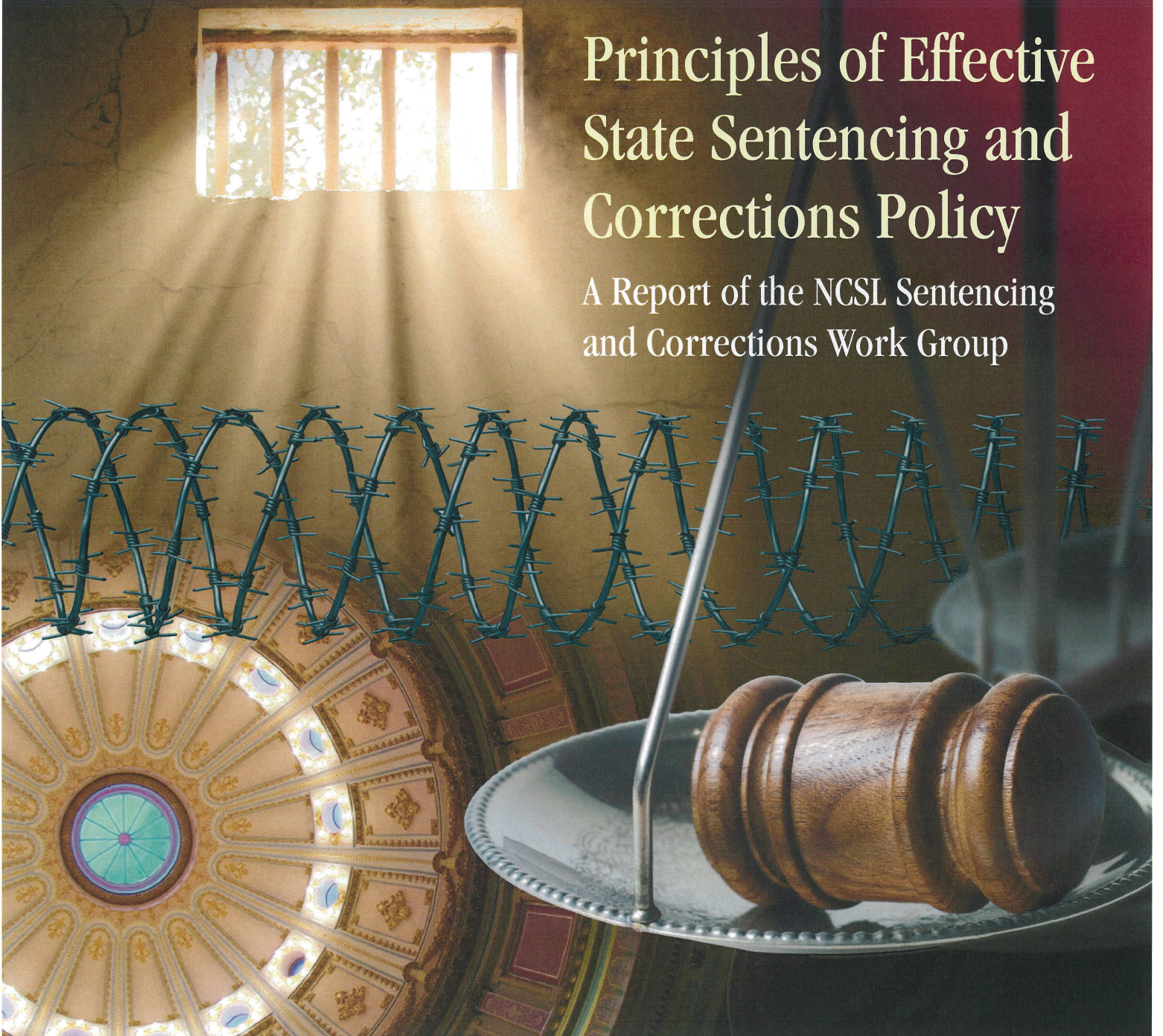


NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

Principles of Effective State Sentencing and Corrections Policy

A Report of the NCSL Sentencing
and Corrections Work Group



Principles of Effective State Sentencing and Corrections Policy

Rockefeller Drug laws in New York also have been reviewed and revised. Named after then-Governor Nelson Rockefeller, these laws included some of the nation's toughest mandatory sentences for drug offenses. In 2004, the Legislature made the first in a series of changes to the state's drug laws, including fixing shorter prison terms for nonviolent offenders, expanding eligibility for prison-based treatment and raising drug quantity thresholds for certain drug possession offenses. In 2004 and 2005, certain offenders serving lengthy prison sentences under the previous law were allowed to apply for resentencing under the new laws. In 2009, the Legislature further modified the drug laws, authorizing community supervision and substance abuse treatment for many nonviolent offenders who previously would have served mandatory prison terms.

Statement of Intent for 2009 New York Drug Sentencing Law

"New York has achieved great success in reducing the crime rate in recent years, in part, by targeting heightened penalties on violent felons. To achieve further dramatic success in reducing crime, our state must make a concerted effort to eliminate the substance abuse which lies at the core of most criminal behavior. Expanding the number of nonviolent drug offenders that can be court ordered to drug abuse treatment will help break the cycle of drug use and crime and make our streets, homes and communities safer. This will make New York's criminal justice policies not only tough -- but smart."

*A6085 (2009), quoted here, ultimately was enacted in the budget bill, Chapter 56 of 2009.

