



ELIMINATE MANDATORY MINIMUMS ACT

Mandatory minimum sentences drive mass incarceration, strip judges of discretion, and grant outsized power to prosecutors to coerce guilty pleas.

A vestige of the 1970's era Rockefeller Drug Laws, New York's harsh mandatory minimum sentences contribute to mass incarceration and unjust case outcomes.

- Right now, over 30,000 people are incarcerated in New York's prisons. [Nearly 75% are Black or brown.](#)
- In 2019 alone, over 9,000 people were subjected to a two- or three-strikes law. Three-quarters were people of color, according to the Vera Institute of Justice.
- More than [105,000 children](#) have a parent serving time in a New York jail or prison, which devastates families, and increases the likelihood of a [child's future incarceration](#).
- It costs nearly [\\$70,000](#) per year to incarcerate a person in state prison with an annual prison system price tag of [\\$3 billion](#). These are billions of dollars New York State could spend on education, housing, healthcare, community-based anti-violence and restorative justice programs -- all of which help to create real community safety.
- [Survivors](#) overwhelmingly prefer investments in the community to lengthy prison sentences, by a factor of 15 to 1.
- Under New York's current draconian sentencing laws, [98% of convictions](#) in our state are the result of guilty pleas—not trials—which undermines the constitutional right to trial.

Mandatory minimums result in serious miscarriages of justice.

For example, a 60-year-old New York woman is currently serving a five-year prison sentence for robbery in the second degree where money was taken from an open cash register, and there was no physical harm. She is HIV positive, has battled cancer, and has a litany of serious health conditions.

At trial, the presiding judge said that she wished that she could give a non-incarceratory sentence, but her hands were tied because of the mandatory minimum.

COMMUNITIES
NOT CAGES

A system of coerced plea deals has replaced the constitutional right to trial.

In New York State, 98% of convictions are the result of plea deals. Mandatory minimums are a significant part of what has created this system of pleas whereby New Yorkers forfeit their constitutional right to trial and most people are convicted without a chance to mount a meaningful defense.

Prosecutors use the threat of long mandatory minimum sentences to skirt due process and extract guilty pleas.

By requiring a judge to hand down a minimum prison sentence based on the charges levied by a prosecutor, mandatory sentences transfer sentencing power from judges to prosecutors and give them unfair and overwhelming leverage in plea negotiations. Prosecutors frequently threaten to bring charges carrying long mandatory minimum sentences to scare the accused person into pleading guilty in exchange for a reduced sentence.

The Solution: The Eliminate Mandatory Minimums Act

This legislation would eliminate mandatory minimum sentences—including New York's two- and three-strike laws—allowing judges to consider the individual factors in a case. In doing so, the Eliminate Mandatory Minimums Act will finally undo the harm of the Rockefeller Drug Law era. This legislation would also create a presumption against incarceration, requiring a hearing before any period of incarceration can be imposed and re-orienting the system towards healing and accountability and away from purely punitive prison sentences.

Key Provisions:

- Eliminate mandatory minimum sentences for prison, jail, and probation.
- Eliminate mandatory minimums based on New York's two- and three- strike laws which require lengthy periods of incarceration based on prior convictions.
- Eliminate plea deal restrictions that prohibit particular sentences based solely on the prosecutor's charging decisions.
- Create a presumption against incarceration, requiring a hearing before any period of incarceration can be imposed. The hearing would require the judge to consider mitigating factors, as well as the actual cost of imposing a sentence of incarceration.

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