

STATE QUESTION 805 FACT SHEET

WHAT DOES SQ 805 DO?

SQ 805 is a sentencing reform that would end the use of repeat sentence penalties for nonviolent offenses. Under current Oklahoma law, individuals with one or more prior convictions can face sentence penalties that stack years, decades and even life in prison on top of already extreme prison sentences. As a result, people in Oklahoma spend far longer in prison for nonviolent crimes than people in other states, with no benefit to public safety.

WHY IS REMOVING THESE REPEAT SENTENCE PENALTIES IMPORTANT?

Oklahoma's sentence penalties for nonviolent offenses contribute to Oklahoma's third-highest imprisonment rate in the country. The result is that Oklahoma taxpayers pay more than half a billion dollars each year with no improvement in public safety. This does not have to be the case. Time and time again, states have shown that reducing crime and incarceration go hand-in-hand.

WHY ARE THESE REPEAT SENTENCE PENALTIES USED AND WHY ARE THEY INEFFECTIVE PUBLIC SAFETY RESPONSES?

Repeat sentence penalties, marketed as so-called "sentence enhancements" during the tough-on-crime era, became popular when it was thought longer sentences would deter people from crime and lower recidivism, but data have shown that is just not true. The best research shows that long sentences do not make us safer and reducing these sentences will strengthen our economy and reunite families without weakening public safety.

BUT ISN'T OKLAHOMA DIFFERENT THAN IN OTHER STATES WHERE THIS HAS SUCCEEDED?

We already have evidence this reform will work in Oklahoma. SQ 780, which passed in 2016, lowered sentence lengths for several property offenses such as theft. Since then, property crime has fallen 3% while Oklahoma's prison population declined by 10%. Oklahoma's burglary rate has continually fallen every year since 2009.

Despite this, many of the same individuals who originally critiqued SQ 780 on the grounds that it would worsen public safety have expressed the same criticisms for SQ 805. They were wrong then, and they're wrong now.

YES ON
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WHAT DOES SQ 805 NOT DO?

SQ 805 DOES NOT ELIMINATE SERIOUS PENALTIES FOR VIOLENT CRIMES, INCLUDING SERIOUS DOMESTIC ABUSE AND ASSAULT CRIMES.

- SQ 805 does not reduce or change the underlying sentence for any crime.
- For example, individuals convicted of patterns of domestic violence or abuse will still face a prison sentence of up to ten years.
- SQ 805 does not eliminate pattern penalties, meaning someone who has multiple misdemeanor DUI or misdemeanor domestic abuse offenses can still be enhanced to a felony offense and face prison time.

SQ 805 DOES NOT PREVENT PROSECUTORS OR JUDGES FROM TAKING AN INDIVIDUAL'S PRIOR CRIMINAL HISTORY INTO ACCOUNT FOR SENTENCING.

- Judges and prosecutors will still have large, and unchanged, sentence ranges to work with under Oklahoma law. For example, the average sentence for low-level drug sale nationally is five years – in Oklahoma, the maximum sentence for that crime will still be 10 years if SQ 805 passes.
- On a first offense, a person convicted of selling a small amount of drugs who has no prior offenses may be sentenced to diversion, probation, or other programming aimed at addressing the root causes of the crime, such as that individual's own addiction.
- If that person has prior offenses, a prosecutor or judge may decide that one year, five years, 10 years or anything in-between is a proportionate punishment.

SQ 805 DOES NOT PROHIBIT LEGISLATORS FROM ADJUSTING PRISON SENTENCES OR CHANGING THE VIOLENT CRIMES LIST.

Under SQ 805, legislators will still hold the ability to add or remove crimes from the violent crime list or change the underlying sentence for any offense. That means if Oklahoma legislators decide that sentences are too short or too long for any charge, they have the power to make adjustments.

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