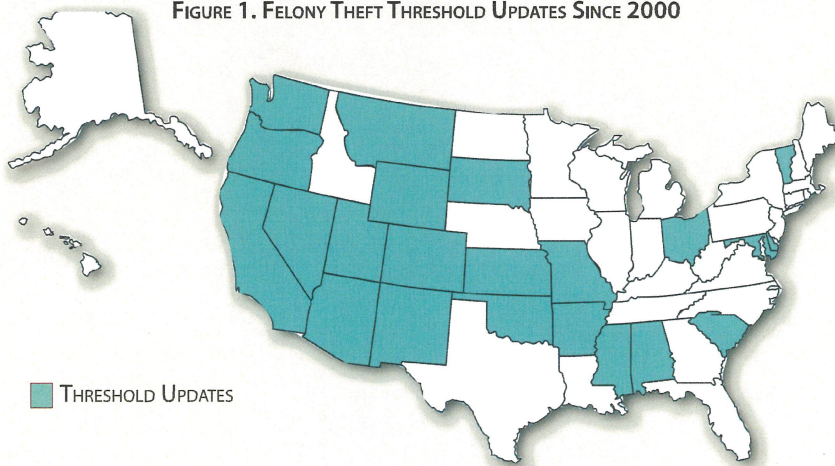
In 2011, the Kentucky General Assembly established drug quantity thresholds to distinguish offenders who are primarily drug users and in need of treatment from more serious drug dealers. Drug quantities were added to trafficking offenses and penalties for smaller amounts of controlled substances were lowered. The recent law also set probation as the presumptive sentence in lieu of a prison term for first or second-time convictions for possession of a controlled substance unless the court makes a finding that probation is not appropriate. Kentucky is among the states that have taken a comprehensive approach to screening felony defendants for substance abuse, diverting some to community supervision and sending others to secure treatment. Kentucky has 20 corrections-based treatment programs around the state.

Updating Theft Thresholds In many states, stealing a few hundred dollars' worth of property is or could be a felony. Over time, consumer goods increase in price. When felony theft thresholds do not keep pace, smaller thefts that would have been misdemeanors when the threshold was put in place

become felonies, although that may not be the clear legislative intent.

Since 2000, at least 22 states have adjusted monetary thresholds for theft crimes; Figure 1 lists these states. Colorado's 2007 law included a provision requiring the Division of Criminal Justice to consult with state economists and make threshold recommendations to the General Assembly every five years to ensure that regular review and revision occur.

FIGURE 1. FELONY THEFT THRESHOLD UPDATES SINCE 2000



Review and revision of mandatory minimum sentences for some offenders and update of felony theft thresholds are among the significant ways state legislatures are modernizing criminal codes to reflect current circumstances and needs, as stated in *Principle 6*.