Crime and Punishment Across America:

A 50 State Legislative Analysis

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Prosecutors and Politics Project

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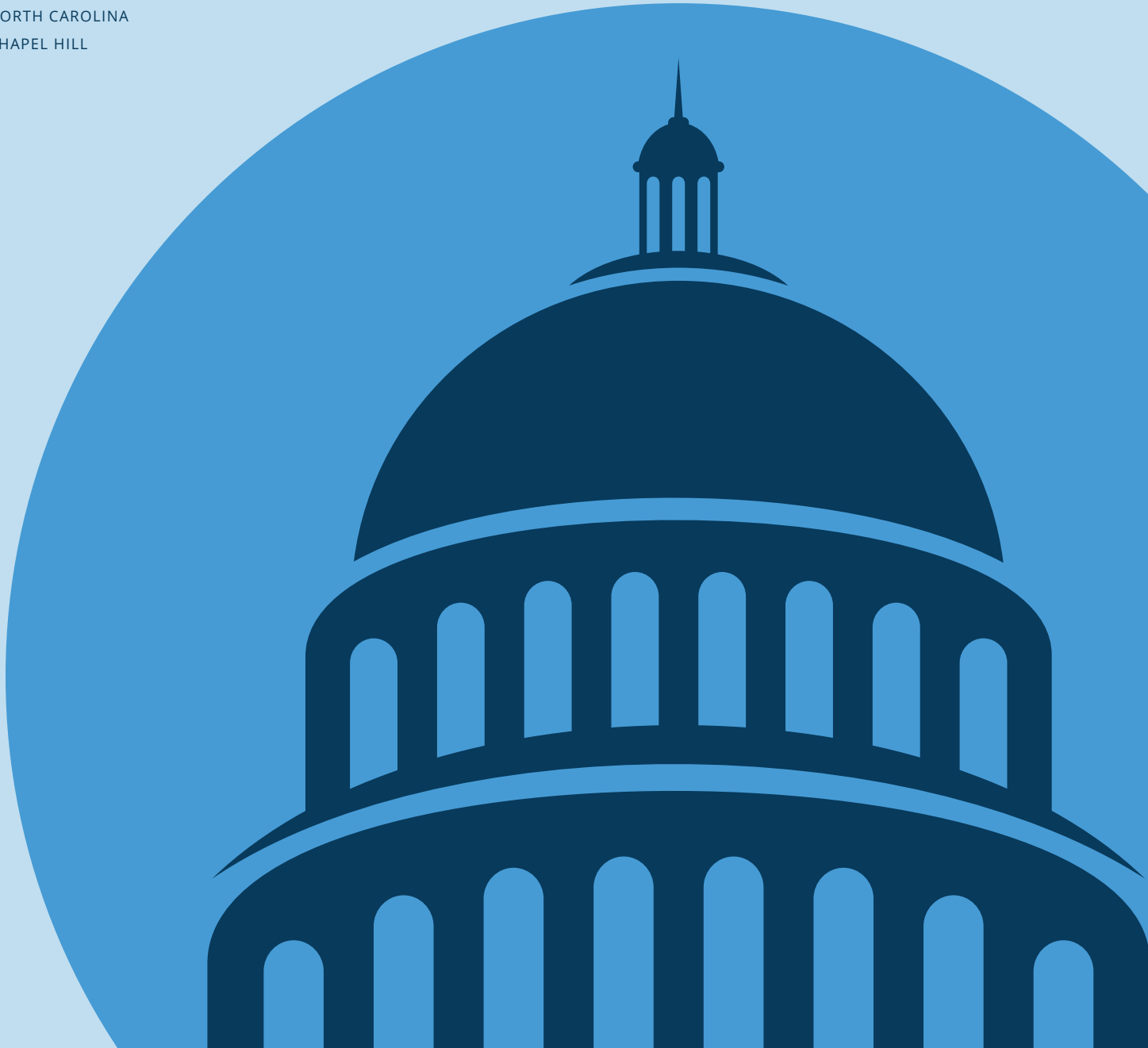*of* NORTH CAROLINA
at CHAPEL HILL

