THE SENTENCING PROJECT
RESEARCH AND ADVOCACY FOR REFORM

The State of Sentencing 2009

Developments in Policy and Practice

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With states around the nation experiencing significant fiscal crises, legislators are increasingly interested in prioritizing available resources as they affect how states direct scarce correctional dollars. As a result, many states are rethinking their sentencing policies in order to develop fair and effective approaches to strengthen public safety. Legislative initiatives to address prison overcrowding, parole policies and sentencing alternatives are increasingly at the forefront of state criminal justice agendas.

During 2009 state legislatures in at least 19 states enacted policies that hold the potential to reduce prison populations and/or promote more effective approaches to public safety.[1] This report examines these initiatives in sentencing reform, death penalty, probation and parole practices, and juvenile justice. Highlights include:

- Three states scaled back the scope of mandatory minimum drug sentences;
- Seven states amended probation and parole policies to expand good time and earned time programs resulting in reducing prison sentences;
- Four states improved juvenile justice policies, including eliminating juvenile life without parole and modifying adult certification procedures;
- Two states created incentive programs for local jurisdictions to reduce probation revocations;
- New Mexico repealed the death penalty;
- North Carolina permitted persons sentenced to death to challenge their death sentence by arguing that there is systemic racial bias in the way that capital punishment is applied;
- Four states created oversight committees or task forces to address sentencing laws, overcrowding, and reentry services; and

[1] This report is not intended to be an exhaustive collection of state criminal justice legislation and policy reforms implemented during 2009. Rather, it is meant to highlight selected legislative and policy developments that address critical challenges related to criminal justice.

- Iowa modified its sex offender law, replacing the ban on living within 2000 feet of a school or day care center, with more narrow restricted ranges designed to more carefully target potential problem areas.

State reforms have been prompted by several factors, including the recognition that state budgets are increasingly dominated by corrections spending. Consequently, state policymakers have taken steps in recent years to address sentencing practices in an effort to reduce prison populations and reprioritize limited public resources. As a result the soaring rate of growth of incarceration has tempered in recent years. During 2008, 20 states reported modest declines in the number of people in prison.

KEY CRIMINAL JUSTICE POLICY REFORMS AND LEGISLATION PASSED IN 2009

STATE	REFORM
Arkansas	Created a task force to study the state's criminal justice system.
California	Established a funding mechanism to reward counties that succeed in reducing the rate of adult probationers sent to prison; funding allocation based on costs avoided by the state through reduced numbers of revocations to prison.
Florida	Revised "zero tolerance" policies.
Illinois	Created a Sentencing Policy Advisory Council to examine sentencing policies and practices; Launched Adult Redeploy Illinois which prioritizes state funding to expand local supervision of individuals who would otherwise be incarcerated in state prisons; provides monetary incentives to help local jurisdictions expand community-based treatment.
Iowa	Eliminated the law restricting persons convicted of sex offenses from living within 2,000 feet of a school or day care center.
Kentucky	Expanded in-prison treatment options for persons convicted of certain felony drug offenses; expanded parole eligibility for persons convicted of low-level felony offenses.
Louisiana	Amended penalties for persons serving life sentences for heroin offenses; enhanced "good time" policies for individuals in local jails and state prisons.
Maine	Modified penalties for certain marijuana possession offenses and eliminated the possibility of jail time.
Maryland	Restricted the death penalty to cases where the defendant's conviction is based on: DNA evidence, videotaped or voluntary confession, or video recording. Strengthened employment options for persons with certain felony offenses.
Minnesota	Authorized sentencing without regard to mandatory minimum provisions for certain drug offenses. Enacted statewide "Ban the Box" measure that only permits public employers to ask job applicants about their criminal record when selected for an interview. Required feasibility study of collecting data at different decision points in the criminal justice system.
Mississippi	Expanded credit for early release programs for participation in correctional education programs.
Nebraska	Established the Sentencing and Recidivism Task Force to examine the relationship between rehabilitative programming and the rate of recidivism.
Nevada	Amended sentencing provisions for controlled substance offenses; modified adult certification policies for juveniles; revised parole eligibility for juveniles.
New Mexico	Repealed the death penalty.
New York	Reformed Rockefeller Drug Laws by eliminating mandatory minimums for the first and second offense for certain drug charges; authorized the resentencing of about 1,500 persons sentenced under the previous law.
North Carolina	Permitted persons sentenced to death to challenge their death sentence by arguing there is systemic racial bias in the way that capital punishment is applied.
Rhode Island	Eliminated mandatory minimums for certain drug possession offenses.
Texas	Enhanced the authority of the correctional agency to administer good time policy; eliminated juvenile life without parole.
Washington	Restored voting rights for citizens who exit the criminal justice system but still have outstanding financial obligations. Modified early release policies as a result of medical incapacitation.

