

## WHAT DOES SQ 805 DO?

SQ 805 is a criminal justice reform that would end “repeat sentence penalties,” or the practice of adding years to a person’s prison sentence for a nonviolent offense because they had a prior nonviolent conviction. If SQ 805 passes, people who are convicted of nonviolent crimes could be sentenced up to the maximum allowable time in prison for the current crime, but would not receive additional time in prison because of their past convictions.

### WHY IS REMOVING THESE REPEAT SENTENCE PENALTIES IMPORTANT?

Oklahoma hands down cruel and unfair sentences for minor crimes. A second conviction for breaking into a shed can result in a life sentence. In Oklahoma an individual served 33 years in prison for writing \$400 worth of bad checks, and a mother was sentenced to 15 years for stealing basic necessities and children’s toys from a Walmart. SQ 805 will limit sentences like these that are out of proportion to the crimes..

### 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 cost Oklahoma taxpayers millions that could be better spent on drug or mental health treatment and services for crime victims.

### 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.

## 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.
- If SQ 805 passes, people convicted of patterns of domestic violence or abuse will still face a prison sentence of up to ten years and have to go through two Pardon and Parole reviews and receive governor approval to be paroled.
- 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.