



Recent State-Level Reforms to Mandatory Minimums Laws

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Arkansas	Arkansas enacted a prison reform bill in March 2011 that reduced mandatory minimum penalties for possession of drugs and reduced some of the harsher mandatory terms for distribution of drugs.
California	On November 6, 2012, California voters passed Proposition 36. Almost 70 percent of voters supported its changes to the “three strikes and you’re out” mandatory minimum law, which required a life sentence for a third offense, even if it was minor or petty (e.g., stealing a slice of pizza). Proposition 36 requires that mandatory minimum life sentences can only be imposed for a third strike if the third conviction is for a serious or violent felony. The reforms were also made retroactive, allowing judges to reduce sentences for about 3,500 prisoners serving life for non-serious or non-violent third convictions, if the person does not pose an unreasonable risk to public safety. Proposition 36 is projected to save the state \$70-\$100 million annually.
Colorado	In 2016 Colorado repealed the mandatory minimum sentence for violating certain bail bond obligations.
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. In 2015, Connecticut reduced penalties for certain drug felonies, and eliminated the two-year mandatory minimum for drug possession in school-zones.
Delaware	A decade after its first reforms, Delaware enacted a new law on April 20, 2011 that eliminated mandatory minimum sentences for some first-time drug offenders and reduced minimum prison sentences for drug felonies. The new law also reduced the size of drug-free school zones law from 1,000 feet to 300 feet, to restore the original intent of the law.
Florida	In 2014 Florida raised the threshold weights that trigger mandatory sentences for Oxycodone and hydrocodone trafficking, and recalibrated mandatory sentences for those offenses. It also created a “safety valve” for certain aggravated assault offenses. In 2016 Florida repealed the mandatory minimum for aggravated assault with a firearm.

Georgia	In May 2012, Georgia passed a new prison reform law that included minor reform to the state’s drug mandatory minimums. Specifically, the law reduced the mandatory term required for possession of very small amounts of drugs. In February 2013, enacted legislation to implement a safety valve in drug-related cases.
Iowa	In 2016, Iowa passed legislation that allows judges to give certain drug offenders parole eligibility after serving half of the statutorily required mandatory minimum.
Hawaii	In 2012 Hawaii passed a law allowing judges to sentence certain drug offenders to probation. Hawaii followed up on that reform in 2013 by passing a law that allows judges to depart from mandatory minimums for convictions of Class B and Class C felony drug offenses.
Louisiana	Louisiana enacted new three prison reform laws in May 2012, including one that gave prosecutors discretion to waive mandatory minimum prison terms for non-violent, non-sex offenses.
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.
Maryland	In 2015, Maryland passed a broad safety valve that restored judicial discretion in a wide range of drug cases. In 2016 Maryland repealed most of its drug mandatory minimums, and made the safety valve reform retroactive.
Massachusetts	On August 2, 2012, a new sentencing law took effect that reduces the length of some drug mandatory minimum sentences, increases the quantity of drugs needed to trigger certain low level trafficking offenses, reforms the state’s school zone law, and makes some drug offenders now in prison eligible for the same reentry opportunities – parole, work release and earned good time – that are available to most other prisoners. In 2010, Massachusetts eased restrictions on drug offenders serving mandatory minimum sentences at county Houses of Correction. They are now eligible for parole after serving half of their sentences, unless the drug offense involved violence, a weapon or children, or if the drug offender “directed the activities of another” during the offense.
Michigan	Michigan passed sweeping reforms of its mandatory minimum drug penalties in 2003 and 1998. In 1998, lawmakers repealed mandatory life sentences without parole for certain drug offenses and made those serving such sentences eligible for parole. In 2003, the legislature repealed almost all drug mandatory minimums, changed lifetime probation to a five-year probationary period and implemented new sentencing guidelines. In 2010, the state passed additional reforms that provide earlier parole eligibility to most of the drug offenders who were not affected by the earlier reforms.

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.
Mississippi	In 2014, Mississippi passed comprehensive criminal justice reform legislation that included reducing penalties for possession of Schedule I and Schedule II drugs.
Missouri	In May 2012, Missouri reduced its crack-powder cocaine disparity by increasing the amount of crack cocaine that triggers a mandatory minimum sentence. With the new law, Missouri’s crack-powder disparity decreased from 75:1 to 18:1.
Nevada	In 2007, the Nevada legislature repealed mandatory sentencing enhancements and expanded “good time” eligibility for certain offenses.
New Jersey	In 2010, New Jersey signed into law a bill that would give judges discretion when sentencing defendants convicted of drug-free “school zone” violations.
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.
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. Certain drug offenders will be allowed to enter treatment under close supervision by specially trained drug court personnel, 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.
North Dakota	In 2015, North Dakota passed a “safety valve” to allow for greater judicial discretion in drug sentencing.
Ohio	On June 29, 2011, Ohio enacted legislation that repeals mandatory minimum sentences for certain drug offenders, requires first-time nonviolent offenders to be sent to community control, job training or treatment programs instead of prison, and allows for shorter sentences for low level trafficking and possession offenses.
Oklahoma	In 2015, Oklahoma passed a safety valve that granted greater judicial discretion for certain drug offenses. It also reduced the sentence range for a third or subsequent conviction for felony drug sale, distribution, or manufacturing from life without parole to 20 years to life. In 2016 Oklahoma repealed the mandatory minimum sentence for first-and-second drug possession offenses.
Pennsylvania	In 2015, the Pennsylvania Supreme Court struck down as unconstitutional most of Pennsylvania’s mandatory minimum laws in <i>Commonwealth of Pennsylvania v. Hopkins</i> . The legislature is currently considering passing new mandatory minimum laws.

South Carolina

In 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.

Rhode Island

In 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.