MANDATORY MINIMUM SENTENCES

Efforts to eliminate or modify mandatory minimums at the state level were significant developments in 2009. These sentences have contributed to the nation's high rate of incarceration. During the 1980s, officials at the federal and state level broadly adopted mandatory minimum sentences, for drug crimes, resulting in the incarceration of large numbers of low-level, nonviolent offenders. The reform initiatives adopted in various states in 2009 range from allowing courts to sentence without regard to the mandatory minimum to eliminating mandatory minimums for certain drug charges.

Minnesota – Established Safety Valve for Certain Controlled Substance Abuse Offenses

The omnibus public safety spending bill, SF 802, included provisions that allow the court to sentence without regard to the mandatory minimum for fifth degree felony offenses for sale or possession of controlled substances. According to State Senator Linda Higgins:

> *"Our budget and agencies are at the mercy of crime and sentencing in Minnesota. … [Prior to the measure] mandatory sentences ranged from four years in prison for first-degree controlled substances offenses down to six months in a local correctional facility for fifth-degree controlled substances offenses. The change that Minnesota was able to pass allows a court the option in some cases to sentence a 5th degree controlled substance offender without regard to the six month mandatory minimum. Minnesota will face another deficit this year and will be looking for effective cost savings measures that the public will support and that members will find the political will to endorse."*

New York – Enacted Significant Reforms to the Rockefeller Drug Laws

The sentencing reforms that were a part of budget measures AB 156/SB 56 eliminated mandatory minimums for certain first- and second-time drug offenses. The measure expands drug treatment, alternatives to incarceration, and reentry

services by investing resources into those programs. Additionally, the sentencing reforms provide for the resentencing of about 1,500 individuals who were incarcerated under the original Rockefeller Drug Laws. When the Legislature passed the reform Senate Majority Leader Malcolm A. Smith stated:

> *"Today marks the beginning of a new era for New York's sentencing laws. Rockefeller Drug Law reform will reverse years of ineffective criminal laws, protect communities and save taxpayers millions of dollars that were wasted on the current policy. With more money going toward treatment instead of costly imprisonment."*

In a move in the opposite direction, the measure also included sentencing enhancements and restored life sentences for certain drug offenses under the "kingpin" provision and established a new drug felony for the "criminal sale of a controlled substance to a child" when an adult over the age of 21 sells a controlled substance to a minor under 17 years of age.

Rhode Island – Eliminated Mandatory Minimums for Certain Drug Offenses

The General Assembly approved bills S039 and H5007 that eliminate mandatory minimum sentences for drug possession charges in an attempt to reduce the prison population and correctional costs. The Governor vetoed similar legislation in previous years, but in 2009 allowed the reforms to become law without his signature. The measures grant judges sentencing discretion in certain drug cases. Prior to the reform, state law applied mandatory minimums to all persons convicted of manufacturing, selling or possessing with the intent to sell certain controlled substances; for example, up to a kilogram of heroin or cocaine or between one and five kilograms of marijuana. In such cases the state could impose mandatory minimum sentences of 10 years and up to a maximum of 50 years. Larger amounts could net a minimum sentence of 20 years with the possibility of life in prison. The change in the law applies to possession offenses only, and leaves the penalties for manufacture or sale in tact.

SENTENCING

In addition to scaling back mandatory minimums, state lawmakers worked to address other sentencing statutes. These included policies designed to expand alternatives to incarceration and to modify sentences for certain drug offenses.

California – Established Community Corrections Performance Incentives Fund

The Legislature approved SB 678, which enhances funding for community corrections and alternatives to incarceration. The measure rewards counties that succeed in reducing the rate of adult probationers sent to prison depending on how the county's probation failure rate compares to the overall statewide rate. The grants are allocated for use in evidence-based probation programs that include risk and needs assessments and intermediate sanctions. The bill also requires performance measurement and stipulates that counties use at least 5% of the monies allocated to them to evaluate the effectiveness of recidivism reduction programs.

