



## Legislation Summary:

### An Act to eliminate mandatory minimum sentences related to drug offenses

Initial bill number: [S819/H741](#) (Bill numbers will change as legislation proceeds.)

Sponsors: Sen. Cynthia Creem, Rep. Evandro Carvalho

This bill eliminates mandatory minimum sentences and minimum fines for certain drug offenses. It also enables those serving such sentences to be eligible for parole, to participate in programming and to be eligible for time off for good conduct.

**Why this is good:** Mandatory minimum sentences [disproportionately fall on communities of color](#) in Massachusetts. As of January 2015, 95% of males incarcerated were serving a sentence longer than three years, yet only 69% had committed a violent offense. Further, the Department of Corrections projects a [decrease of only 0.1 % annually](#) in the prison population from 2015 to 2022. The latest report from the Massachusetts Sentencing Commission [supports repeal of most if not all mandatory minimums](#) except in the case of murder. A May 2017 MassInc poll shows that about two-thirds of registered Massachusetts voters say the top priority for dealing with crime should be prevention and rehabilitation, the same percentage think drug use should be treated as a health issue rather than as a crime, and [only 8% support the use of mandatory sentences](#).

**Bottom Line:** Although prosecutors have the discretion to charge individuals with crimes, it is the judge's discretion to sentence them, and mandatory minimums take away a judge's discretion. People of color comprise on average 77% of drug offenders sentenced to mandatory minimums, despite the fact that all races use drugs at roughly equal levels. A [minor drug offense](#) resulting in a felony conviction can result in the denial of federal and state public housing, federal and state student loans and can be used as a reason not to hire, thus discouraging individuals from getting jobs, going to college or participating in training programs.