

Getting rid of Mandatory Minimums for Drug Offenses in Massachusetts

Representative Swan and Senator Creem have filed legislation (H.1620, S.786) to repeal mandatory minimum sentences for drug offenses.

Mandatory minimums for drug offenses are pre-determined prison sentences for drug crimes. The length of the sentence is often based solely on the weight of the drugs, regardless of other facts of the case.

How many people are affected by mandatory minimums in Massachusetts?

- Each year in Massachusetts, hundreds of men and women are sentenced to mandatory minimums for a drug offense.
- 70% of Dept. of Correction prisoners currently incarcerated for a drug offense were sentenced under mandatory minimum statutes.

Why do we need to get rid of mandatory minimums for drug offenses in Massachusetts?

- There is no evidence that long, mandatory sentences either deter crime or reduce the number of drug crimes or rate of addiction. In fact, they prevent access to treatment.
- They are incredibly costly. Reducing the number of prisoners serving time for drug offenses to 1985 levels would save \$90 million annually.
- Disproportionately long sentences: Sentences for nonviolent drug crimes can be longer than the sentences for violent crimes. For example, the penalty for the sale of 36 grams of heroin (about two tablespoons of powder) is 5 to 30 years while the penalty for armed assault with intent to rape is 5 to 20 years, and 0 to 20 years for manslaughter.
- Getting rid of mandatory minimums doesn't mean that those who break the law will not be punished. Instead, it would reduce recidivism by allowing for more effective sentencing that takes into consideration whether the person poses a threat to public safety, has a prior record or needs drug treatment.
- Mandatory minimums disproportionately impact communities of color. People of color make up roughly 20% of the state's population yet comprise on average 77% of drug offenders sentenced to mandatory minimums each year, despite the fact that all races use drugs at roughly equal levels.
- Over 20 states have reformed their mandatory minimum drug sentencing laws.

What do your constituents want?

- A 2014 public opinion poll conducted in Massachusetts found that support for mandatory minimum sentences for any crime has fallen to 11%. Nearly two-thirds see illegal drug use as a health issue, not a criminal issue.
- Similarly, a 2005 study found that 88% of Massachusetts residents generally oppose mandatory minimum sentences -- regardless of political party, age or race. About three-fourths preferred mandatory drug treatment to mandatory prison time for drug offenders.

The Harm Reduction and Drug Law Reform Caucus is a coalition of legislators, working to address the root causes and symptoms of mass incarceration through comprehensive policy reform, education, and coalition building.