Illinois – Launched "Adult Redeploy Illinois"

SB 1289 directs state funds toward expanding local supervision of individuals who would otherwise be incarcerated by the state. Adult Redeploy is modeled after the successful juvenile justice program, Redeploy Illinois. The new measure offers monetary incentives to help communities pay for rehabilitation services and drug and mental health treatment of nonviolent offenders who remain in their own communities instead of being sent to state prisons. Specifically, the bill calls for a state oversight board to develop a formula for allocating funding to local jurisdictions for evidence-based community corrections as an alternative to incarceration. Also, SB 1289 requires each county to develop a performance measurement system that uses key indicators including recidivism rates, number of revocations, and completion rates for substance abuse treatment programs.

Kentucky – Expanded Treatment Options for Persons with Felony Drug Offenses

Kentucky enacted SB 4, which expands in-prison treatment options for persons convicted of drug offenses. Pre-trial defendants can also participate in the in-prison treatment program and have their program participation credited towards time spent in custody at the discretion of the court. Additionally, the bill authorizes the expungement of the drug offense conviction following the successful completion of the treatment program.

Louisiana – Amended Penalties for Persons Serving Life Sentences for Heroin Offenses

The Legislature authorized parole for individuals serving life sentences for heroin possession, manufacture, or intent to distribute.

Maine – Modified Penalties for Marijuana Possession

LD 250 makes possession of less than 2.5 ounces of marijuana a civil penalty punishable by a fine of $1,000 or less and eliminates the possibility of jail time. Currently, possession of less than 1.25 ounces is already a simple civil violation. However, possession between 1.25-2.5 ounces of marijuana is a misdemeanor punishable by up to 6 months in jail and/or a $1,000 fine, and the individual could be charged with the sale of marijuana.

Nevada – Revised Sentencing Provisions Relating to Controlled Substances

AB 168 provides that a court may reduce or suspend the sentence of a person convicted of trafficking in a controlled substance if the court finds that the person rendered substantial assistance in the investigation or prosecution of any offense. The Nevada Legislature modeled this measure after the Federal Sentencing Guidelines.

California, Delaware, Maryland, Montana, Oregon and Washington – Increased Financial Thresholds for Property Crimes

These states increased the dollar amount required to trigger a felony offense for theft. These reforms reflect that the threshold between a misdemeanor and a felony has

become reduced in value over time as a result of inflation. Not modernizing property offense thresholds could potentially result in excess incarceration. Washington also introduced a statutory requirement that the State Sentencing Commission review property threshold penalties every five years to determine if monetary thresholds should be modified.

DEATH PENALTY

Momentum to eliminate or restrict the death penalty continued in 2009. One state, New Mexico, took the significant step of repealing capital punishment completely, while Maryland adopted a measure that would restrict its application.

New Mexico – Repealed Death Penalty

New Mexico's HB 285, repealed the state's death penalty provision and replaced it with life without parole as a sentencing option for capital offenses. Upon signing the measure, Governor Bill Richardson stated,

> *"In a society which values individual life and liberty above all else, where justice and not vengeance is the singular guiding principle of our system of criminal law, the potential for wrongful conviction and, God forbid, execution of an innocent person stands as anathema to our very sensibilities as human beings. That is why I'm signing this bill into law."*

Maryland – Restricted Application of the Death Penalty

Under the bill SB 279, the death penalty can be imposed only if the defendant's conviction is based on DNA evidence; a videotaped, voluntary confession; or a video recording that conclusively links the defendant to the murder. The death penalty can not be imposed for convictions based solely on eyewitness testimony. The measure represented a consolidation of amendments to proposed legislation that sought an outright repeal of capital punishment.

North Carolina – Enacted the Racial Justice Act

North Carolina instituted a policy measure to address racial disparity in the application of the death penalty. The General Assembly authorized SB 461 that will allow persons sentenced to death to challenge the death penalty by arguing that there is systemic racial bias in the way that capital punishment has been applied. Persons sentenced to death will be able to present statistical evidence showing racial disparities in how the death penalty has been used. If a judge finds the evidence

convincing, the judge can overturn the person's death sentence and convert it to a sentence of life in prison. Additionally, the law authorizes judges to block prosecutors from pursuing the death penalty in future murder trials if they find a historical pattern of racial bias in the use of the sentence.

OVERSIGHT COMMITTEE

Legislatures continue to authorize the establishment of criminal justice oversight mechanisms. In recent years, several states have developed bodies to conduct system analyses and make recommendations to improve state criminal justice systems.

