State Advocacy News: Expanding Racial Impact Statements

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Seven states — Illinois, Kentucky, Minnesota, Mississippi, New York, Oklahoma, and Vermont — have introduced legislation this year to require racial impact statements.
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 interwoven campaigns have supported the adoption of these measures in four states to challenge unfair and unequal systems. 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/Td00dacb9-c9f6-4de3-b8ec-2916b4c41001 33f585b11549), similar to fiscal and environmental statements, to evaluate potential dis legislation prior to adoption and implementation. Four states — Iowa, Connecticut, Oregon, and New Jersey — require racial impact statements in addition to the Minnesota Sentencing Guidelines Commission developing requirement.

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- **Illinois** — Several measures (https://default.salsalabs.org/Td00dacb9-c9f6-4de3-b8ec-2916b4c41001 33f585b11549) 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. 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/Td00dacb9-c9f6-4de3-b8ec-2916b4c41001 33f585b11549) in January. If enacted, a key provision would require the criminal justice system to attach an impact statement using their own analysis if they disagree with the statement produced by the commission.

- **Minnesota** — The Minnesota Sentencing Guidelines Commission currently produce (https://default.salsalabs.org/Td00dacb9-c9f6-4de3-b8ec-2916b4c41001 33f585b11549) racial impact statements. However, legislation — Senate File 96 (https://default.salsalabs.org/Td00dacb9-c9f6-4de3-b8ec-2916b4c41001 33f585b11549) — was introduced in the state senate earlier this year to statutorily codify the requirement.

- **Mississippi** — Lawmakers are considering legislation (https://default.salsalabs.org/Td00dacb9-c9f6-4de3-b8ec-2916b4c41001 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 to be amended by the department, address issues for the record why the legislative measure should advance.

- **New York** — State policymakers are considering (https://default.salsalabs.org/Td00dacb9-c9f6-4de3-b8ec-2916b4c41001 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/Td00dacb9-c9f6-4de3-b8ec-2916b4c41001 33f585b11549) racial impact statement law outlines a process for proposed sentencing laws wh
Lawmakers are considering several sentencing reform measures to scale back the state’s prison growth and 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, which recalibrates the state’s truth-in-sentence served for qualifying drug possession offenses.

**Delaware** – The attorney general issued prosecutorial guidance for a range of changes in bail, sentencing. The memorandum outlines presumptive guidelines that emphasize judicial discretion, increases divergent consequences associated with a criminal record.

**Florida** – Lawmakers introduced the Florida First Step Act – SB 642 – a measure to scale back certain mandatory nonviolent offenses.

**Kentucky** – Policymakers considered HB 91, a measure to place a constitutional amendment on the ballot to expand eligibility for expunging felony convictions after sentence completion.
- **Michigan** – Policymakers advanced legislation raising the age of criminal prosecution for young defendants from 17 to 18.

- **Minnesota** – Legislation to expand voting rights to persons on felony probation and parole was introduced, authorizing a parole review for life-long prisoners who meet certain requirements.

- **Missouri** – House lawmakers considered HB 195, 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, which would authorize voting for any person convicted of a felony includin

- **South Carolina** – Grassroots advocates organized in support of the sentencing reform measure, HB 3322. The measure retroactively alters 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 – expanding voting rights to reside legislation has bipartisan support.

- **Washington** – Persons sentenced to life prison terms testified in a public hearing in support of SB 5819. The measure establishes a parole review board to consider release for eligible life-long prisoners.

- **West Virginia** – Legislation – HB 2459 – expanding food assistance to persons with felony drug convictions cleared the governor’s signature.

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