Eliminating Mandatory Minimums for Drug Sales

5-year impact in Virginia

By eliminating mandatory minimums for drug sales offenses, Virginia could avoid spending $11.6M in incarceration cost, give 360 life years back, and decrease the prison population’s racial disparity over 5 years. It would join over 30 states that have reformed or repealed mandatory minimum sentences in the last two decades.

The opportunity

Virginia’s more than 200 mandatory minimums have recently contributed to an 11% higher incarceration rate in VA than the national average. In Virginia, 45% of those incarcerated have been convicted of nonviolent offenses (>4,000 people), 29% of them for drug offenses. Mandatory minimums contribute to racial disparities in the justice system, as Black individuals are more likely to be convicted of an offense with a mandatory minimum. In 2019, Governor Ralph Northam declared that he would not sign any additional mandatory minimum sentences into law. 72% of Virginians support judicial discretion in sentencing, which would give judges more discretionary power to decrease racial disparities that have made the prison population 56% Black, nearly 3x the community proportion. In 2019, 91% of people in VA prisons faced Truth-in-Sentencing requirements, mandating that they serve 85% of their sentence without the possibility of parole.

Maryland (2016)

The Justice Reinvestment Act repealing most of Maryland’s mandatory minimums was associated with a prison population reduction of 1.8% and a decrease in local detention population by 10% in FY2018. As a result of the JRA, Maryland has reinvested at least $3 million from averted costs into reentry programs meant to curb recidivism.

Louisiana (2017)

Louisiana enacted bipartisan legislation that, among other reforms, repealed most of the state’s mandatory minimum sentences. In the first six months alone, the state saved $12 million, $8.5 million of which was reinvested in crime-reduction and victim assistance programs. As of June 2019, the legislation reduced the state’s prison population by 1,400 and saved an additional $17.8 million. Violent and property crime rates also declined between 2017 and 2019.