Arkansas – Created a Task Force to Study the State's Criminal Justice System

SB 942 established an 18-member task force to study the state's criminal justice system. The task force would review cases involving capital punishment, certain felony offenses, and drug charges diverted to drug court and would note any correlation between the outcomes of those cases and factors such as age, gender, race, ethnicity and socioeconomic status.

Illinois – Established the Sentencing Policy Advisory Council

The Legislature authorized SB 1320 to examine sentencing policies and practices with the goal of increasing proportionality and to monitor costs and activities of the criminal justice and correctional systems. The Sentencing Policy Advisory Council includes multiple stakeholders such as representatives from the state's attorney office, public defender office, and community based organizations. SB 1320 calls for collecting data, analyzing proposed legislation and setting rational priorities for the use of criminal justice funding.

Nebraska – Created Sentencing and Recidivism Task Force

LR 171 established the Sentencing and Recidivism Task Force to explore the sentencing of youth and adults to correctional institutions. To task force's goal is to determine if there is any relationship between recidivism and current rehabilitative programming. The task force will produce a report offering recommendations to reduce recidivism among formerly incarcerated persons in Nebraska.

New Jersey – Created Sentencing Commission

The adoption of S1880 resulted in the establishment of a Criminal Sentencing Commission to study and review the criminal law and recommend revisions. The Commission is comprised of thirteen members including representatives of all components of the criminal justice system.

PAROLE

Many states continue to struggle with prison populations that exceed capacity. There is little evidence that expanding capacity reduces overcrowding and tight state budgets make prison building an unlikely option. In many instances, state lawmakers have the authority to address the length of stay and ease capacity issues through sentencing and parole reforms. In 2009 several states adopted strategies to reduce prison time served as an incentive for good behavior and successful participation in programs such as vocational training, education, and substance abuse treatment.

Kentucky – Strengthened Parole Eligibility for Certain Felony Offenses

HB 372 provides that persons sentenced to incarceration for nonviolent class D felonies, including certain burglary and first time drug offenses, are eligible for parole after serving fifteen percent or two months of the original sentence – whichever is longer. Additionally, the individual will be released from parole supervision no later than the time when he or she would have been eligible for discharge had they remained incarcerated.

Louisiana – Extended Good Time Policies to Individuals in State Prisons

HB 62 awards up to 180 days of good time to persons who complete approved treatment programs. Those programs include basic education, job skills and therapeutic programs.

Mississippi – Improved Earned Time Programs

SB 2039 reduces the time served in prison for persons who complete approved educational programs. Previously the state's meritorious earned time program was capped; persons were awarded 10 days off of their sentence for 30 days participation in an educational program. Additionally, the former policy capped earned time at 180 days of an individual's sentence. The new policy removes the cap and authorizes

the Corrections Commissioner to approve the number of days a person's sentence can be reduced by after participation in approved programs and projects.

Texas – Restored Good Time Policy at the Texas Department of Criminal Justice

The Legislature enhanced good time policies by authorizing HB 93. The measure granted the Texas Department of Criminal Justice unrestricted administrative authority to restore good conduct time forfeited by an individual as a result of committing an offense or violating a rule of the correctional agency. Under previous law, once a person's good conduct time was revoked for a disciplinary offense, he or she could not gain the time back through cooperation or good behavior. The measure will empower wardens with a tool to encourage cooperation and program participation.

Washington – Modified Early Release Policies as a Result of Medical Incapacitation

Previously, the Department of Corrections (DOC) had the discretion to release individuals as a result of earned time policies, authorized release, or transfer to community custody in lieu of earned early release. HB 2194 authorizes the DOC to release certain individuals if they meet certain criteria, including the existence of a medical condition that requires costly treatment, that the individual poses a low risk to the community as a result of physical incapacitation due to age or the medical condition, and the early release will result in a cost savings to the state.

JUVENILES

Momentum continues toward reform of sentencing policies for juvenile defendants and strengthening parole options for those sentenced as juveniles. In 2009, measures were adopted in Nevada and Texas to modify adult certification policies and eliminate juvenile life without parole.

Florida – Revised School Zero Tolerance Policies

The measure SB 1540 revises the requirements for zero-tolerance policies with the anticipation that there will be fewer misdemeanor offenses reported to law enforcement. The bill prohibits school districts from requiring reports to law enforcement of petty misconduct and misdemeanors, including, but not limited to, disorderly conduct, disrupting a school function, and vandalism of less than $1,000. SB 1540 requires each school district to define petty acts of misconduct. Consequently, there may not be uniformity in the definition of petty misconduct. Although the measure provides examples of petty misconduct, including minor fights, it does not stipulate criteria for what defines a petty offense.

