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Crime and Sentencing State Enactments 1995

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State legislatures are again taking up crime and criminal sentencing in a big way in 1995. New sentencing enactments abound, especially those aimed at keeping violent and repeat offenders in prison longer. A new sentencing measure in **Florida** called "Stop Turning Out Prisoners" exemplifies the sentencing theme of more than a dozen states this year. Cracking down hard on offenders who victimize children is the other common chorus heard in new anti-crime laws in the states. New enactments will keep tabs on sex offenders, some with notification provisions that follow the much publicized "Megan's Law" adopted in **New Jersey** late last year. **New York**, with a supportive new governor, reinstated the death penalty, while a number of other states added capital crimes and aggravating circumstances to be considered in imposing a death sentence.

"Truth" and "Three Strikes"

"Truth in sentencing" has been an objective in many states taking up sentencing policy this year—even while variation is seen in how "truth" is defined as well as the numbers and types of offenders to whom it applies. By midyear, a new crop of state laws require that 85 percent of a sentence be served. Those include: **Connecticut, Florida, Illinois, Louisiana, Mississippi, New York, North Dakota, South Carolina** and **Tennessee**. The 85 percent of sentence requirement applies broadly to those who commit serious, violent crimes in most of the states, while all prison inmates are affected in Florida and Mississippi. Offenders who commit serious or violent crimes in **Arkansas** will serve 70 percent of the sentence given. South Carolina created "no parole offenses" for which those convicted will serve 85 percent of their sentences, and at least 80 percent of the sentence must be completed before an inmate may qualify for work-release status. In Illinois, many offenders who commit serious or violent crimes will serve at least 85 percent, while the law also requires that all offenders imprisoned for first-degree murder are not eligible for release. Abolishing discretionary parole, earned-time credits in Mississippi are limited so as to require that prisoners serve at least 85 percent of their sentences and then be supervised in the community until expiration of the full term. The **Iowa** General Assembly also passed an 85 percent of sentence measure that applies to offenders convicted of a second, serious crime. The bill was vetoed by the governor, who opposed sections of the legislation that reduced some mandatory sentences for drug offenders. A new

New state laws will keep repeat and violent offenders in prison longer.

law in **South Dakota**, with a different take on "truth," requires courts at sentencing to state the first date the offender will be eligible for parole; **Maine** similarly provides that the court specify the length of sentence to be served in legislation that also allows for life sentences for any crime that results in death or serious bodily injury.

"Three strikes you're out" continues to be the call in states this year as well. At least nine states by midyear passed new laws to impose a long, often life sentence, sometimes without possibility of parole, for two-time or three-time, repeat offenders who commit violent crimes. New three strikes-type laws are seen in **Arkansas, Florida, Montana, Nevada, New Jersey, Pennsylvania, South Carolina, Utah** and **Vermont**. In Arkansas, a new law requires long mandatory or life sentences for both two-time and three-time violent offenders. In Florida, three-time habitual felons can get from 10 years to life, and the most violent career criminals will serve 85 percent of a mandatory sentence, some serving life with no release eligibility. Montana law makes clear that three-time violent offenders will serve life without possibility of parole and that the entire sentence will be served in a prison with no eligibility for work release or nonsecure detention. A new Pennsylvania measure provides long, fixed terms for second and subsequent first-, second- and third-degree felony offenses. South Carolina in its 85 percent law also included a "two strike" life without parole sentence for repeat offenders of serious or violent crimes. And three strikes-type laws have been around long enough now for states to revise provisions. **Virginia** this year eliminated the old-age release possibility for three-time felony sex offenders and provides life imprisonment for two-time felony sex offenders. **Louisiana** extended the time period over which "strikes" are counted, and **Tennessee** expanded the list of violent felonies under its "three strikes" provisions.

Some enactments balance long sentences for violent offenders with treatment or community sanctions for others.

Other states established extended or mandatory sentences for offenders who commit serious crimes. Violent and repeat criminals in **Indiana, Maine, Nebraska, Minnesota, Oregon, Rhode Island** and **Wisconsin** will serve longer sentences as a result of legislation in 1995 to reduce good time, change parole eligibility or otherwise extend sentences for certain offenders. Sentencing with regard to crimes committed with weapons also received attention. **Delaware, Georgia, Iowa, Louisiana, New Mexico, Nevada** and **Utah** have new laws that add weapon use to certain crimes as well as enhance the penalties if firearms or other weapons are used in a criminal act.

