SB 104: Elimination of Mandatory Minimums

5-year impact in Virginia

Eliminating mandatory minimum sentences in Virginia could avoid $25M in cumulative marginal costs, generate $58M in economic stimulus, and give back 3,190 life years over the next 5 years.

**Potential cost avoidance**
- $12M Cost avoidance from SB 104
- $25M Cost avoidance if SB 104 is made retroactive

**Five year projected population impact**
- **258** as written
- **334** if retroactive

**Potential boost to labor sector**
- **$27M** in wages of released people from SB 104
- **$58M** in wages of released people if SB 104 is made retroactive

**The opportunity**

Between FY 2016 and FY 2020, 11.5 percent of felony sentencing events included at least one offense requiring a mandatory minimum sentence. Taxpayers in Virginia spend at least $25 million per year on incarcerating people convicted of mandatory minimums. Eliminating mandatory minimum sentences for felony charges would expand judicial discretion as to sentence length for 235 offenses.

This bill would impact individuals who have already been transferred to a Virginia Department of Corrections (DOC) facility, state-responsible individuals held at local jails, and local-responsible individuals held at local jails. Average annual costs to incarcerate these individuals are $7,972, $4,380, and $1,460, respectively.

**Clausal analysis**

- **DWIs**
  - 52% of mandatory minimum statutes relate to crimes for driving while intoxicated. The removal of these mandatory minimums accounts for 18% of the 5-year impact of SB 104

- **Drug Crimes**
  - 19% of mandatory minimum statutes relate to drug offenses. The removal of these mandatory minimums accounts for 23% of the 5-year impact of SB 104

- **Sex Crimes**
  - 12% of mandatory minimum statutes relate to sex crimes. The removal of these mandatory minimums accounts for 8% of the 5-year impact of SB 104

- **Weapon Crimes**
  - 4% of mandatory minimum statutes relate to weapon crimes. The removal of these mandatory minimums accounts for 38% of the 5-year impact of SB 104

- **Murder Crimes**
  - 1% of mandatory minimum statutes relate to murder crimes. The removal of these mandatory minimums accounts for 0% of the 5-year impact of SB 104

**Impact in similar states**

- **Maryland**
  - In 2016, Maryland passed a bill that eliminated mandatory minimums for commercial drug offenders. This allowed retroactive application of the safety-valve mechanism for mandatory minimum sentences, which gives judges the ability to sentence a convicted offender to less than the mandatory minimum term if certain conditions are met.