

The Pennsylvania
PRISON SOCIETY
S I N C E 1 7 8 7

May 19, 2017

Senator Patrick Browne
Chair, Senate Appropriations Committee
Senate Box 203016
Room: 281 Main Capitol
Harrisburg, PA 17120-3016

Senator Vincent Hughes
Minority Chair, Senate Appropriations Committee
Senate Box 203007
Room: 545 Main Capitol
Harrisburg, PA 17120-3007

Senator Stewart Greenleaf
Chair, Senate Judiciary Committee
Senate Box 203012
Room: 19 East Wing
Harrisburg, PA 17120-3012

Senator Daylin Leach
Minority Chair, Senate Judiciary Committee
Senate Box 203017
Room: 543 Main Capitol
Harrisburg, PA 17120-3017

Re: Mandatory Minimum Sentences, HB 741 PN 1262

Dear Senators:

The Pennsylvania Prison Society opposes HB 741 PN 1262 which re-establishes mandatory minimum sentences for multiple offenses.

This proposal does not further public safety, impinges on governmental separation of powers, and does all of this at an estimated cost to taxpayers of \$85.5 million a year.

Counter to Public Safety. The weight of criminal justice research shows that mandatory minimums have no public safety benefit. They do not prevent crime and they do not reform offenders. (see Heritage Foundation's 2014 report, *Reconsidering Mandatory Minimum Sentences: the Arguments For and Against Potential Reforms*, for a brief survey of research on mandatory minimums).

Pennsylvania-specific research confirms these findings. *A Study on the Use and Impact of Mandatory Minimum Sentences*, completed under the direction of House Resolution 12, of 2007, concluded that: “only 34% of Pennsylvanians surveyed could correctly name a mandatory eligible offense; and neither the length of sentence, nor the imposition of the mandatory sentence per se, was a predictor of recidivism.”

Impinges on Separation of Powers. Judges in Pennsylvania currently have the authority to set individual sentences for individual offenders based on the totality of the circumstances. They are informed by the state sentencing guidelines, which they follow 90 percent of the time. They take into consideration information provided to them by both the prosecution and the defense. Mandatory minimums remove the judge’s ability to set a tailored sentence. Instead, the prosecutor’s determination of charges becomes the determination of sentence.

According to a recent poll conducted by Public Opinion Strategies for the U.S. Justice Action Network (Memorandum March 21, 2017), 85 percent of Pennsylvania voters prefer “sentencing ranges so that judges can weigh the individual circumstances of each case” over mandatory minimum sentences.

Since 1787 the Pennsylvania Prison Society has promoted humane conditions in Pennsylvania’s prisons and advocated for sensible and effective criminal justice policies grounded in research. We oppose HB 741.

Please contact me at the Prison Society at 215-564-4775 x 115 or at cshubik@prisonsociety.org if you have any questions.

Thank you for your consideration.

Sincerely,



Claire Shubik-Richards
Executive Director