Other Sentencing Reforms

A broad sentencing reform act in **New York** set 85 percent of sentence rules for violent criminals and established determinate, or set, sentences for many offenders. The act also revises previous law by creating a supervised parole sentence that includes a stay in a drug treatment campus for some second felony offenders. The New York law also created a sentencing commission to study the effects of the reform act. **Ohio** also passed significant felony sentencing reform legislation that follows several years of sentencing commission work. The new sentencing framework categorizes felonies into five classes; provides some mandatory minimum sentences for repeat, violent offenders; reclassifies drug trafficking and possession offenses; and broadens community sanctions for some offenders. The Ohio legislation addressed truth in sentencing by eliminating discretionary parole release. Post-release supervi-

sion will be optional for some and required for other offenders. Meanwhile, a **Louisiana** measure trumps sentencing guidelines and allows courts to base many sentences on individual risk assessments with an emphasis on imprisonment.

Sentencing laws that provide alternatives to prison pale this year against the crop of get-tough laws. Nonetheless, **Alabama** beefed up restitution programs, including recovery of funds; **Maine** added community service as a sentence, previously used only as a condition of probation; and **Connecticut** directed its parole board to establish, develop and maintain noninstitutional, community-based programs. In **Oregon**, a new law requires community punishments for offenders sentenced to less than one year, and will include state assistance to local governments for jails and alternative sanctions. A special session early next year is expected to address state-local implementation. Some alternatives-related laws followed the get-tough theme, articulating circumstances in which alternatives *are not* to be imposed. In **Illinois**, if a person is convicted of coercing another to join a gang, he cannot get probation or a conditional discharge sentence. **Georgia, Indiana, Maine, Maryland, Nevada, North Dakota** and **Texas** prohibit community corrections placements for certain sex offenders. A task force is at work in **Michigan** to recommend how best to use prison alternatives while maintaining public safety. And a Senate proposal in **California**, if passed, will provide money to counties to develop drug treatment and other prison alternatives for low-level prisoners. Hawaii established a drug court this year and will use fines collected for specified drug offenses to fund treatment and demand-reduction programs. **Massachusetts** lawmakers approved an interim study of establishing drug courts in two counties.

Death Penalty

New York became the second state in many years to implement a death penalty (**Kansas** reinstated capital punishment a year ago). First-degree murder in New York state now will be punishable by death or life imprisonment, and the new law expanded first-degree murder to include killing certain peace officers; murder preventing testimony at a criminal trial; murder during the commission of certain other felonies; contract, multiple, torturous and serial killings; and second conviction of second-degree murder. Many other states added capital crimes or expanded aggravating factors for imposition of the death penalty. **Arkansas** added murders committed by the knowing discharge of a firearm from a vehicle as a capital offense, and **Delaware** added "hate crime" murders as an aggravating circumstance. **Florida** added as an aggravating circumstance a capital felony involving aggravated child abuse of a victim under age 12; **South Dakota** added the killing of a child as an aggravating factor in imposing the death penalty; and **Louisiana** added as a capital crime aggravated rape when the victim is under age 12.

Many states added capital crimes or expanded the factors that could result in imposition of a death sentence.

Colorado addressed sentencing procedure in death penalty cases, establishing that a panel of three judges, not a jury, will determine whether to sentence death or life imprisonment. Several states addressed the death penalty appeals processes, including **Maryland**, statutorily streamlining the post-conviction process by reducing the number of petitions allowed and by shortening some time periods. A **Tennessee** law requires that in cases where the state has given notice of intention to seek the death penalty, the trial and appellate courts will give those first priority in docketing.

Sentencing Procedure, Post-Conviction

Ohio set time limits for filing post-conviction relief in death penalty and other cases and requires that the original or amended petition state all grounds for relief claimed. Other states enacting new laws affecting post-conviction include **Arizona**, which repealed the requirement that the state Supreme Court review all rulings affecting an appealed final judgment. The law requires the dismissal of a convict's appeal if not timely filed with no right to refile and requires "extraordinary circumstances," rather than "good cause," as the standard in allowing post-conviction amendments. **Alaska, Illinois, Montana, Tennessee** and **Utah** similarly passed laws relating to limits on post-conviction review. **Nevada** addressed inmate civil actions, requiring inmates to forfeit good time for frivolous civil suits. **Iowa** requires inmates to pay fees associated with lawsuits and eliminates good conduct credits for malicious, frivolous actions. **New Hampshire** will carry over a proposal relating to frivolous inmate litigation into 1996. A **Minnesota** law sets fees for civil actions by inmates and establishes procedures for inmate civil claims.

A 1995 enactment in **Nevada** eliminates exculpation from a crime or crimes committed by reason of insanity and authorizes a plea of guilty, but mentally ill, in a criminal proceeding. A **West Virginia** law provides for commitment and continued court jurisdiction over people found not guilty by reason of mental illness, mental retardation or addiction.

