



AMERICAN
CONSERVATIVE
UNION
FOUNDATION



March 28, 2017

The Honorable Matthew Shepherd
Arkansas House of Representatives
House Judiciary Committee
500 Woodlane St. Suite 350
Little Rock, AR 72201-1089

Dear Chairman Shepherd:

In 2015, Arkansas's prisons were on the brink of overcapacity after a twenty-one percent growth in the state's prison population over the previous three years. This increase was the highest in the nation during that stretch, and strained the already limited resources in the state.

Governor Asa Hutchinson recognized overcrowding would cause problems if not addressed quickly. In April 2015, Governor Hutchison charged the legislature with solving this crisis and Act 895 of 2015 established the bipartisan Legislative Criminal Justice Oversight Task Force to study the state's criminal justice system. This group was made up of prosecutors, sheriffs, law enforcement officers, defense attorneys, legislators, and other experts. After significant deliberations, the task force reported out its recommendations, which were embodied in the *Criminal Justice Efficiency and Safety Act* ("CJESA" or "Act 423"). Governor Hutchinson signed Act 423 into law just two weeks ago, on March 8th.

This legislation enables the state to avert more than \$288 million in corrections costs over the next six years. Equally important, Act 423 will reinvest a portion of these savings in additional officer training, mental health services, and other programming to reduce recidivism rates. And it will strengthen probation and parole to provide as a less expensive option for dealing with offenders.

CJESA will put Arkansas on the path towards reducing costs and improving public safety. Unfortunately, the ink on the Governor's signature hadn't even dried before legislation was introduced that would undermine CJESA.

The recently-introduced Senate Bill 177 is an effort to return to the "lock 'em up and throw away the key" approach that has proven to be expensive and ineffective. S.B.

177 would require that anyone sentenced to prison for a fourth time would be required to serve at least 80% of his/her sentence before being eligible for parole. ***If enacted, the bill would add an additional 5,500 (primarily nonviolent) offenders to the growing population over the next ten years, at a cost to taxpayers of \$692 million dollars.***

This price tag tells only half the budget story. The cost estimate only reflects *operational* costs; it does not include the expense of building new prisons to house the 5,500 new inmates. Since Arkansas's prisons are already at capacity, new facilities would need to be built to accommodate the influx of inmates, all at an additional – and significant – price.

Act 423 takes an approach similar to that of Texas, Georgia, South Carolina and Mississippi. By focusing on violent crime rather than non-violent offenders, each of these states has been able to reduce prison populations and spending, while improving public safety. We urge you and your colleagues to follow their lead and allow the reforms of Act 423 to be fully implemented.

To follow Act 423 with policies that go in the opposite direction does a disservice to the Governor's task force, the legislative process, and the taxpayers of Arkansas.

Sincerely,



David Safavian
Deputy Director,
Center for Criminal Justice Reform
American Conservative Union Foundation



Grover Norquist
President,
Americans for Tax Reform