

## CONTACT YOUR LEGISLATORS RIGHT AWAY RE: S.2080 AND H.3818

In Conference Committee right now are a Senate bill (S.2080) and a House bill (H.3818) that will change the existing habitual offender law, or “three strikes.” Also included only in S.2080 are provisions that will require mandatory post-release supervision for all state prisoners who have served their entire sentence, reduce mandatory minimum drug sentences, and increase the amount of deductions from their sentences that prisoners can earn for good conduct, known as “earned good time.” The final version of the bill that the Conference Committee agrees upon cannot be amended further by the legislature. **As a result, it is vital to contact your legislator immediately to speak out against the passage of the extremely costly, misguided, and unfair provisions of the bills and to show support for those provisions that are a step in the right direction.**

### Things to Keep in Mind:

- The changes to the habitual offender law will dramatically increase costs for the Department of Correction, county correctional facilities, and the court system. It is estimated that it could cost between \$75-125 million per year *once the law has fully taken effect*, not including the costs of building new prisons. The costs are cumulative, becoming more burdensome over time, as more and more people are sentenced as habitual offenders and subjected to maximum prison sentences with delayed parole eligibility or no parole eligibility at all.
- The proposed habitual offender provisions will worsen existing overcrowding in state prisons and county correctional facilities. Department of Correction facilities currently average at 145% of design capacity.
- The new habitual offender provisions are overly inclusive and will lead to disproportionate punishments. Subsections (a) and (b) of the proposed habitual offender provisions fail to consider the lack of seriousness of the actions required to meet the elements of many offenses deemed “strikes” and prevent consideration of mitigating factors regarding the circumstances of the case and the individual defendant that is necessary for fair and appropriate sentencing.
- No research supports a link between longer prison terms and reduced recidivism. Money should be spent on improving and expanding rehabilitation and educational programs that are proven to reduce recidivism and build our communities.
- Mandatory post-release supervision of prisoners who have already served their debt to society will cost \$6-11.5 million per year *once the law has fully taken effect*.

### INFORM YOUR LEGISLATORS:

**The Conference Committee should *not* approve any amendments to the existing habitual offender law. However, if some compromise is made regarding S.2080 and H.3818, the Conference Committee must:**

- (1) Require sentences of *3 years or more in state prison* for each of the two prior convictions, or “strikes,” under both Subsection (a) and Subsection (b) of the habitual offender provisions.
- (2) Remove *numerous offenses* from the list of crimes included in Subsection (b) of S.2080 and H.3818 to ensure that *only* the “worst of the worst” violent repeat defendants are subject to mandatory maximum state prison sentences.
- (3) Include an exception to the habitual offender provisions that *gives judges discretion* to remove convictions from consideration as “strikes” in the interests of justice based on careful review of the circumstances;
- (4) Make habitual offenders sentenced to life imprisonment pursuant to Subsection (b) eligible for parole after 25 years;
- (5) Eliminate any provision calling for mandatory-post release supervision;
- (6) Adopt the reductions to the mandatory minimum sentences for drug offenses provided in S.2080 Sections 6-20;
- (7) Adopt the earned good time provision in S.2080 Sections 24, 25, 26 to help reduce overcrowding; and
- (8) Adopt the medical parole provision in S.2080 Section 23.

**You can get the names and contact information of your Senator and Representative by calling (617)722-2000 or by searching at <http://www.malegislature.gov/people/findmylegislator>. We also urge you to contact the six Conference Committee members and the House and Senate leadership identified below:**

### Conference Committee Members:

Representative Eugene O’Flaherty (D), Chair, Joint Committee on the Judiciary (617)722-2396

Representative Bradford Hill (R), (617)722-2100

Representative David Linsky (D) (617)722-2575

Senator Cynthia Creem (D), Chair, Joint Committee on the Judiciary (617)722-1639

Senator Bruce Tarr (R) (617)722-1600

Senator Jennifer Flanagan (D) (617)722-1230

### Leadership

Speaker of the House, Robert DeLeo (D) (617)722-2500

Senate President, Therese Murray (D) (617)722-1500

Completed: December 21, 2011

Updated: April 18, 2012