



Overview | Mandatory Minimum Sentences

Mandatory Minimum Sentences in Pennsylvania - Background

Pennsylvania has been without mandatory minimum sentences for the last two years. In 2015, all mandatory minimums were invalidated when the PA Supreme Court (following a U.S. Supreme Court decision) ruled that the process the state used to implement mandatories in criminal trials was unconstitutional. But some legislators want mandatories back. After a failed attempt last session, Rep. Todd Stephens returned in 2017 with [House Bill 741](#), the current proposal to reinstate mandatory minimums in PA.

Case Against Mandatory Minimum Sentences

Mandatory minimum sentences have no effect on public safety. Studies consistently show that mandatory minimums do not deter people from committing crimes nor do they prevent recidivism. In fact, a [2009 Pennsylvania Commission on Sentencing report](#) found that most Pennsylvanians cannot name an offense that has a mandatory minimum or the sentence that goes with it, making it difficult to imagine how mandatories deter crime if no one knows the punishment.

Mandatory minimums disproportionately impact people of color. Communities of color are already over-policed, drawing disproportionate contact with law enforcement, which frequently leads to unfair treatment in sentencing.

Mandatory minimums create a powerful incentive for the perversion of justice. The threat of mandatory minimum penalties may cause offenders to give false information, to plead guilty to charges of which they may actually be innocent, or to forfeit a strong defense.

Mandatory minimums disproportionately penalize people accused of low-level offenses. Low-level offenses can be charged under mandatory minimums with the hope of obtaining information on high-level dealers. But drug couriers, addicts or those on the periphery, like spouses – often have no information to give to prosecutors for a sentence reduction.

School zone provision disproportionately punishes people who live in cities. HB 741 also reinstates the drug-free school zone law that mandates sentencing enhancements for people caught selling drugs near school zones. The expansive geographic range of these zones coupled with high urban density disproportionately affects those in cities and has been applied most frequently and disproportionately to low-income people of color.

Reinstating mandatory minimums would unnecessarily increase costs. The [Pennsylvania Department of Corrections has estimated](#) that HB 741 will cost \$19 million in the first year after enactment and \$47.3 million over the next five fiscal years after enactment. In a worst-case scenario, the DOC estimated a maximum budget impact of \$85 million.

Mandatory minimums don't let judges judge. Mandatory sentencing laws take discretion from judges and give it to prosecutors. Judges would no longer be able to consider individual factors when applying a sentence, such as a defendant's role in the crime, criminal history, and likelihood of reoffending. Trial courts in Pennsylvania already have sentencing guidelines to follow in determining sentences for convicted defendants. These guidelines, applied in 90% of cases, give judges a reasonable sentencing range while not binding them to a one-size-fits-all approach.

ACLU-PA Resources

ACLU-PA Memo | [House of Representative re: HB 741 4/3/2017](#)

ACLU-PA Testimony | [Senate Judiciary Committee 5/22/2017](#)

ACLU-PA Appeal | [Why tout debunked deterrence myths? 3/31/2017](#)

Also see: FAMM Video - [Enhancing Public Safety at Lower Cost: Why Pennsylvania Should Reject Mandatory Minimums](#)