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About the Prosecutors and Politics Project

The Prosecutors and Politics Project is a nonpartisan research initiative at the University of North Carolina School of Law. Founded in 2018, the Project studies the role of prosecutors in the criminal justice system, focusing on both the political aspects of their selection and their political power. The Project endeavors to bring scholarly attention to the democratic accountability of elected prosecutors, to increase our understanding of the relationship between prosecutors and politics through empirical study, and to publicly share research in order to increase voters' knowledge about their elected prosecutors and broader criminal justice issues.

For more information about the Prosecutors and Politics Project, its mission, and its research, please visit https://law.unc.edu/academics/centers-and-programs/prosecutors-and-politics-project/

Questions about this report should be directed to the PPP director, Professor Carissa Byrne Hessick (chessick@email.unc.edu).

National Analysis

This report presents the results of a national study of state crime and punishment legislation. We identified every bill introduced in the 50 state legislatures during a four-year period that either changed the scope of criminal law or changed the punishment imposed after conviction. The study captured whether the legislation was punitive (*i.e.*, whether it increased criminal law or punishment), lenient (*i.e.*, whether it decreased criminal law or punishment), or mixed. It also captured the crime or crimes that the legislation addressed (e.g., assault, burglary, etc.), as well as whether the legislation passed.

This original national dataset allows us to present a comprehensive look at crime and punishment legislation in the states during the years 2015 through 2018.

Key Takeaways

Legislatures introduced and passed significantly more punitive statutory provisions than lenient ones. Legislation that would have expanded the scope of substantive criminal law or increased punishment was introduced at a rate 3.5 times higher than legislation that would have contracted the scope of substantive criminal law or decreased punishment. Punitive legislation was passed 2.8 times more often than lenient legislation.

Legislation that contained both punitive and lenient measures was most likely to pass. While punitive legislation was introduced at a much higher rate, it had the lowest passage rate. Only 16% of bills that increased criminal law or punishment passed. Mixed bills—that is, bills that both increased criminal law or punishment <u>and also</u> decreased criminal law or punishment—passed at the much higher rate of 31%. The passage rate of bills that decreased criminal law or punishment was 20%.

Significantly more legislative effort was devoted to changing the scope of criminal law, rather than to adjusting punishments. States were more than twice as likely to introduce and pass legislation that increased the scope of criminal law than legislation that increased punishment. The same held true for legislation that decreased the scope of criminal law as compared to legislation that decreased punishment.

There is significant geographic and political diversity in the states that were more punitive and the states that were less punitive. Alaska, Kentucky, New Mexico, New York, and South Carolina only passed bills that sought to increase criminal law or punishment; none of the crime and punishment legislation passed in those states decreased criminal law or punishment. In contrast, the legislative enactments of Massachusetts, New Hampshire, Montana, Missouri, Colorado, Hawaii, and Nebraska were far less punitive. At least 35% of the crime and punishment bills passed in those states decreased either the scope of criminal law or criminal punishment.

Republican-controlled legislatures were more likely to pass legislation that increased the scope of criminal law and increased punishment. While a statistical analysis of our data reveals that Republican-controlled legislatures are significantly more likely to pass punitive legislation, when it comes to laws that make the law more lenient, the results are mixed. There are no statistically significant differences, based on partisan control of the legislature, in the rate of passage of laws that decreased the scope of criminal law or decreased punishment.

Nationally, legislatures introduced significant amounts of legislation on assault offenses, drug/narcotics offenses, and firearms offenses. The most popular types of legislation, based on bills introduced, were increasing the scope of the criminal law and punishment for assault offenses and decreasing the scope of the criminal law and punishment for drugs/narcotics offenses. There were also a significant number of bills proposing an increase in the scope of the criminal law on drugs/narcotics. Firearms was another area in which a significant amount of legislation was introduced, both increasing and decreasing the criminal law.