Sex Offenders

Sex offenders have been the attention of much state legislation this year, including many laws that establish registration or alter, usually by expanding, requirements for existing registries. **Connecticut, Hawaii, Iowa, Maryland, Montana, North Carolina, New Mexico, New York** and **Utah** passed laws establishing sex offender registration. **California** expanded registration requirements to include offenders convicted of kidnapping with intent to commit certain sex offenses and provided that failure to comply is a felony. **Illinois** requires all sex offenders, not only repeat offenders, to comply with registration. **Indiana, Mississippi, Oregon** and **Washington** similarly broadened statutory requirements for those who must register as sex offenders. Some laws also provide public or community notification when sex offenders are released from a correctional facility. Many of these are in the spirit of New Jersey's 1994 "Megan's Law," the much-publicized notification measure that followed the rape and murder of a 7-year-old girl, allegedly by a neighbor who had a history of assaulting young girls. Enactments in **Arizona, Florida, Louisiana, Nevada, North Dakota** and **Texas** provide for such notification. Laws in **Colorado, Iowa, Maryland, North Carolina** and **South Dakota** allow public access to sex offender registries held by local law enforcement agencies. California's and New York's access laws established a "900" number that citizens may call for registration information.

At least three states this year, **Illinois, Tennessee** and **Utah**, passed laws restricting name changes by people who have been convicted and have been required to register as sex offenders. A **Delaware** law prohibits convicted child molesters from living or loitering close to schools; and a **Florida** enactment prohibits intentionally luring or enticing, or attempting to lure or entice, a child under 6 into a home, other structure or vehicle.

Laws have been enacted to establish or expand registration requirements for sex offenders.

Crimes and Victims

States continue to tinker with stalking laws that proliferated a few years ago, but not usually because they were considered unconstitutionally vague. **Arizona** defined "stalking" as a felony. The crime was previously dealt with under aggravated harassment, which also was revised in the new law. **Hawaii** similarly added aggravated harassment by stalking. **Missouri** added stalking language to laws related to domestic abuse and protective orders. And **Oregon** will revoke concealed handgun licenses for persons who violate a protection order. Other states fine-tuned stalking laws or increased penalties, including **Louisiana, Nevada, Rhode Island, South Carolina, Tennessee** and **Texas**.

States have fine-tuned stalking laws or increased penalties.

A number of states are taking aim at graffiti in 1995. **Hawaii, Nevada, New Mexico, New York, Oregon, Rhode Island, Virginia** and **Washington** passed laws creating, clarifying or increasing penalties for graffiti or vandalism. Rhode Island now requires people convicted of vandalism to perform community service; parents of vandals pay a fine.

Victims' measures also were plentiful in 1995, and many new laws improved or expanded restitution and victim participation in the criminal justice system. A new **Louisiana** measure requires that one member of the board of parole be appointed from a list submitted by a victims' group. Another law places a representative of the victims' group on the state's law enforcement commission. **South Carolina** is developing parole hearings held through video, including video testimony by crime victims.

Alabama authorized local restitution recovery divisions. An **Arizona** law established that restitution is a criminal penalty for purposes of federal bankruptcy. And **Illinois** provided that a court can extend the period for making restitution beyond five years if it is in the victim's interest. An **Indiana** law broadens the description of assets of a criminal from which victims may receive civil damages. **Washington** authorized enforcement of court-ordered restitution as a civil judgment. **Nevada** similarly authorized assignment of wages for restitution as a condition of probation or parole. **Texas** passed several victims' measures this year, including ones providing for victim participation and notification, liens against property of a criminal and creation of a Crime Victims' Institute.

A **Florida** law creates penalties for abuse or neglect of an elderly person and also revised the state's statute on "exploitation" with regard to an elderly person's funds, assets and property, including penalties. An **Oregon** enactment creates a civil cause of action for physical or fiduciary abuse of an elderly person and specifies the remedies available.

Crime prevention measures in 1995 have included ones related to customer safety at automated teller machines in **Louisiana, New Jersey** and **Texas**. Similarly, a new law in **Missouri** requires improved security at convenience stores.

Offender Pays

Enactments ensuring that crime does not pay, but the offender does, are seen in measures authorizing certain types of offender fees. An **Arizona** law allows county jails to charge inmates up to a \$3 fee for certain health services and in another law requires a "utility fee" for

prisoners who have certain electrical appliances. **Minnesota** lawmakers authorized inmate "co-payments" for medical services and deductions from inmate accounts for room and board and victim reparations. **South Dakota** and **Tennessee** also passed laws regarding jail offender fees and **New York's** sentencing reform act allows for collection of fees to help defray the cost of incarceration from compensation paid to prisoners for work performed. The **Iowa** law that addresses inmate lawsuits also provides that cities and the state may collect from an inmate's winning lawsuit for incarceration costs.

