



## State Responses to Mandatory Minimum Laws

- South Carolina** In June 2010, South Carolina removed the 10-year mandatory minimum sentence for school zone violations, allowed the possibility of probation for certain second and third drug possession convictions, and eliminated mandatory minimum sentences for first convictions of simple drug possession.
- New Jersey** In January 2010, New Jersey signed into law a bill that would give judges discretion when sentencing defendants convicted of drug-free “school zone” violations.
- Rhode Island** In November 2009, Rhode Island repealed all mandatory minimum sentencing laws for drug offenses. Previously, drug offenders received 10 and 20-year sentences, even for possession offenses, along with \$10,000 and \$25,000 fines.
- New York** In 2009, New York enacted comprehensive drug policy reforms that greatly expand treatment options while repealing most mandatory minimum sentences for drug offenses. New York will focus on treatment as the best way to reduce the demand for illegal drugs. Drug offenders who are closely supervised by specially trained drug court personnel will be allowed to enter treatment instead of automatically being sent to prison. Judges will have far greater discretion to impose sentences that fit the circumstances of an individual’s case while still protecting public safety. Some drug offenders serving disproportionately long sentences will be eligible for re-sentencing while others will become eligible for parole.
- Minnesota** In 2009, the Minnesota legislature amended the law to allow courts to sentence fifth-degree felony controlled substances sale or possession offenders without regard to the mandatory minimum.
- Nevada** In 2007, the Nevada legislature repealed mandatory sentencing enhancements and expanded “good time” eligibility for certain offenses.
- Pennsylvania** In 2007, after the Pennsylvania House noted that mandatory minimum sentences “significantly increase the cost of corrections,” lawmakers directed the Commission on Sentencing to study the effectiveness of mandatory minimum sentences and their impact on recidivism, cost-efficiency, and fairness in sentencing.
- Michigan** Michigan passed sweeping reforms of its mandatory minimum drug penalties in 2003 and 1998. In 1998, the changes provided parole eligibility for people sentenced before 1998 under the “650 lifer” law and eliminated the mandatory life without parole penalty for those sentenced after 1998. In 2003, the legislature repealed almost all drug mandatory minimums, changed lifetime probation to a five-year probationary period, reformed mandatory consecutive sentencing laws, and implemented new sentencing guidelines.

- Maine** In 2003, Maine legislators reduced the mandatory minimum sentence for murder from 25 to 20 years, and authorized courts to suspend other mandatory prison sentences altogether if they are found to create a “substantial injustice” and if doing so would not diminish the gravity of the offense nor endanger public safety.
- New Mexico** In 2002, the New Mexico legislature repealed a mandatory sentence enhancement that required prosecutors to charge defendants with a prior drug conviction as habitual offenders. The sentence enhancement is now discretionary, allowing judges to determine whether it is appropriate on a case-by-case basis.
- Connecticut** In 2001, Connecticut legislators gave courts some leeway to relax mandatory minimum sentencing laws for sale or possession of drugs if there is “good cause,” even if the offense occurred within a drug-free “school zone.”
- Delaware** Delaware legislators in 2001 reduced the mandatory minimum prison terms for trafficking cocaine from three years to two years, and increased the amount that would trigger that penalty from five grams to 10 grams.
- Indiana** In 2001, Indiana legislators eliminated the state’s mandatory 20-year prison sentence for drug offenders arrested with three grams or more of cocaine, giving courts authority to sentence drug offenders who sell drugs to support their drug dependency to treatment instead of prison. They also modified the “three strikes” law to provide an exception in the case of habitual substance abusers, as well as cases in which the third offense is a misdemeanor that was charged as a felony because of the offender’s prior convictions.
- Louisiana** Louisiana’s legislators repealed mandatory minimum sentences for simple drug possession and many other non-violent offenses in 2001, and cut minimum sentences for drug trafficking in half. They also restored the possibility of parole, probation, or suspension of sentence for a wide range of non-violent crimes, from prostitution to burglary of a pharmacy. The bill allowed for prisoners who were already sentenced to apply for an early release recommendation from a “risk review panel.” If recommended favorably, their cases go to the pardon board and are then sent to the governor and parole board for release consideration.
- Mississippi** In 2001, the Mississippi legislature amended the sweeping truth-in-sentencing law enacted in 1994 to allow non-violent first-time offenders to regain parole eligibility after serving one-quarter of their prison sentences. These changes made more than 2,000 of the state’s prisoners eligible for parole in 2001. By April 2003, 900 had been released, saving the state \$12 million in prison costs.
- North Dakota** North Dakota lawmakers repealed a one-year mandatory minimum sentence for first-time drug offenders in 2001 and called for a study of other mandatory minimum laws.