

Why AZ Lawmakers Should Oppose HB 2451 & SB 1377

These Bills Raises Costs Unnecessarily

- By requiring that non-citizens serve the maximum term of imprisonment or full sentence, Arizona taxpayers will be forced to pay millions of dollars for the additional jail and prison time. It costs \$65.43¹ per day to house an inmate, which includes staff salary, food, health care, utilities, and other cost associated with running a prison. This is money that could be spent instead on services that benefit Arizonans.
- Arizona's prison population has increased each year since 1974, increasing by 2,000 inmates between 2013 and 2014 alone.² If this growth continues – or increases more than in previous years – Arizona will quickly run out of beds for inmates serving maximum sentences. This will result in the expansion of current jails and prison or the construction of new ones, another cost in the tens of millions for taxpayers.
- These bills take away from Arizona's ability to choose how to spend state money and how to prioritize who should be incarcerated and who should be released to the community.

The Bills are Counter to the National Trend of Criminal Justice Reform

- The U.S. is in the midst of criminal justice and sentencing reform. Last year, the United States Sentencing Commission voted to reduce the sentence for non-violent drug offenders, leading to the release of 6,000 people from federal prisons. This and other reforms are based on the recognition that mandatory sentencing policies have skyrocketed prison populations, have overtaxed prison infrastructures, and led to negative psychological and health consequences for prisoners as well as corrections officers. Mandating maximum sentences for non-violent Arizonans runs counter to this trend.
- At a time when Congress and the President are agreeing on reducing mass incarceration, an increase in mandatory minimum sentences is counterproductive and ineffective.

These Bills Take Away Discretion From Prosecutors And Judges

- A hallmark of the criminal justice system is discretion – discretion for prosecutors to decide which charges to file and the length of sentence to recommend, as well as discretion for Judges around sentencing. Because each case and each defendant is different, prosecutors and Judges must make individualized determinations around whether someone is a public safety threat or a flight risk.
- These bills take the power of discretion away. Instead, they treat every person the same based on a federal immigration classification.
- These bills will create mandatory minimum sentences that will remove appropriate authority from judges.

¹ "Could Arizona save millions by reducing prison time? Maybe," Arizona Sonoran News Service, <http://arizonasonoranewsservice.com/prison-budget-not-problem-longer-sentences/>, Mar. 12, 2015.

² "Arizona Addresses Prison Crowding with \$50 million facility," Correctional News, <http://www.correctionalnews.com/articles/2014/12/3/arizona-addresses-prison-crowding-50-million-facility>, Dec. 3, 2014.

These Bills Do Not Affect the Time Served For Dangerous and Violent Crimes

- People convicted of homicide and certain sexual offenses, repeat and dangerous crimes, and serious, violent or aggravated crimes are not eligible for release to ICE. They are not affected by the mandatory sentencing of SB 1377; rather, it is people convicted of the less serious class 3, 4, 5, or 6 felonies who must serve a maximum term of imprisonment.

SB 1377 Is Overbroad

- SB 1377 creates several aggravating factors that would result in imprisonment for the entire presumptive sentence. These factors include “the bringing or harboring of certain aliens.” “Harboring” could be construed to include faith leaders at a church attended by undocumented immigrants, service providers who assist an undocumented client, or a family member who gives a ride to an undocumented family member. The bill throws an overbroad net that captures many people engaged in everyday activities.