Other New Laws

Prison privatization received attention in state legislatures this year. **Connecticut** passed enabling legislation that authorizes the commissioner of corrections to improve the operation of the state's correctional facilities by entering into contracts with government or private vendors for prison management. **Oregon** authorized contracts with public or private entities for correctional facilities. **New Mexico** legislation provided for expanding use of private contracts for correctional facilities, and **Florida** similarly provided for expanding private correctional contracts for bed space. **Arizona** passed a law clarifying requirements for private prison contracts, which includes addressing liability and responsibilities.

Also related to corrections management, **Florida** eliminated "emergency release" procedures in law this year that also changes "lawful capacity" and emergency powers of the governor to release inmates due to overcrowding. **Iowa** passed legislation requiring hard labor for all able inmates, including development of chain gangs.

Sentencing Enactments—"Truth," "Three Strikes," Others

Sentence

Arkansas S 820

Certain offenders must serve 70% of sentence.

Arkansas S 123

"Three strike"-type measure requiring habitual offenders convicted of two violent crimes serve mandatory sentences or life; three-time habitual offenders convicted of certain violent crimes serve mandatory sentence or life.

Colorado S 54

Provides that a three-judge panel, not a jury, will determine whether to sentence a defendant to death or to life imprisonment. Death decision must be unanimous.

Connecticut S 927

Requires certain offenders serve at least 85% of the sentence imposed and directs the parole board to adopt corresponding regulations that include guidelines and procedures for classifying people as violent offenders not limited to the elements of the offense or offenses for which they are convicted.

Florida H 687

"Stop Turning Out Prisoners Act" requires offenders to serve a minimum of 85% of the sentence imposed, with gain time limited accordingly. State prisoners sentenced to life imprisonment, including for capital felonies, will be incarcerated for the rest of their natural lives.

Florida S 168

"Officer Evenyn Gort and All Fallen Officers Career Criminal Act" provides three strikes-type penalties and includes 85% requirement for some. "Habitual felony offenders" have had 2 or more felonies and get terms from life to not exceeding 10 years; "habitual violent felony offenders" have had 1 or more previous violent crime convictions and get from life, with no release eligibility for 10 years, to 10-year sentences with no release eligibility for 5 years; "violent career criminals" have been convicted as an adult 3 or more times for violent crimes

Crimes/Offenders Affected

Those convicted of first-degree murder, kidnapping, aggravated robbery, rape and causing a catastrophe.

Two strike applies to serious felonies involving violence: first- or second-degree murder, some acts of kidnapping, aggravated robbery, rape, some terrorist acts, causing catastrophe. Three strike applies to broader list including those named above and first-degree battery, unlawful discharge of a firearm from a vehicle, some criminal use of prohibited weapons, a felony attempt or conspiracy, first-degree sexual abuse.

Applies to offenders eligible for parole where the underlying facts and circumstances involve use, attempted or threatened use of force against another person. (Previous law makes a capital felony, murder, or any offense committed with a firearm at or near school ineligible for parole.)

All prison sentence offenses are affected.

"Habitual felony offender" has previously been convicted of 2 or more felonies. "Habitual violent felony offender" has had 1 or more previous felony convictions for any of a dozen crimes including arson, robbery, aggravated child abuse, aggravated assault, murder, aggravated stalking. "Violent career criminal" has been convicted as an adult 3 or more times of forcible felony, aggravated stalking, aggravated child abuse, indecent conduct, felony involving firearm, and has been incarcerated in state or federal prison. Convictions include

Sentence

and get from life, with no release eligibility, to mandatory minimum of 10 years. "Violent career criminal," established in a separate proceeding, "gain time" limited to require 85% of sentence served. Courts must give written reasons for not imposing statutory sentences, addressing protection of the public. Law also provides guidance for career criminal apprehension and prosecution.

Florida S 172

Makes revisions to sentencing guidelines known as "Safe Streets Initiative" to emphasize incarceration of violent offenders and violent and nonviolent offenders who repeatedly commit criminal offenses. Adds points for certain repeat grand theft auto, changes dollar amounts and points for theft, enhances certain accessory offenses, creates life sentences for certain drug trafficking offenses.

