

Sentence smarter to stop prison crowding

By State Representative Greg Vitali, D-Delaware

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With Pennsylvania facing the prospect of boarding 2,000 inmates in other states because our prisons are full, the time has come to take a hard look at how we sentence convicted offenders, particularly through mandatory minimum sentences, to save money.

Mandatory minimum sentences require judges, by law, to impose minimum prison terms for certain crimes. Judges are not permitted to consider lesser sentences under these laws, regardless of the circumstances unique to the crime or defendant in each case.

I authored legislation, House Resolution 12, and served on the Pennsylvania Sentencing Commission advisory committee my legislation created that studied the use and impact of mandatory minimum sentences.

The result was a 490-page report suggesting some smart changes in mandatory minimum sentences that I believe can save the state money without jeopardizing public safety.

One key suggestion was eliminating the mandatory minimum sentence of two years for selling drugs within 1,000 feet of a school. Unfortunately, the drug-free school zone law is not written in a way that attacks the problem of someone selling drugs to a minor.

For example, if one person transfers a small amount of marijuana to another person in an apartment that happens to be in a drug-free school zone, they would face two years in prison. They could be people with no prior record who hold a steady job. A long prison term would do no good because they would probably be better helped through treatment.

Drug-free school zones cover big parts of metropolitan areas, so the law does not effectively target sales to minors. For example, my Harrisburg office is in three drug-free schools zones. Besides, there's already a law in place that mandates a one-year sentence for the sale of drugs to a minor.

The report also suggests allowing punishment short of full confinement for a portion of nonviolent offenders' mandatory minimum sentence, coupled with drug, alcohol and mental health treatment to reduce recidivism. Studies have shown that people who serve long sentences are more likely to commit other crimes. If they get the proper treatment, they are less likely to commit other crimes.

Pennsylvania Corrections Secretary Jeffrey Beard has repeatedly called for nonviolent offenders to be placed in non-prison settings.

Finally, the report suggests raising the threshold needed to trigger mandatory minimum sentences for trafficking cocaine from 2 to 5 grams. That would target tougher penalties to people who traffic cocaine as a business, instead of people who are selling smaller quantities of the drug to support a habit that can be broken with treatment.

I understand and support long sentences for people who pose a danger to society. But the reality is we have a limited amount of prison cells and a limited amount of money for our correction system. We want to make sure we use it smart; use it in the right way.

State Representative Greg Vitali (D- Delaware) serves on the Pennsylvania House Judiciary Committee.