



LOUISIANANS FOR PRISON ALTERNATIVES

SUPPORT HB 355 (BROWN)

Remove Nonviolent Offenses from Habitual Offender Law

Shannon Hurd, who struggled with addiction all of his life and was found guilty of stealing \$14, received a sentence of life without parole under the habitual offender statute. He died in prison from untreated cancer.¹

Jacobia Grimes, who struggled with mental illness and addiction, stole \$31 worth of candy bars. Mr. Grimes was sentenced to two years in prison.²

Bernard Noble, a 49-year-old father of seven, was sentenced to 13.3 years in prison for possession of 2.8 grams of marijuana—the equivalent of two marijuana cigarettes. His sentence was enhanced based on two drug possession convictions from decades ago.³

In Louisiana, people with repeated convictions—often convictions related to low-level offenses—can face enhanced penalties up to life in prison. The effects of these harsh sentences and of this so-called Habitual Offender law are devastating for a substantial number of Louisianans, who would be better served by treatment and prevention programs, rather than years of incarceration.

Removing nonviolent offenses from the habitual offender law was a recommendation from the bi-partisan Justice Reinvestment Task Force, which included the voices of crime survivors, district attorneys, judges, Louisiana Department of Public Safety and Corrections, and law enforcement. The Task Force used data-driven, evidence-based research to craft this recommendation to the Louisiana Legislature.

In 2015 alone, 365 people were sentenced to prison under the habitual offender law.⁴ However, there is no way to quantify the entirety of its true impact. Prosecutors unfairly use this enhancement as a tool to compel plea agreements. People often accept plea arrangements, regardless of guilt,⁵ due to the threat of facing extreme sentences if convicted at trial.

THE PROBLEM

Enhanced penalties encourage the innocent to plead guilty.

➤ Prosecutors wield immeasurable power over accused individuals. The threat of these harsh penalties can impact a person's willingness to go to trial, and can coerce him or her to accept a plea deal.

Shannon Hurd

Shannon Hurd's drug addiction resulted in numerous arrests for minor offenses, which were later used against him by prosecutors who labeled him a "predator" deserving to spend the rest of his life in prison.

The Crime

Stealing \$14

The Sentence

Life without parole

The Outcome

Died in prison from untreated cancer

- Because of this law, people agree to disproportionate prison sentences—and sometimes plead guilty to crimes they did not commit—for fear of being incarcerated for decades.

The Habitual Offender Law primarily impacts people who have been charged with low-level, nonviolent offenses.

- The majority of those who have been convicted were charged with low-level, nonviolent offenses.
- Nearly three-fourths of habitual offender admissions had a primary offense involving drugs or property.⁶

Longer prison terms fail to address the root cause of repeat offenses.

- If a person repeatedly commits the same offenses, it is clear that incarceration is not changing that person's behavior.
- Longer prison terms do not prevent crime, nor do they decrease the likelihood that a person will reoffend.⁷
- Funding rehabilitative alternatives, such as substance abuse counseling and mental health treatment (which address the root causes of crime), is a better use of the public's tax dollars.

THE SOLUTION

- **Support HB 355 (Brown):** Removes nonviolent infractions from the list of offenses that can result in habitual offender sentencing enhancements.

Louisianans for Prison Alternatives (LPA) is a diverse statewide coalition of organizations committed to reducing Louisiana's imprisonment rate. LPA sees an urgent need for the Louisiana State Legislature to pass comprehensive criminal justice reform legislation to make our system more just, accountable and transparent to all Louisianans.

NEARLY
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The amount of habitual offender admissions that had a primary offense involving drugs or property.

1 Liliانا Segura, Shannon Hurd got a life sentence for stealing \$14. Then he died in prison from untreated cancer, available at <https://theintercept.com/2017/03/14/shannon-hurd-got-a-life-sentence-for-stealing-14-then-he-died-in-prison-from-untreated-cancer/>.

2 Ari Shapiro, New Orleans Man Faces 20 Years to Life for Candy Bar Theft, available at <https://www.npr.org/2016/04/04/473004950/new-orleans-man-faces-20-years-to-life-for-candy-bar-theft>.

3 Jessica Williams, 13 years in prison for two marijuana joints? Bernard Noble supporters cry foul, available at http://www.nola.com/crime/index.ssf/2015/03/13_years_in_prison_for_two_mar.html.

4 The Pew Charitable Trusts, Louisiana Data Analysis Part 1: Prison Trends, available at https://www.splcenter.org/sites/default/files/la_drivers_presentation_final.pdf.

5 See John Simerman, Louisiana's habitual-offender law used sparingly except in Orleans, Jefferson, St. Tammany, available at http://www.theadvocate.com/new_orleans/news/courts/article_cb112404-8803-11e6-a553-fff6f3cbe5dd.html.

6 Justice Reinvestment Task Force Report, page 58, March 2017.

7 National Research Council, The Growth of Incarceration in the United States: Exploring Causes and Consequences (2014), 78, <http://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>.; The Pew Charitable Trusts, Time Served: The High Cost, Low Return of Longer Prison Terms (June 2012), http://www.pewtrusts.org/-/media/assets/2012/06/6/time_served_report.pdf; National Research Council, The Growth of Incarceration in the United States: Exploring Causes and Consequences (2014), 78, <http://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>; The Pew Charitable Trusts, "Recidivism Study Offers Lessons for Federal Policy," <http://www.pewtrusts.org/en/research-and-analysis/analysis/2016/04/29/recidivism-study-offers-lessons-for-federal-policy>

8 Spohn, Cassia and David Holleran (2002), "The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders," *Criminology*, 40: 329–358.; E. K. Drake & S. Aos (2012). Confinement for Technical Violations of Community Supervision: Is There an Effect on Felony Recidivism? (Document No. 12-07-1201). Olympia: Washington State Institute for Public Policy.; Nieuwbeerta, P, Daniel Nagin, and AAJ Blokland (2009). Assessing the impact of first-time imprisonment on offenders' subsequent criminal career development: a matched samples comparison. *Journal of Quantitative Criminology* 25 (3), 227-257.

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