Illinois S 187

Limits good conduct credits to require offenders serve at least 85% of sentence imposed. Also creates Illinois Truth-in-Sentencing Commission, charged with facilitating and monitoring implementation of 85% of sentence measure.

Indiana H 1004

Lengthens sentences for certain crimes: murder to 55 years (death or life without parole); Class A felonies raised to fixed 30 years. Also enhances possible penalties for people dealing in controlled substances and using or possessing certain firearms.

Louisiana H 146

Requires certain offenders serve at least 85% of the sentence imposed before being eligible for parole. Life sentences must be commuted to fixed term of years to be eligible for parole consideration.

Louisiana S 1418

Provides set sentences that must be served, without benefit of probation, parole or suspension of sentence and with good conduct limitations.

Crimes/Offenders Affected

those within 5 years of new felony or within 5 years of release from prison or parole.

85% applies broadly to serious, violent crimes. Offenders imprisoned for first-degree murder receive no good conduct credit and will serve 100% of sentence.

Applies broadly to crimes of violence.

Rape, 25 years; sexual battery, 10 years; aggravated sexual battery, 15 years.

Sentence

Louisiana H 2410

Three strikes-type provision requires offender convicted of third felony be sentenced to life under certain circumstances or to life without parole for third or fourth felony conviction under certain circumstances.

Maine S 203

Allows consideration of criminal histories when determining sentences in excess of 20 years of imprisonment for Class A crimes.

Maine S 201

Reduces statutory meritorious good time to ensure that the term of imprisonment imposed closely approximates that which will be served.

Mississippi S 2175

Earned-time credits are limited to require that inmates serve at least 85% of prison term. Having served 85% and once released, inmates are placed under earned-release supervision until expiration of the full term. Inmates serving life sentences, except those imprisoned for life for capital murder, may petition for conditional release after age 65 and at least 15 years served. The law also establishes a reconstituted state parole board, and on July 1, 2000, transfers those duties, responsibilities to the Department of Corrections, eliminating the parole board, as such.

Montana H 356

Simplifies and calls for phasing out all good time by 1997, pending recommendations of a sentencing commission, established in the legislation. Meanwhile, actual time served not substantially affected.

Crimes/Offenders Affected

Life sentence applies to third felony or adjudication of delinquent for felony-grade violation of violent crime or controlled substances laws. If the third felony or either of the 2 prior felonies is a crime of violence, a controlled substances offense punishable by imprisonment more than 5 years or any other crime punishable by imprisonment for more than 12 years, the offender gets life without parole. "Crime of violence" is any 1 of 30 violent offenses, ranging from first-degree murder to purse snatching.

Class A crimes include felony murder, manslaughter, kidnapping, arson, causing catastrophe, some sex crimes. Attempted murder added in 1995 as a Class A crime in Maine by H 152.

All crimes, prisoners.

All prison inmates affected.

Applies to all prison inmates.

Sentence

Montana S 66

Three strikes-type law, that people convicted of 2 specified violent offenses and 3 of other specified violent offenses (death penalty excepted) must be sentenced to life without possibility of parole or sentence credits, served in a prison, not a work release center, boot camp or nonsecure facility.

Nevada A 317

Three strikes-type measure, requiring habitually violent felon with 2 previous violent felonies be sentenced to life without possibility of parole, life with possibility of parole after minimum of 10 years served or to 25-year term with parole eligibility after 10 years.

New Jersey A 318

"Persistent Offenders Accountability Act" is three strikes-type of law, that people convicted of the third of certain offenses shall be sentenced to life imprisonment without possibility of parole. Other extended terms—30 years to life, 20 years to life, 5 to 10 years, and 3 to 5 years—apply to conviction of other specified offenses.

New York S 2950

Reinstates death penalty in New York. Establishes the sentences of death or life imprisonment without parole for first-degree murder. Establishes sentencing procedure in capital cases.

New York S 5281

Sentencing Reform Act includes truth, 85%-type provisions and habitual offender measures. Also changes previous law for second felony offenders. Establishes determinate sentences under which offenders are not eligible for discretionary release and may not be paroled prior to serving six-sevenths of the set term. Determinate sentences are imposed on violent felony offenders with a prior felony conviction. Certain second, nonviolent felony offenders may be sentenced to parole terms and stay at a drug treatment campus. Also creates commission to study the effects of the Sentencing Reform Act.

Crimes/Offenders Affected

Two strike applies to second conviction for deliberate homicide, aggravated kidnapping, certain sex crimes including sexual abuse of a child, ritual abuse of a minor. Three strike life without parole applies to mitigated deliberate homicide, aggravated assault, kidnapping, robbery, arson or to a conviction for any of the second list of offenses with 2 previous convictions for any of the first list of offenses. Previous offenses apply if less than 5 years has elapsed since previous offense or release from prison.

