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NEWS



State Advocacy News: Expanding Racial Impact Statements

MARCH 01, 2019

Seven states – Illinois, Kentucky, Minnesota, Mississippi, New York, Oklahoma, and Vermont – have introduced legislation this year to require racial impact statements.

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Many are motivated to challenge mass incarceration in the fight for racial justice. Organizers and advocates address racial disparities by advancing the concept of racial impact statements as a targeted policy intervention. Campaigns have supported the adoption of these measures in four states to challenge unfair and unequal system. Today, lawmakers and advocates continue efforts to advance similar reforms in several states.

Expanding Racial Impact Statements

Racial impact statements are tools for lawmakers (<https://default.salsalabs.org/T852a0b25-4a69-4c56-972eb0-48dd-a44a-33f585b11549>), similar to fiscal and environmental statements, to evaluate potential legislation *prior* to adoption and implementation. Four states – Iowa, Connecticut, Oregon, and New Jersey impact statement requirements in addition to the Minnesota Sentencing Guidelines Commission developing requirement.

Seven states – Illinois, Kentucky, Minnesota, Mississippi, New York, Oklahoma, and Vermont – have introduced require racial impact statements.

- **Illinois** – Several measures (<https://default.salsalabs.org/Td00dacb9-c9f6-4de3-b8ec-2916b4c4100133f585b11549>) were introduced earlier this year to authorize racial impact statements. The measures require the Criminal Justice Authority to prepare racial impact statements for every bill that affects pre-trial detention and supervision. The proposed measures require an explanatory note that includes a reliable estimate of the law changes on racial and ethnic minorities.
- **Kentucky** – Legislation addressing racial impact statements was introduced (<https://default.salsalabs.org/d01172651f15/14ecd3a9-2eb0-48dd-a44a-33f585b11549>) in January. If enacted, a key provision would require proposed sentencing law with a projected racially disparate outcome to amend the measure, address it for the record why the legislative measure should advance.
- **Minnesota** – The Minnesota Sentencing Guidelines Commission currently produce (<https://default.salsalabs.org/418e-a6a9-3c644001e49b/14ecd3a9-2eb0-48dd-a44a-33f585b11549>) racial impact statements with. However, legislation – Senate File 96 (<https://default.salsalabs.org/T10c6c090-cdfd-46d5-9e12-b7f8:48dd-a44a-33f585b11549>) – was introduced in the state senate earlier this year to statutorily codify the requirement.
- **Mississippi** – Lawmakers are considering legislation (<https://default.salsalabs.org/Tc25486fa-56ea-42ded173f65045/14ecd3a9-2eb0-48dd-a44a-33f585b11549>) requiring the Department of Public Safety to prepare racial impact statements for proposed sentencing laws. The current proposal would allow a proposed sentencing law jurisdiction to attach an impact statement using their own analysis if they disagree with the statement prepared by the Department of Public Safety.
- **New York** – State policymakers are considering (<https://default.salsalabs.org/Tbeb2aa04-9008-4f6a-a2eb0-48dd-a44a-33f585b11549>) a racial impact statement measure that includes time requirements in proposed sentencing laws. The impact statement is required to be available thirty days prior to the floor debate in the assembly or senate.
- **Oklahoma** – The state's proposed (<https://default.salsalabs.org/Te186ab69-041c-48ff-8e64-79864fa44a-33f585b11549>) racial impact statement law outlines a process for proposed sentencing laws which require the Department of Corrections to prepare racial impact statements for every bill that affects sentencing laws.

provided. The measure directs legislative leadership to delay calendaring new sentencing laws for debate until a racial impact statement is made available.

- **Vermont** – Lawmakers recently introduced (<https://default.salsalabs.org/Tfebd8502-c1ff-46fd-900f-3648dd-a44a-33f585b11549>) racial impact statement legislation that also includes requirements to amend a law if there is an anticipated racially disparate outcome.



(<http://www>

[content/uploads/2019/03/unnamed-2.jpg](http://www.content/uploads/2019/03/unnamed-2.jpg))

Hearts for Inmates members attend sentencing reform hearing in South Carolina.

