



Innovation: SB 2136: Rolling back “truth in sentencing” laws

Background: In 1995, the Mississippi State Legislature passed “truth-in-sentencing” laws that required all people in prison — regardless of offense — to serve out a minimum of 85 percent of their sentence before becoming eligible for parole. Before this legislation, people sentenced to prison were required to serve 25-33 percent of their sentence before becoming eligible for parole.¹ As a result of the policy change, the prison population nearly doubled from 11,049 in 1994 to 21,952 in 2007,² and Department of Corrections expenditures grew from \$109 million in 1994 to \$348 million in 2008.³

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In the years preceding the 2008 legislation to roll back “truth in sentencing” laws, a number of circumstances made considering broader reforms possible. These included a 2001 law that allowed some people convicted of first-time, nonviolent offenses to

be eligible for parole after serving just 25 percent of their sentence;⁴ lawsuits regarding prison conditions;⁵ the leadership of corrections staff;⁶ and reforms to parole that expanded parole eligibility for people who are terminally ill and increased the discretion of correctional field officers around whether to revoke parole and probation.⁷

How it works: Using evidence of the dramatic increase in the costs associated with the increase in the number of people in prison, Mississippi passed Senate Bill 2136 in 2008. The bill called for parole eligibility for people convicted of nonviolent offenses and people who had not committed multiple offenses to be available after serving 25 percent of their sentence,⁸ rather than the 85 percent required by the 1995 amendment to the criminal code. The bill was applied retroactively to people serving current sentences, as well as to future sentences.⁹ SB2136 returned Mississippi to sentencing laws less severe than the 1972 code that the 1995 bill amended.¹⁰

Results:

- *Less people in prison.* Under the new laws, 3,000 people — 12 percent of the total prison population — were immediately eligible for parole. In the first year alone, the number of people in prison dropped 5.6 percent.¹¹
- *Safer communities.* In addition to falling population counts, the violent crime rate continued to fall through the reforms of 2008, from 8,502 in 2007 to 8,304 in 2009.¹²
- *Fewer parole violations.* According to the Pew Center on the States Public Safety Performance Project, 3,076 people had been released under the new law in 2009 and only 121 of them were sent back to prison on parole violations.¹³
- *Less money spent on prisons.* Since these reforms went into effect, the State of Mississippi Department of Corrections has curbed its expenditures and started to reduce them. In 2008, the state spent \$348 million on corrections, its largest expenditure for this department to date. Due to the reforms, the state lowered its expenditures by \$1 million in

2009 and by an additional \$10 million in 2010. By the end of 2010, Mississippi spent \$337 million on corrections, capping spending and starting to save money.¹⁴

Challenges: While SB 2136 has the potential to make thousands of people eligible for parole who might otherwise have served at least 85 percent of their sentence behind bars, the law applies only to certain offense and excludes thousands of people who may be candidates for parole. Utilizing parole board members' expertise and risk assessment instruments may be more effective in making parole release decisions than mandatory sentencing guidelines.

In addition, while the law says that when a person is within 2 years of release they receive priority in accessing classes like employment and educational training, it also adds that if people refuse such training that they may not be eligible for parole.¹⁵ Not participating in these types of services or training should not automatically exclude someone from parole consideration. Parole board members should review all the relevant information about a person in making the best decision for public safety and the individual.

Policy Implications: Increasing access to parole can reduce the number of people in prison, while saving money. In addition, returning people to their communities with the supports they need to be successful can have a positive impact on individuals, families and communities.

³ Mississippi Department of Corrections, *Schedule of Costs By Category (All Programs) FY 1992-2010* (Jackson, MS 2010).

www.mdoc.state.ms.us/Research%20and%20Statistics/MDOCBudget/Cost%20Summary-%201992-2010.pdf

⁴ Miss. Code Ann. § 47-7-3; Pew Center on the States, 2009.

⁵ John Buntin, "Mississippi's Correction Reform: How America's reddest state – and most notorious prison – became a model of corrections reform," *Governing*, August 2010. www.governing.com/topics/public-justice-safety/courts-corrections/mississippi-correction-reform.html.

⁶ John Buntin, 2010

⁷ Ryan S. King, *Changing Direction?: State Sentencing Reforms 2004-2006* (Washington, D.C., March 2007).

www.sentencingproject.org/doc/publications/sentencingreformforweb.pdf

⁸ Miss. Code Ann. § 47-7-3

⁹ Pew Center on the States, 2009.

¹⁰ John Buntin, 2010.

¹¹ Mississippi Department of Corrections, *Inmate Custody Population For Year's End 1990-2009* (Jackson, MS: 2010).

¹² U.S. Federal Bureau of Investigation, *Crime in the United States, 1990-2009*, www.fbi.gov/about-us/cjis/ucr/ucr

¹³ Pew Center on the States, 2009

¹⁴ John Buntin, 2010.

¹⁵ Senate Bill 2136

www.clarionledger.com/assets/pdf/D010477542.PDF

¹ Pew Center on the States, *Reforming Mississippi's Prison System* (Washington, D.C.: 2009).

www.pewcenteronthestates.org/uploadedFiles/wwwpewcenteronthestatesorg/Initiatives/PSPP/MDOCPaper.pdf?n=8407

² Mississippi Department of Corrections, *Inmate Custody Population For Year's End 1990-2009* (Jackson, MS 2010).

www.mdoc.state.ms.us/Research%20and%20Statistics/InmateCustodyPopn/MDOC%20YE%20Custody%201990%20-%202009.pdf