Applies to many violent felonies, including indicates that there are other felonies not listed, murder, robbery, kidnapping, aiding or abetting kidnapping, battery, abuse of children, arson, home invasion, others.

Third strike life without parole applies to criminal homicide, robbery, carjacking. Extended term 30 years to life for third conviction with 1 or more prior first-degree or aggravated crime convictions; terms of 20 years to life if 2 or more previous convictions for crimes just named or second-degree crime; term of 10 to 20 years for third conviction for second-degree crime; and 5 to 10 years or 3 to 5 years for third of combinations of lesser crimes.

Expands provisions of first-degree murder to include killing certain peace officers, to prevent testimony at criminal trial, during commission of certain felonies, contract killings, multiple killings, second conviction of second-degree murder, torturous and serial killings.

The six-sevenths of sentence determinate sentences apply to Class B violent felony offenders who must serve 8 to 25 years; Class C violent felony offenders who are to serve 5 to 15 years; Class D violent felony offenders who must serve 3 to 7 years; and Class E violent felony offenses, which carry set sentences of 2 to 4 years. The parole sentence provisions for second nonviolent felony offenders applies to specified offenses including, but not limited to, criminal mischief, grand larceny, forgery, some controlled substance felony offenses.

Sentence

North Dakota H 1218

Requires imprisoned, violent offenders must serve 85% of sentence.

North Dakota H 1218

Provides extended sentences for certain special, dangerous and habitual offenders. If conviction offense is Class A felony, court may impose up to life imprisonment; Class B felony, maximum 20 years; Class C felony, up to 10 years.

Ohio S 2

Establishes new framework for felony sentencing, sets principles to guide courts in imposing sentences and specifies presumptions for imposing prison terms for certain felonies. Some mandatory minimum sentences required under law, including for repeat violent offenders on whom the court must impose a prison term from the range authorized for the offense, which cannot be reduced by judicial release, earned credit or any other provision for release. Reclassifies drug trafficking and possession offenses. Specifies financial sanctions, residential and nonresidential prison alternatives. Sets sentencing procedure and sentence appeals. Establishes sentence of life imprisonment without parole as additional alternative to the death penalty in applicable cases.

Oregon H 3439

Creates mandatory minimum sentences for some crimes. Extends to 25 years the period of time that a person sentenced to life imprisonment for aggravated murder must serve before parole board considers rehabilitation, release.

Crimes/Offenders Affected

Violent offenders include those convicted of murder, manslaughter, aggravated assault, kidnapping, gross sexual imposition, robbery, burglary or attempts to commit the offenses.

Habitual offenders have been previously convicted of 2 felonies as adults; or convicted of offenses that seriously endanger the life of another person and the offender has previously been convicted of a similar offense; or the offender is especially dangerous because he used a firearm, dangerous weapon or destructive device in the commission of the offense or during flight.

Categorizes felonies as first-, second-, third-, fourth- and fifth-degree. Mandatory minimums apply for repeat, violent offenders, major drug offenders, people who use firearms in committing offenses and certain other serious felonies. "Repeat violent offender" means one who is convicted of and sentenced for committing or attempting to commit aggravated murder, murder, involuntary manslaughter, first-degree felony, first- or second-degree felony in Controlled Substances Law that resulted in physical harm to a person, and who previously has been convicted and has served a prison term for any one of those crimes, or who was adjudicated delinquent for an act that, if committed by an adult, would have been one of those felonies. Death penalty-eligible cases for which life imprisonment without parole may apply when offender is guilty of aggravated murder with 1 or more aggravating circumstances.

Includes many violent crimes, including murder, attempt or conspiracy to commit murder, manslaughter, assault, kidnapping, rape, sodomy, unlawful sexual penetration, others.

Sentence

Pennsylvania H 93

Two and three strike-type habitual offender measure, providing that second or subsequent offenders convicted of first-degree felony may be sentenced to fixed term of not more than 20 years; second degree will serve fixed term of not more than 10 years; and third degree not more than 7 years, also fixed. Violent offenders who have one previous violent crime conviction and upon finding offender is a "high-risk dangerous offender," must serve at least 10-year fixed sentence; and a third violent offense results in serving a 25-year fixed sentence. Requires mandatory 5-year sentence enhancement during which offender not eligible for parole, probation, work release or furlough, for violent crime involving use of a firearm, or for violent offenses committed on public transportation.

