

# We All Pay: Mississippi's Harmful Habitual Laws

## How Do Mississippi's Habitual Laws Work?

Mississippi has two habitual laws that can be used by prosecutors to increase prison terms. Both versions of the habitual law:

- **Mandate prison time**, making people ineligible for common alternatives to incarceration, like probation, no matter how minor the offense.
- Require the judge to hand down either the **maximum possible sentence or a life sentence**.
- **Deny people the opportunity to earn their release from prison** through parole or "good time" programs that reward people for attending programs or following prison rules.
- **Count all prior felony convictions against a person**. No consideration is given to the number of years that have passed since the previous convictions, the person's age at the time of the priors, or the severity of the previous convictions.

# How Have the Habitual Laws Impacted Mississippi?

Too many people are **serving far too long in prison** because of the state's habitual laws:

Of the more than 2,600 people in prison today who have been sentenced with a habitual penalty, one-third (906 people) have been sentenced to 20 or more years in prison. Nearly half of that group (439 people) is serving a life or virtual life sentence of 50 years or more.

**Decades-long sentences** are routinely handed down for minor offenses in Mississippi:

Nearly 250 people are serving 20+ year habitual penalties for nonviolent offenses. The majority of people serving these very long sentences for nonviolent offenses were convicted of drug-related crimes.

Habitual penalties are **costing taxpayers hundreds of millions** in unnecessary spending:

Taking just a small group of those serving habitual sentences demonstrates the extraordinary expense of the policy. The 78 people in prison serving life and virtual life habitual sentences for drug crimes alone were collectively sentenced to 4,668 years in prison at a cost of nearly \$70 million to state taxpayers.

## REAL MISSISSIPPIANS IMPACTED BY THESE LAWS



Photo of Gregory's brother, Larry, and mother, Diann.

**Gregory Hollins** was sentenced to 60 years in prison for a drug offense in 2010. He would be 95 years old when his sentence comes to an end. Gregory's case is not uncommon. In fact, 75% of people serving 20+ year habitual sentences are Black men, even though they make up just 13% of the state's population.



Photo of Paul's son, Dusty, daughter-in-law, Rhyannon, and grandson, Kyler.

**Paul Houser** was sentenced to 60 years in prison for a drug crime at the age of 45. One of the prior convictions prosecutors used to convict him as a "habitual offender" was a marijuana offense that happened when he was a teenager. He would be 105 years old when he finally becomes eligible for release.

# What Does Research Say About Habitual Sentences?

Research shows **long sentences don't work** to keep communities safe.

Supporters of long sentences have traditionally argued that they improve public safety by deterring crime and keeping people off the streets, a theory known as 'incapacitation'. However, both of these arguments have been disproven by research.

*"[T]here is little evidence that increases in the length of already long prison sentences yield general deterrent effects that are sufficiently large to justify their social and economic costs. Such severity-based deterrence measures include "three strikes, you're out," life without the possibility of parole, and other laws that mandate lengthy prison sentence[s]."*

**DANIEL S. NAGIN**

Deterrence in the 21st Century: A Review of the Evidence

*"The marked decline in offending with age also means that the incapacitation effect of long sentences is likely to be small."*

**NATIONAL ACADEMY OF SCIENCES**

The Growth of Incarceration in the United States: Exploring Causes and Consequences

Long sentences **disrupt family and community ties.**

When people are separated from their family and community ties for decades, the impacts spill over into the rest of the family and future generations. When a family member is incarcerated, their loved ones face a host of challenges. When the incarcerated person is a parent, these consequences are especially severe.

*"More than half of parents in state prison (54 percent of fathers and 52 percent of mothers) provided primary financial support to their minor children before imprisonment."*

**NATIONAL CONFERENCE OF STATE LEGISLATURES**

Children of Incarcerated Parents

*"Between 2006 and 2016, tens of thousands of children were placed into foster care solely because a parent was incarcerated. [...] Children [of incarcerated women] are five times more likely than those of [incarcerated men] to end up in foster care."*

**ELI HAGER AND ANNA FLAGG**

How Incarcerated Parents Are Losing Their Children Forever

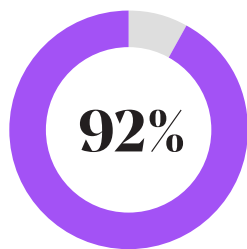
# Public Opinion on Habitual Sentences

Public opinion polling demonstrates that Mississippians believe in redemption and want policymakers to adopt bold reforms that will reduce the prison population, including reforms to the state's habitual laws.

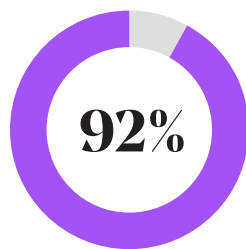
**More than three-quarters of voters believe that people convicted of nonviolent offenses should be eligible for opportunities like probation and parole that are not currently available to people serving habitual sentences. (See graphic below.)** The majority of voters also believe that convictions older than 10 years shouldn't count towards habitual penalties (52 percent). These numbers clearly demonstrate that state laws are out of step with what voters want from Mississippi's criminal justice system.

## MISSISSIPPI VOTERS SUPPORT BOLD REFORMS TO THE STATE'S HABITUAL LAWS

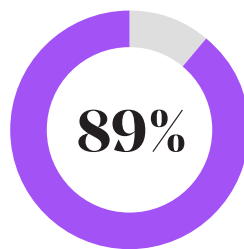
Voters believe that people convicted of nonviolent offences should be eligible for opportunities not currently available with habitual laws such as:



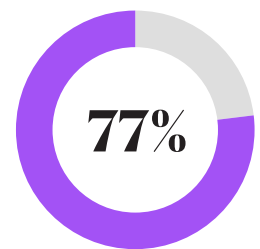
Time off their prison sentence for maintaining good behavior and participating in rehabilitation programs



Parole and post-release supervision



Probation supervision



Prison terms less than the maximum sentence

● MISSISSIPPI VOTERS