Minnesota – Requires Feasibility Study of Collecting Data at Different Decision Points

HF 702 mandates a study to determine the feasibility of collecting various data points in the juvenile justice system. Specifically, the measure requires the Legislature to assess the possibility of collecting data at different criminal justice decision points. Required elements to be considered for collection include race, age, ethnicity, and criminal offense.

Nevada – Modified Adult Certification Procedures for Juveniles

AB 237 raised the age at which a child can be charged as an adult from fourteen years of age to sixteen years. Under this policy the district attorney can file a motion to transfer a juvenile defendant who is sixteen or older to adult court. However, the new statute also authorizes the juvenile court to deny the certification of children as

adults if the court finds she or he has substance abuse ,emotional or behavioral problems, and that those problems may be appropriately treated through the jurisdiction of the juvenile court.

Nevada – Revised Parole Eligibility for Juveniles

AB 474 provides conditions under which a person sentenced to life imprisonment with the possibility of parole, who was under 16 years of age at the time of the offense, is eligible for parole. He or she must have served the minimum term; completed a program of general education, industrial or vocational training; not be a member of a group that poses a security threat within the corrections department, and have not committed a major violation or been housed in disciplinary segregation within the immediately preceding 24 months. If the prisoner is serving consecutive sentences, he or she will be paroled from the current sentence to the subsequent term of imprisonment. Otherwise, they will be eligible for parole and the state's parole board has the authority to grant or deny parole.

Texas – Eliminated Juvenile Life without Parole

Texas eliminated juvenile life without parole in 2009. SB 839 provides that a juvenile serving a life sentence for a capital offense is eligible for parole after he or she has completed 40 years of their sentence. Previously, Texas authorized a modification in sentencing options for persons convicted of capital offenses. Juries could sentence a defendant to either the death penalty or life imprisonment with possibility of parole. In an effort to offer sentencing options to the death penalty, the Legislature replaced life imprisonment with the possibility of parole with a mandatory life without parole sentence for persons convicted of capital offenses. This change has contributed to fewer death sentences for adults in Texas since 2005. However, an unintended consequence of this sentencing change was the automatic sentence of life without parole for juveniles. During 2005, the U.S. Supreme Court ruled in *Roper v. Simmons* that the death penalty could not be applied to juveniles because they are less mentally developed than adults and thus, less culpable for their actions. Consequently, the sentencing option of death was eliminated for juveniles and the only remaining option was that of life without parole. The Legislature

addressed this unintended consequence through SB 839, authorizing that children convicted of capital offenses be eligible for parole.

SEXUAL OFFENSE LEGISLATION

In recent years many state legislatures have adopted policies to restrict the civil liberties of sex offenders post-incarceration. Provisions at the state and local level in places like Miami Beach, Florida, significantly limit residency options for people convicted of sex offenses by preventing those individuals from living within as much as 2,500 feet from where children gather. During 2009, Iowa revised this practice.

Iowa – Modified Sex Offender Law

The Legislature authorized **SF 340**, which revises the law prohibiting certain sex offenders from living within 2,000 feet of a school or day care facility. The new law creates smaller exclusionary zones that more appropriately target a convicted sex offender's behavior. Impacted persons would be prohibited from loitering within 300 feet of an elementary or secondary school; being at an elementary school or day care without permission; working at a school or childcare facility; or loitering within 300 feet of any place intended primarily for use by children, such as a playground or sports field. The bill would also allow ankle bracelets to be used to track convicted sex offenders. This change in law garnered broad support from law enforcement, prosecutors and victim's rights groups. The 2,000-foot rule still applies to individuals convicted of high risk sex offenses.

COLLATERAL SANCTIONS

There is now increasing recognition of the civil penalties that persons with felony convictions continue to pay post-incarceration and when they are no longer under criminal justice supervision. In several states, policies have been enacted to ease restrictions applied to persons with a felony conviction (particularly convictions for drug offenses) from employment, receipt of welfare benefits, and voting. Such collateral penalties place substantial barriers to an individual's social and economic advancement.