South Carolina H 3096

Has "two strikes" and "truth" features. Creates, defines "no parole offense." Requires that 80% of sentence must be served before eligibility for work release and 85% for early release, discharge or community supervision. "No parole offenders," must serve up to 2 years community supervision following prison term. People with one or more prior, serious offense convictions must be sentenced to life without possibility of parole.

South Dakota S 238

At sentencing, courts are required to make public the first date the offender will be eligible for parole in addition to stating the maximum time that could be served.

Tennessee H 1762

Eliminates release eligibility for persons convicted of certain crimes and limits sentence credits to require at least 85% of sentence is served.

Tennessee H 1758

Allows prior juvenile acts that would have been adult felonies to be used in seeking enhanced sentence for adult conviction.

Tennessee H 1778

Expands list of violent felonies that if committed by people with prior conviction for certain violent felonies, for sentence of life without possibility of parole.

Crimes/Offenders Affected

"High-risk, violent, dangerous offenders" who serve minimum 10- or 25-year sentences are those with convictions for murder; voluntary manslaughter; rape; involuntary deviate sexual intercourse; robbery; arson; kidnapping, aggravated assault in which the offender intentionally, knowingly or recklessly causes serious bodily injury; some burglary offenses; conspiracy or attempt to commit those offenses. Two strike and three strike violent offender provisions apply to convictions within 7 years of the instance of the offense, not counting time in prison, other detention or probation or parole.

"No parole offenses" are Class A, B or C felonies including many serious, violent crimes punishable by 20 years or more in prison. Life without parole sentence applies to "most serious offenses," including many serious violent felonies, drug trafficking, some bribery, embezzlement, certain accessory and attempt offenses.

All offenders for whom sentence includes imprisonment.

Applies to 11 violent, often aggravated, crimes including murder, rape, rape of a child, kidnapping, robbery, sexual battery, arson, child abuse.

Includes many violent felonies.

Sentence

Utah H 46

With some three strikes features, measure provides enhanced penalties for offenders court determines to be habitually violent. Second- or third-degree felony treated as first degree; penalty for first degree remains with no probation eligibility. Board of parole is to consider it an aggravating factor that the convicted person is a habitual violent offender.

Virginia S 940

Amends existing three strikes law to provide that person convicted of 3 felony sex offenses is ineligible for the old-age release, possibility for life sentences. Second-time sex offenders are subject to Class 2 felony penalty.

Vermont S 51

Three strikes-type law provides that fourth felony conviction may result in imprisonment up to and including life. Third felony crime of violence shall have sentence from imprisonment up to and including life, with no probation eligibility or suspended sentence, early release or until expiration of minimum sentence.

Crimes/Offenders Affected

"Habitual violent offender" is person convicted of a violent felony who has at least 2 prior convictions for any felony over the previous 10 years and has been incarcerated, on probation or parole, or the subject of an unexecuted felony arrest warrant. Many violent crimes apply, including criminal homicide, aggravated assault, aggravated kidnapping, rapes and other sexual assault crimes, sexual exploitation of a minor, aggravated burglary, others.

Felony sex offenses include rape, sexual battery, aggravated sexual battery, forcible sodomy, attempts.

About a dozen crimes apply under the violent career criminal provisions, including arson causing death, assault and robbery with a dangerous weapon or causing bodily injury, aggravated assault, murder, manslaughter, several sexual assault crimes, first-degree aggravated domestic assault.

Sex Offender Registration and Notification Enactments

Sex Offender Registration - New Law

Connecticut S 872

Requires sexual offenders to register with the local police department for 5 years beyond the end of their sentences.

Hawaii S 443

Requires adult sex offenders to register with the local law enforcement agency within 3 working days after arrival in a county where the offender plans to reside for more than 1 month.

Iowa S 93

Requires convicted sex offenders to register within 10 days of release, establishing residence in the state or changing residence.

Maryland S 79

Requires adult child sex offenders to register with the local law enforcement agency within 7 days of release, establishing residence in the state or changing residence.

North Carolina S 53

Requires convicted sex offenders to register for 10 years in the county where they plan to reside. Applies to persons released from prison or convicted after Jan. 1, 1996.

New Mexico S 481

Enacts the Sex Offender Registration Act; requires sex offenders to register; authorizes exchange of registration information.

New York A 1059C/S 11

Enacts the "Sex Offender Registration Act." Requires any sex offender to register with the Division of Criminal Justice Services within 10 days to verify the offender's intended residence or prior to any change of address.

Utah H 230

Requires sex offenders to provide the Department of Corrections with all names and aliases used; prohibits sex offenders from changing their names while under the continuing jurisdiction of the Department of Corrections.