Other News

- **Arizona** – Lawmakers are considering (<https://default.salsalabs.org/T74b9232d-3d14-4e6c-9570-b7e48dd-a44a-33f585b11549>) several sentencing reform measures to scale back the state's prison growth and to scale back the state's truth in sentencing scheme from 85-percent time served to 65-percent time served for nonviolent offenses. Lawmakers are also considering SB 1310 (<https://default.salsalabs.org/T9fd0e6de7e0929b8d/14ecd3a9-2eb0-48dd-a44a-33f585b11549>), which recalibrates the state's truth-in-time served for qualifying drug possession offenses.
- **Delaware** – The attorney general issued prosecutorial guidance (<https://default.salsalabs.org/Tbc7348d0d7eebb92e/14ecd3a9-2eb0-48dd-a44a-33f585b11549>) for a range of changes in bail, sentencing, and collateral consequences. The memorandum outlines presumptive guidelines that emphasize judicial discretion, increases diversification of sentencing options, and reduces collateral consequences associated with a criminal record.
- **Florida** – Lawmakers introduced (<https://default.salsalabs.org/T83d35e00-1d12-48ca-aeff-078d51a1a44a-33f585b11549>) the Florida First Step Act – SB 642 (<https://default.salsalabs.org/T98de7336-92643aaf30ce16/14ecd3a9-2eb0-48dd-a44a-33f585b11549>) – a measure to scale back certain mandatory sentencing for nonviolent offenses.
- **Kentucky** – Policymakers considered (<https://default.salsalabs.org/Ta9b5afc3-f05e-440a-ac42-eaea9a44a-33f585b11549>) HB 91, a measure to place a constitutional amendment on the ballot to expand the scope of offenses that can be expunged after felony convictions after sentence completion.

- **Michigan** – Policymakers advanced (<https://default.salsalabs.org/Ta9cb8704-eac4-466b-9152-bb6c7a44a-33f585b11549>) legislation raising the age of criminal prosecution for young defendants from 17
- **Minnesota** – Legislation to expand voting rights to persons on felony probation and parole was introduced (<https://default.salsalabs.org/Td694467f-38eb-4fe0-a5ae-010a80a02bf8/14ecd3a9-2eb0-48dd-a44a-33f585b11549>)
- **Missouri** – House lawmakers considered HB 195 (<https://default.salsalabs.org/Teb78cc51-2cc5-404cf60c1456d885/14ecd3a9-2eb0-48dd-a44a-33f585b11549>), a measure limiting life without parole as retroactively authorizing a parole review for life-long prisoners who meet certain requirements.
- **Nebraska** – Legislators deliberated LB 711 (<https://default.salsalabs.org/Ta59d371d-a5ff-4bd5-8ce7-48dd-a44a-33f585b11549>), which would authorize voting for any person convicted of a felony including
- **South Carolina** – Grassroots advocates organized (<https://default.salsalabs.org/Tcfb14c70-15f8-4b24-2eb0-48dd-a44a-33f585b11549>) in support of the sentencing reform measure, HB 3322 (<https://default.salsalabs.org/T74f7-45e4-a3b6-06b00afc874f/14ecd3a9-2eb0-48dd-a44a-33f585b11549>). The measure retroactively changes the in-sentencing requirement from 85-percent time served to 65-percent time served for qualifying offenses.
- **Tennessee** – Policymakers are considering legislation – HB 547 and SB 589 (<https://default.salsalabs.org/a526-64194f838a64/14ecd3a9-2eb0-48dd-a44a-33f585b11549>) – expanding voting rights to reside in the state. The legislation has bipartisan support (<https://default.salsalabs.org/T55df473b-1758-4d26-8aef-878dc0c1a44a-33f585b11549>).
- **Washington** – Persons sentenced to life prison terms testified in a public hearing (<https://default.salsalabs.org/a820-0e24bbc67890/14ecd3a9-2eb0-48dd-a44a-33f585b11549>) in support of SB 5819 (<https://default.salsalabs.org/ab94-4738-9d56-780fe7a583c9/14ecd3a9-2eb0-48dd-a44a-33f585b11549>). The measure establishes a board to consider release for eligible life-long prisoners.
- **West Virginia** – Legislation – HB 2459 (<https://default.salsalabs.org/T1d4c9607-9e6c-4dfe-a5a5-f12c14ecd3a9-2eb0-48dd-a44a-33f585b11549>) – expanding food assistance to persons with felony drug convictions clear of the governor’s signature.

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