



## **“Truth in Sentencing” Paying *More* Money to Make Our Communities *Less* Safe**

“Truth in Sentencing” (TIS) laws require people to serve a certain percentage of their sentence (for example 80%) behind bars. This greatly limits and prevents both the individual and the correction system’s ability to reduce time in prison through good behavior and completion of rehabilitative programming. TIS laws may sound appealing, but in reality, they make communities less safe by taking away a vital corrections tool, increasing recidivism, and wasting resources on unnecessary incarceration – money that can’t be spent preventing crime.

**TIS laws remove incentives for people to rehabilitate themselves while incarcerated, leading to worse behavior in prison and higher recidivism once people are released. Good behavior and programming credits are important tools for corrections staff.**

- When Arizona eliminated parole and earned time credits in 1993, prison rule violations increased by 50 percent, enrollment in educational programs dropped by 20 percent, and the reoffending rate jumped 4.8 percentage points.<sup>1</sup>
- When Georgia limited parole eligibility in 1998, there was a 15 percent increase in prison rule violations, 14 percent decline in rehabilitative program participation, and 5- to 7-point increase in the recidivism rate.<sup>2</sup>

**TIS laws are unlikely to prevent crime.**

- Researchers have found no evidence that severe sentencing policies discourage people from engaging in criminal activity.<sup>3</sup>
- It is the certainty of being caught and swiftly punished, not the length of punishment, that deters crime.<sup>4</sup>
- The vast majority of people who commit crimes – even very serious crimes – naturally grow out of criminal behavior as they mature. TIS laws keep many people incarcerated long past the point at which they have become low risk for reoffending.<sup>5</sup>

**TIS laws waste money.**

- Keeping people in prison without a public safety benefit is extremely expensive, wasting resources that could otherwise be invested in crime prevention. For example:

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<sup>1</sup> Macdonald, D.C. (2024). *Truth in Sentencing, Incentives and Recidivism*, Working Paper. [https://www.dropbox.com/s/8d0xha35vxvsrgs/Macdonald\\_TIS.pdf?e=2&dl=0](https://www.dropbox.com/s/8d0xha35vxvsrgs/Macdonald_TIS.pdf?e=2&dl=0) .

<sup>2</sup> Kuziemko, I. (2013). *How should inmates be released from prison? An assessment of parole versus fixed-sentence regimes*, *The Quarterly Journal of Economics*, 128(1), 371–424. [https://kuziemko.scholar.princeton.edu/sites/g/files/toruqf3996/files/kuziemko/files/inmates\\_release.pdf](https://kuziemko.scholar.princeton.edu/sites/g/files/toruqf3996/files/kuziemko/files/inmates_release.pdf).

<sup>3</sup> U.S. Department of Justice, Office of Justice Programs, National Institute of Justice (2016). *Five Things About Deterrence*. <https://www.ojp.gov/pdffiles1/nij/247350.pdf>.

<sup>4</sup> Id.

<sup>5</sup> Prescott, J.J., Pyle, B., and Starr, S.B. (2020). *Understanding Violent-Crime Recidivism*. *Notre Dame Law Review*, 95:4, 1643-1698, 1688. <http://ndlawreview.org/wp-content/uploads/2020/05/9.-Prescott-et-al..pdf>.



- Arkansas' TIS law, passed in 2023, is expected to cost the state \$164 million over 10 years.<sup>6</sup>
- South Dakota's TIS law, also passed in 2023, is expected to require \$21.5 million additional Department of Corrections spending over 26 years,<sup>7</sup> a huge sum in a state with an average daily prison population of less than 3,500 people and an overall population of only slightly over 900,000 people.

*Last updated 4/22/24*

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<sup>6</sup> *Impact Assessment for SB495 Sponsored by Senator Gilmore*, Arkansas Sentencing Commission.

<https://www.arkleg.state.ar.us/Home/FTPDocument?path=%2FAssembly%2F2023%2F2023R%2FFiscal+Impacts%2FSB495-Other1.pdf>.

<sup>7</sup> *Prison/Jail Population Cost Estimate Statement: Senate Bill 146*, Ninety-Eighth Session, 2023 South Dakota Legislature, <https://mylrc.sdlegislature.gov/api/Documents/246627.pdf>. Hult, J. (2023), *Truth in sentencing cost: \$21.5 million*, South Dakota Searchlight, <https://southdakotasearchlight.com/2023/02/08/truth-in-sentencing-cost-21-5-million/>.