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STATE QUESTIONS 780 & 781: CRIMINAL JUSTICE REFORM

The Gist

SQ 780 changes the classification of simple drug possession crimes from felony to misdemeanor. It also raises the dollar amount that determines whether property crimes are a felony or misdemeanor from \$500 to \$1,000. Anticipating fewer prison receptions for drug possession, SQ 781 directs the cost savings from SQ 780 to a fund that would be distributed to counties to provide mental health and substance abuse services. The state Office of Management and Enterprise Services is directed to determine the annual savings, which will be distributed to counties in proportion to their population.



Background Information

SQ 780 and SQ 781 are intended to reduce the prison population and provide funding that allows communities to address mental health and substance abuse issues. Oklahoma has the second highest incarceration rate in the country and the highest incarceration rate for women. The state's prisons are badly overcrowded, holding around 110 percent of their rated capacity. Further, Oklahoma has the second-highest rate of adults with serious mental illness, but ranks 44th in the U.S. for funding the treatment of mental illness.

In 2016, the Legislature took steps to lessen penalties for drug offences. HB 2479 reduces the minimum mandatory punishment for drug offenders charged only with possession. However, simple drug possession can still be charged as a felony. SQ 780 would reduce the penalty for all drug possession offences to a misdemeanor punishable by up to one year in jail and/or a fine of up to \$1,000.

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STATE QUESTIONS 780 & 781 (CONTINUED)

A coalition called Oklahomans for Criminal Justice Reform (OCJR) submitted both ballot initiatives and gathered over 110,000 signatures for each question, well over the 65,987 required. Attorney General Scott Pruitt rewrote the ballot language for both questions, and OCJR challenged the rewrites as biased against the initiative. The Oklahoma Supreme Court rejected both the original and Pruitt's proposed ballot language and instead wrote its own.

Supporters Say...

- Oklahoma's high incarceration rate has not led to safer communities; we still have above average rates of crime, while other states have seen bigger drops in their crime rates in recent years.
- Harsh punishments of low-level crimes contributes to the growth of the prison population. People who serve time in prison for low-level crimes are a greater threat to public safety when they are released.
- Without a felony conviction on their records, those who have been convicted of simple drug possession offences will have a better chance of finding good-paying, steady employment, as well as housing and public assistance when needed.
- By directing the cost savings back to communities, the state can address the substance abuse and mental health issues that cause crime in the first place.

Opponents Say...

- Without felony drug possession charges, defendants are less likely to complete substance abuse treatment. Prosecutors would no longer be able to use the threat of felony drug possession charges to compel gang members to testify against one another.
- Criminal justice reforms that passed through the Legislature this year, which reduced mandatory minimum sentences for drug possession, raised the felony theft threshold, and allow prosecutors to charge most felonies as misdemeanors, are sufficient for progress on the problem.
- SQ 781 leaves the calculation of cost savings to the Office of Management and Enterprise Services, but there is no guidance on how the calculation should be made. Counties that may have more people in jail or on community supervision will be responsible for more offenders but may not have sufficient funding to handle them.

To learn more and see the ballot language, go to <http://bit.ly/oksq2016>.