

The Sentencing Project

Criminal Justice Issues and Prisoners' Rights

<https://www.sentencingproject.org/publications/changing-direction-state-sentencing-reforms-2004-2006/>

Policy Issue Resources

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These reforms have been driven by a number of factors, including budget crises at the state level, the development and expansion of a range of programs offering alternatives to incarceration, and the falling crime rate. These state initiatives to limit prison population growth build upon a trend first evident several years ago.

At the same time, both established and newly enacted sentencing policies continue to exert upward pressure on prison populations in many states. These include the mandatory sentencing laws for drug and other offenses in most states, harsher sentencing provisions such as three strikes and you're out, and cutbacks in parole release. During the 2006 legislative session, a number of states adopted harsher sentencing provisions for sex offenders as well, often increasing prison time for offenses already subject to harsh terms.

Thus, despite the many sentencing reforms adopted in recent years, the state prison population has continued to grow, increasing by 7% from 2000 to 2005. State policymakers concerned with escalating prison populations will need to address sentencing and parole policies with a multifaceted approach, incorporating an expanded use of alternatives to incarceration for low-level offenders, increased access to high-quality treatment, better funding for the agencies necessary to deliver vital social services, and a commitment to using incarceration only if other interventions cannot meet the goals of public safety or justice.

While much of the legislation highlighted in this report targets limiting the time served by individuals who have been convicted of low-level offenses, no long-term and sustainable reduction in the prison population will be possible without addressing the sentencing policies that contribute to long-term incarceration as well. Such sentences are too often disproportionate to the crime for which defendants have been convicted, they mandate imprisonment for a period far beyond which any tangible public benefit can be gleaned, and come at a significant fiscal and social cost. Thus, while the developments showcased in this report are encouraging, lawmakers hoping to build upon these successes will need to apply the lessons learned from these initiatives to a broad-scale examination of the use of incarceration.

To read this report, download the PDF below.

Increase in number of women incarcerated in the U.S. since 1980

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