For politically salient crimes—that is, crimes typically associated more with one political party than the other—crime and punishment legislation only sometimes conformed to our expectations based on partisan politics.

- For crimes relating to abortion and voting & elections, we expected to see more punitive bills introduced and passed in Republican-controlled legislatures. That is what we found.

- For crimes relating to pornography & obscenity, we expected to see more punitive bills introduced and passed in Republican-controlled legislatures. But that is not what we found. Republican and Democratic-controlled

legislatures passed laws increasing crimes at almost the same rate and Democratic-controlled legislatures passed laws increasing punishment at a higher rate than Republican-controlled legislatures.

- For crimes relating to animal cruelty and domestic violence, we expected to see more punitive bills introduced and passed in Democratic-controlled legislatures. But that is not what we found. The number of bills introduced and passed in Republican-controlled and Democratic-controlled legislatures was nearly identical.

- For crimes related to hate crimes and regulatory crimes, we expected to see more punitive bills introduced and passed in Democratic-controlled legislatures. But that is not what we found. Indeed, for regulatory crimes, we observed more bills introduced and passed in Republican-controlled legislatures.

- For firearms-related laws, we expected to see more bills introduced and passed in Democratic-controlled legislatures that increased criminal law and punishment. We expected to see more bills decreasing criminal law and punishment introduced and passed in Republican-controlled legislatures. But our findings were mixed.

  o We found more bills that increased criminal law introduced (but not passed) in Republican-controlled legislatures; and we found more bills that increased criminal punishment both introduced and passed in Republican-controlled legislatures as well.

  o Our expectations were, however, borne out for bills going the other direction. Republican-controlled legislatures were much more likely to introduce and pass legislation that narrowed the scope of criminal law relating to firearms, and somewhat more likely to introduce and pass legislation that reduced punishment for those crimes.

Crime & Punishment Legislation: Introduction and Passage

During the years 2015 to 2018, state legislatures introduced 11,476 crime and punishment bills – bills modifying the scope of the substantive law or punishment. Of those bills, 17.35% (1,991) passed and were enacted into law.[1]

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[1] Of the 1,991 bills that were passed, fourteen bills were vetoed. However, eight of those vetoes were overridden. Because this study was designed to measure legislative activity, the six remaining vetoed bills are included in our dataset as legislation that passed, even though they did not ultimately become law.

As compared to other areas of law, crime and punishment do not appear to have been a priority for state lawmakers. Crime and punishment bills passed at a lower rate than the average rate for all bills (17.35% compared to 23.3%). And crime and punishment represented less than 3.5% of the bills that were introduced in any given legislature. Indeed, in 47 states, crime and punishment bills made up less than 2% of all legislation introduced.

There was wide variation in the passage rate of crime and punishment bills throughout the states. North Dakota passed the highest percentage of crime and punishment bills (67%), a higher rate than the state's overall bill passage rate (56%). In contrast, New York passed only 13 of the nearly 1,200 crime and punishment bills that were introduced.

Table 1: States with the Highest and Lowest Passage Rate of Crime & Punishment Bills

State	Passage Rate for Crime & Punishment Bills	Passage Rate for all Bills[2]	Crime & Punishment Passage Rank
North Dakota	67% (64/96)	56%	1
Utah	59% (67/113)	60%	2
Colorado	52% (66/126)	51%	3
Louisiana	52% (92/176)	44%	4
Arkansas	48% (111/230)	60%	5
Idaho	47% (25/53)	57%	6
South Dakota	47% (57/122)	46%	7
Maine	46% (48/104)	26%	8
Nevada	44% (27/62)	51%	9
Delaware	42% (27/64)	44%	10
…	…	…	…
Illinois	9% (39/455)	28%	41

