SB 711 \(2015\)](#)
- [TN SB 3394 \(2012\)](#)
- [TX HB 3069 \(2017\)](#)
- [TX HB 3729 \(2015\)](#)
- [TX SB 1474 \(2015\)](#)
- [TX SB 1185 \(2013\)](#)
- [TX SB 462 \(2013\)](#)
- [TX SB 484 \(2013\)](#)
- [UT SB 214 \(2015\)](#)
- [WA SB 5107 \(2015\)](#)
- [WA SB 5797 \(2013\)](#)
- [WV SB 423 \(2013\)](#)





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