

# LWVIA CRIMINAL & JUVENILE JUSTICE COMMITTEE

## 2018 Legislative Priorities

### **Automatically enfranchise people with felony convictions upon release from incarceration.**

Iowa is one of only 3 states along with Florida and Kentucky that permanently ban all individuals with a felony conviction from voting. Thousands of Iowans who have completed the terms of their parole remain unable to vote, though they are living and working in Iowa communities. Whether through legislation or Constitutional Amendment, this needs to change.

### **Provide greater judicial flexibility in sentencing by eliminating mandatory minimum sentencing and penalty enhancements that do not contribute to public safety**

A Des Moines Register review of robbery sentencing laws for 11 Midwestern states shows that Iowa's are the most restrictive. Offenders in Iowa convicted of first-degree robbery face a mandatory 25-year sentence and must serve 17 years before they are eligible for parole. Those convicted of second-degree robbery face a mandatory 10-year sentence and must serve seven years before becoming eligible for parole. Iowa is the only state in the Midwest that has established mandatory minimum sentences for robbery-related offenses. HF 2064 enacted in 2016 which reduces the amount of time behind bars before being considered for parole for some felons with mandatory minimums, is a first step in allowing for greater judicial discretion. Penalty enhancements should be in code only when research shows their efficacy in reducing recidivism.

### **Maintain the current Class A Felony sentence (Code 902.1) of life without the possibility of parole without capital punishment enhancements**

The LWVIA opposes capital punishment and its reinstatement in Iowa.

Research from the Death Penalty Information Center shows that the death penalty is not a deterrent to crime, nor does it advance public safety. In fact, there is an inverse relationship between states with and without the death penalty and murder. In 2015, the average homicide rate in states with the death penalty is 5.2 per 100,000 people, and in states without the death penalty, the average rate is 4.1 per 100,000 people. Capital punishment is also costly. A 2016 Nebraska study, "The Economic Impact of the Death Penalty on the State of Nebraska: A Taxpayer Burden?" found that the death penalty costs states with capital punishment an average of \$23.2 million more per year than alternative sentences.

### **Secure equal treatment under the law for all, regardless of race, ethnicity, or gender**

Iowa leads the nation in disproportionate incarceration of African Americans (only 3.5% of the general population but 25.5% of the prison population).

#### **Equalize Crack/Powder Cocaine Sentencing:**

Change the amount of crack cocaine required for a higher charge to that for powder cocaine. Cocaine in any form produces the same effects on the brain. Crack cocaine is more often used by blacks; powder cocaine by whites.

**Ban the Box:** Prohibit employers from asking about criminal convictions at the time of application for employment. Allowing employers to request this information often results in automatic screening out of ex-offenders who might otherwise be qualified for employment.

**Racial Profiling:** Require collection of information from law enforcement stops to review for racial profiling,

### **Reinvest savings from reduced incarceration of non-violent drug offenders into community based corrections**

Nearly 1,000 nonviolent drug offenders will be eligible for early release from Iowa prisons over the next five years due to the enactment of HF 2064, which reduced by half the amount of the mandatory minimum sentence (70%) these offenders must serve prior to being considered for parole. Paroling many of these offenders sooner will increase community-based corrections (CBC) caseloads. Money saved from reduced incarceration must be re-invested in parole officer positions and community-based treatment programs, i.e. mental health and addiction treatment, vocational programs and other programs supported by research, in order for these offenders to successfully re-enter their communities. Additional funding is also needed for CBC's for probation supervision and diversion programs.