Maryland – Strengthened Employment Options for Persons with Felony Convictions

HB 635 prohibits specified executive and government agencies, including the Department of Agriculture and Department of Public Safety and Correctional Services, from denying an occupational license or certificate to applicants convicted of non-violent offenses. Under previous law, applications for occupational licenses and certificates were issued, denied, suspended, or revoked on a discretionary basis by the applicable governing occupational boards in Maryland, based on existing and varied statutory and/or regulatory standards.

Minnesota – Established a Statewide "Ban the Box" Measure

A provision in HF 1301 prohibits Minnesota public employers from asking about criminal records or conducting a criminal record check until an applicant has been selected for an interview, except for positions that already require a background check. Several cities have previously passed such "Ban the Box" legislation, but Minnesota has become the first state to do so.

Washington – Automatic Restoration of Voting Rights

HB 1517 restores the right to vote automatically to citizens who exit the criminal justice system. As a result of the legislation, individuals can register to vote once they are no longer under state supervision. Previously, persons who had completed their

term of probation or parole but who had not paid all the fees and other costs associated with their sentence had been barred from voting. This provision was compounded by the fact that interest on these legal system debts accrues at 12% a year. An overwhelming majority of felony defendants are indigent at the time of sentencing, and many could never fully pay off their legal system debts – and as a result could not vote. Under the new law, persons remain obligated to repay their debts, but – like anyone else who owes money – they will not be denied the right to vote.

POLICY RECOMMENDATIONS

This report highlights policy initiatives that affected state criminal justice reforms in 2009. The U.S. rate of incarceration continues to be the highest in the world at a rate of 754 per 100,000. Lawmakers concerned with large prison populations should address sentencing policies such as mandatory minimums and parole mechanisms as they move to examine practices that contribute to their state prison populations. Much of the legislation highlighted in this report emphasizes efforts to limit the time served of individuals convicted of low-level offenses. Exploring sentencing reform should be a part of a broader effort that includes strengthening alternatives to incarceration and expanding treatment options.

The initiatives adopted by state legislatures reveal that public officials continue to explore ways to address growing state correctional populations. Recent trends including the modest decline of 20 state prison populations emphasize that policies can be enacted to control prison growth at a time of scarce resources. In many instances states have achieved a decline in their prison populations using evidence-based practices without experiencing any adverse effects on public safety. Successful states have adopted sentencing reforms including the elimination of mandatory sentences, expanding parole eligibility, and developing incentive measures to reduce probation revocations to state prisons. Policy initiatives that lawmakers should consider in 2010 include:

Restore Judicial Discretion. Repeal Mandatory Sentences.

The reforms to mandatory minimum sentencing in Minnesota, New York, and Rhode Island are significant, and suggest that elected officials are willing to adopt measures that reform sentencing policies. In an effort to realize additional costs savings, additional policy changes must be enacted. Mandatory minimums do not reduce crime but result in lengthy prison terms contributing to prison overcrowding. As other states explore sentencing reforms, repealing mandatory minimum provisions

and restoring judicial discretion can both control prison growth and enhance the fairness of state criminal justice systems.

Incentivize Reductions in Probation and Parole Revocations

There are over five million people on probation or parole in the United States. Examining community supervision policies and how probation and parole revocations contribute to prison admissions is an important step in controlling overcrowding. States like California and Illinois have started to adopt strategies to minimize the number of prison admissions resulting from revocations. Developing incentive programs that reward reductions in revocations are steps that state policymakers can take to encourage local decision makers to examine their responses to criminal offending. Legislators should continue to support opportunities that encourage county officials to implement evidence-based practices to strengthen public safety.

Continue Momentum to Reduce Time Served in Prison

In many instances state policy makers have the authority to reform parole policies. Exploring parole reforms can result in alleviating prison overcrowding and managing scarce correctional resources. In recent years many states have adopted good time and earned time policies that reduce a person's prison sentence following the successful completion of rehabilitative programs such as vocational education or substance abuse treatment. Policymakers should continue to adopt measures that reduce prison sentences, alleviate overcrowding, and maintain public safety.

Eliminate Juvenile Life without Parole

There are 1,755 juveniles serving life without parole sentences. Texas took an important step in eliminating life without parole for juveniles as a result of the U.S. Supreme Court's decision in *Roper* and the Legislature's decision to permit life without parole as a sentencing option for capital defendants. Other states should examine their policies regarding life without parole as it is applied to young people. Recently, legislation has been introduced in California, Florida, and Massachusetts to restore parole hearings at some point during a juvenile's sentence.

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