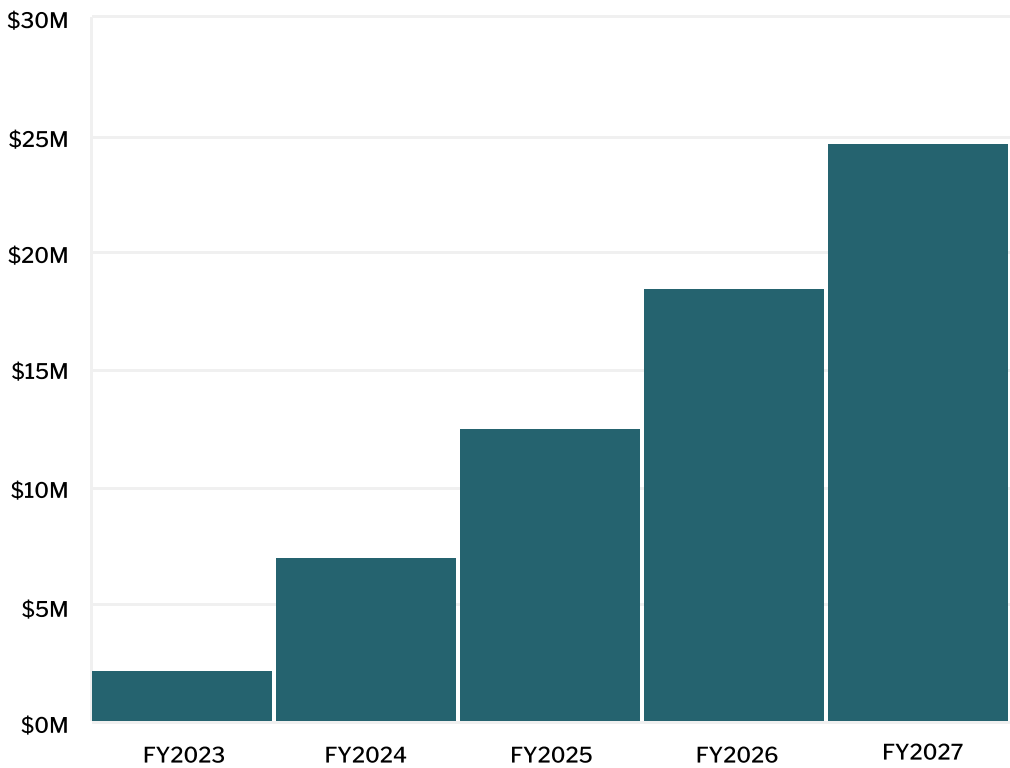


HB 612: Reducing Drug Penalties in Virginia

5-year impact in Virginia

Reclassifying drug possession from a class 5 felony to a class 1 misdemeanor in Virginia could generate savings of \$25M on incarceration, contribute \$55M to the labor sector, and restore 3,093 life years for people with modified sentences over 5 years.

Cumulative cost avoidance



Projected population impact over 5 years

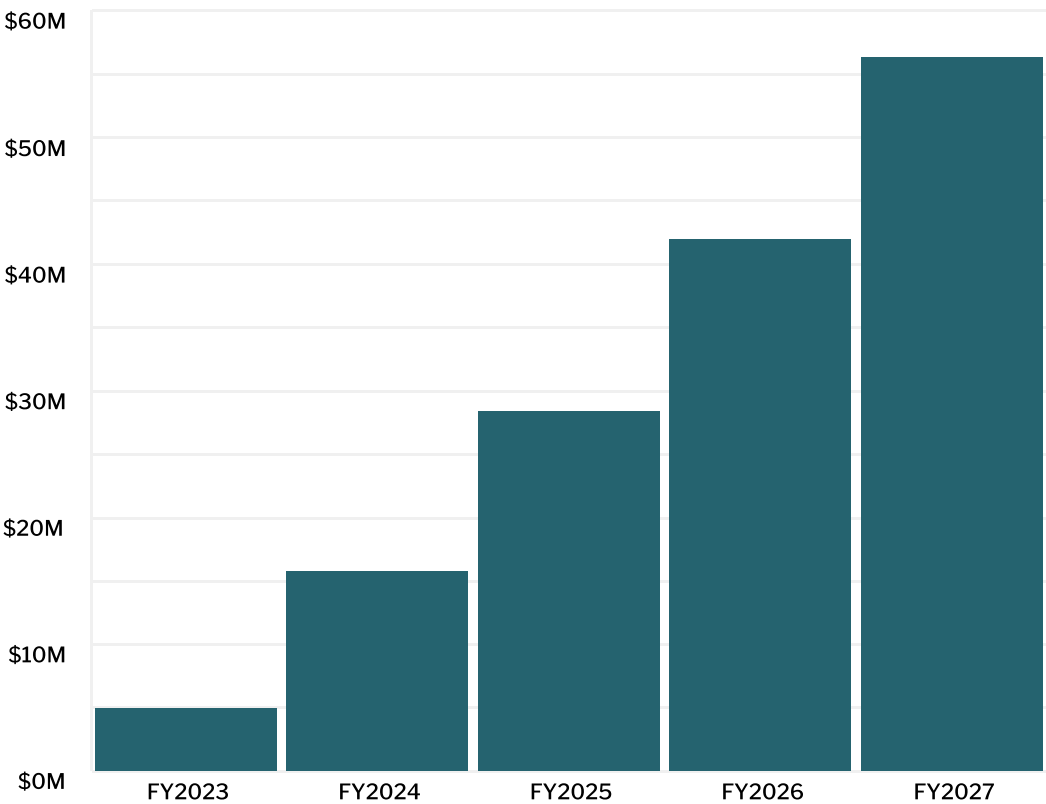
801

Fewer people in prison

3,093

Life years back from prison

Potential boost to labor sector



The opportunity

In the years between 1983 and 2015, Virginia’s prison population increased by 298%. By 2019, Virginia had the 16th highest imprisonment rate in the country, imprisoning 422 people per every 100,000 at a cost of over \$1.4B in corrections expenditures—greater than its neighboring states of Kentucky and West Virginia combined.

In 2020, individuals sentenced for either drug possession or sales accounted for 13.5% of Virginia’s total prison population. Currently, individuals can face up to 10 years in prison for possession of a Schedule I or Schedule II controlled substance and can face felony charges for possessing an item with drug residue. Virginia’s “tough on crime” drug sentencing laws, which were enacted in the 1990s, did not reduce drug usage, or costs.

Virginia’s drug penalties also disproportionately impact the Black community. In 2019, Black people recieved longer average sentences than white counterparts. Furthermore, while Black people make up 20% of Virginia’s population, Black people accounted for 60% of Virginia’s population imprisoned for drug possession or drug sales.

Reducing drug penalties for certain controlled substances can help address Virginia’s incarceration problems while allowing people addicted to drugs to seek treatment, rather than imprisonment.

4.2 months

Average F5 to M1 sentencing disparity for drug possession

3,389

People sent to prison for F5 drug possession each year

Impact of similar policies at the state level

➤ Utah

In 2015, Utah H.B. 348 reclassified first and second drug possession convictions from felonies to misdemeanors. As of 2018, the number of individuals in prison for drug possession had dropped by 59%. Reconviction and imprisonment rates for people with drug convictions were not negatively impacted by defelonization.

➤ Oklahoma

In 2016, Oklahoma State Question 780 made possession of all controlled dangerous substances a misdemeanor instead of felony. In the year after its passage, there was a 74% decrease in felony cases involving simple drug possession.