Sex Offender Registration Revisions

California A 173

Requires offenders convicted of specified kidnapping offenses involving intent to commit certain sex offenses to register under specified provisions; provides that willful failure by those offenders to comply with these registration requirements is a felony.

Delaware S 146

Prohibits sexual offenders from loitering/residing on or within 500 feet of any school property.

Illinois H 204

Changes the Child Sex Offender Registration to the Sex Offender Registration Act. Effective Jan. 1, 1996, applies to first-time and repeat sex offenders; applies to anyone found to be a sexually dangerous person under Illinois law or a similar state or federal law.

Indiana S 363

Changes the Sex Offender Registration Law. Redefines an "offender" as a person convicted of a sex offense; specifies that an offender's duty to register terminates 10 years after the date he is released from prison or placed on parole or probation; and adds sexual misconduct with a minor to the list of offenses for which an offender must register.

Louisiana S 1263

Requires sex offenders living in parishes over 490,000 population to register with the police department instead of the sheriff.

Mississippi S 2163

Includes additional classes of offenders who must register under the Sex Offender Registration Law. Imposes continuing re-registration requirements.

Montana H 157

Allows certain sex offenders to be sentenced to the Department of Corrections and Human Services for life and placed in an appropriate correctional institution or program. Requires those persons to register as sex offenders for life unless a court finds that public protection no longer demands registration.

Sex Offender Registration Revisions

Montana H 214

Establishes a bill for "an act generally revising the laws relating to registration of sexual offenders."

Oklahoma H 1207

Provides for the registration of sex offenders with local law enforcement authority and the release of certain information.

Oregon H 3345

Modifies Sex Offender Registration Law. Expands number of people required to register. Allows disclosure of certain information about registered sex offenders. Prohibits expunction of records of adults and juveniles who have committed sex crimes.

Washington S 5326

Revises provisions for registration of sex offenders.

Sex Offender Notification to Officials or Public Access to Registry

California Penal Code 290.4

Establishes a "900" number that the public may call to inquire whether a certain person is listed in the registry.

Colorado H 1202

Allows public access to information in the sex offender registry held by a local law enforcement agency. Authorizes the local law enforcement agency to release basic identification and criminal history information about any registered sex offender in the agency's jurisdiction to anyone within that jurisdiction.

Hawaii S 443

Requires the Department of Public Safety or the Hawaii Paroling Authority to provide written notice to the prosecutor of the anticipated release from a state correctional facility of a person/juvenile convicted of sexual assault in any degree or an attempt to commit such offense; establishes a Notification Advisory Commission in the attorney general's office.

Iowa S 93

Allows public access to sex offender registration information when specific information is provided about both the person requesting the information and the registrant, along with the reason for requesting the information or if it is necessary to protect the public.

Louisiana H 1474

Requires notice to superintendents of local parks, playgrounds and recreation districts of where a sex offender will reside.

Louisiana S 1263

Requires notification of listed parties as a condition of probation for those convicted of the perpetration or attempted perpetration of listed sex offenses.

Maryland S 79

Requires certain supervising authorities to send written notice of the release or escape of a child sexual offender to the local law enforcement agency in the county where the offender will reside. Any person may request a copy of the registration by providing a name, address and reason for requesting the information.

Sex Offender Community Notification

Arizona S 1288

Allows community notification of sex offenders intended residence prior to release.

Florida S 56

Requires a sheriff or police chief to notify the community of the presence of a sexual predator if, after a hearing, the court determines that the predator poses a threat to the public.

Louisiana S 292

Requires as a condition of probation that community notice be given for each change of address made by a convicted sex offender.

Nevada S 192

Requires community notification of the release of sex offenders. Three levels of notification established so that specific persons will be notified depending on the offender's risk of recidivism.

North Dakota H 1152

Authorizes law enforcement to notify a community of a sex offender's presence if the agency determines the offender poses a public risk and notification is "necessary for public protection."

Texas S 267

Authorizes the local law enforcement authority to publish a notice in the county in which a released sex offender will reside, if the victim is under age 17 and the offender was not adjudicated of delinquent conduct. Also requires the superintendent of public schools of the affected districts to be notified.

Sex Offender Notification to Officials or Public Access to Registry

Mississippi S 2163

Allows law enforcement agencies to release relevant and necessary registry information to the public.

New York S 11B

Establishes and maintains a "900" number for public access to registry information.

North Carolina S 53

A person must know the offender's name to access the registry. Organizations that work with the elderly, disabled or with children can obtain a copy of the registration information. The offender's picture will not be given to anyone.

South Dakota S 42

Requires that registration records kept by local law enforcement are public records.

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