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[2] We derive this number from data collected by the Council of State Governments—specifically, annual data identifying the number of bills introduced and the number of bills enacted in all 50 legislatures during the regular session and any special sessions. *See* 51 The Council of State Governments, The Book of the States 76-79, tbl 3.19, 3.20 (2019) (reporting 2018 data); 50 The Council of State Governments, The Book of the States 77-80, tbl 3.19, 3.20 (2018) (reporting 2017 data); 49 The Council of State Governments, The Book of the States 101-0, tbl 3.19, 3.20 4 (2017) (reporting 2016 data); 48 The Council of State Governments, The Book of the States (2016) 105-08, tbl 3.19, 3.20 (reporting 2015 data).

Iowa	8% (38/479)	11%	42
Massachusetts	6% (32/538)	7%	42
Pennsylvania	6% (28/473)	5%	44
New Mexico	5% (7/149)	9%	45
New Jersey	4% (27/610)	5%	46
Missouri	4% (8/209)	5%	47
Mississippi	3% (9/311)	22%	48
South Carolina	3% (3/114)	8%	49
New York	1% (13/1180)	6%	50

Crime & Punishment Legislation: Bills and Provisions

Crime and punishment legislation can change the scope of the substantive criminal law. Such legislation can increase coverage of substantive criminal law—e.g., by creating new crimes, broadening offense definitions, or eliminating defenses. Or it can decrease coverage of substantive criminal law—e.g., by creating new defenses, narrowing the definition of crimes, or decriminalizing conduct. Similarly, crime and punishment legislation can change the scope of punishment. It can increase punishment by raising maximum sentences, adopting or increasing mandatory minimum sentences, increasing the amount of time before defendants are eligible for parole or early release, or raising the authorized fines. Or it can decrease punishment by reducing maximum sentences, eliminating or decreasing mandatory minimum sentences, or reducing the amount of time before defendants are eligible for parole or early release.[3]

We characterize legislation that increases the scope of criminal law or increases punishment as "punitive" and legislation that decreases the scope of criminal law or decreases punishment as "lenient."

Legislation can be both punitive and lenient. Imagine, for example, a bill aimed at grand larceny. The bill contains one provision that decreased the scope of criminal law by moving the economic threshold for grand larceny from $1,000 to $5,000. It also contains a provision that increases the penalty for grand larceny from 1 to 3 years imprisonment to 2 to 5 years. The single bill contains multiple provisions—one that is punitive and one that is lenient.   When

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[3] *See* Appendix D giving example definitions of study provisions.

legislation contains both punitive and lenient provisions, we characterize that legislation as a "mixed" bill when we analyze legislation according to the number of bills.

But sometimes we analyze our data according to the type of provisions contained in a bill. We classified crime and punishment provisions as falling into one of four categories: 1) increasing substantive law; 2) decreasing substantive law; 3) increasing punishment; or 4) decreasing punishment. Isolating the provisions of each bill allows us to examine the <u>different types</u> of crime and justice legislation in greater detail.   For example, a bill that criminalized a new type of controlled substance and raised the maximum sentence for a previously criminalized substance would be analyzed as having two provisions—a provision increasing substantive law and a provision increasing punishment. But a bill that increased punishments for three different types of crimes would be analyzed as having only one type of provision—a provision increasing punishment. As a result, when we analyzed our data in terms of provisions, rather than in terms of bills, a single bill may be counted up to four times, depending on the type of provisions that it contained.

Nationally, state legislatures passed 1,257 out of 7,068 provisions that increased the scope of the criminal law, 435 out of 1,957 provisions that decreased the scope of the criminal law, 524 out of 3,181 provisions that increased punishment, and 201 out of 976 provisions that decreased punishment. Combined, legislatures introduced 10,249 punitive provisions, 3.5 times more than the 2,933 lenient provisions introduced. They passed 1,781 punitive provisions, 2.8 times more than the 636 lenient provisions passed as seen in Figure 1.

Figure 1: Provisions Introduced and Passed by Type
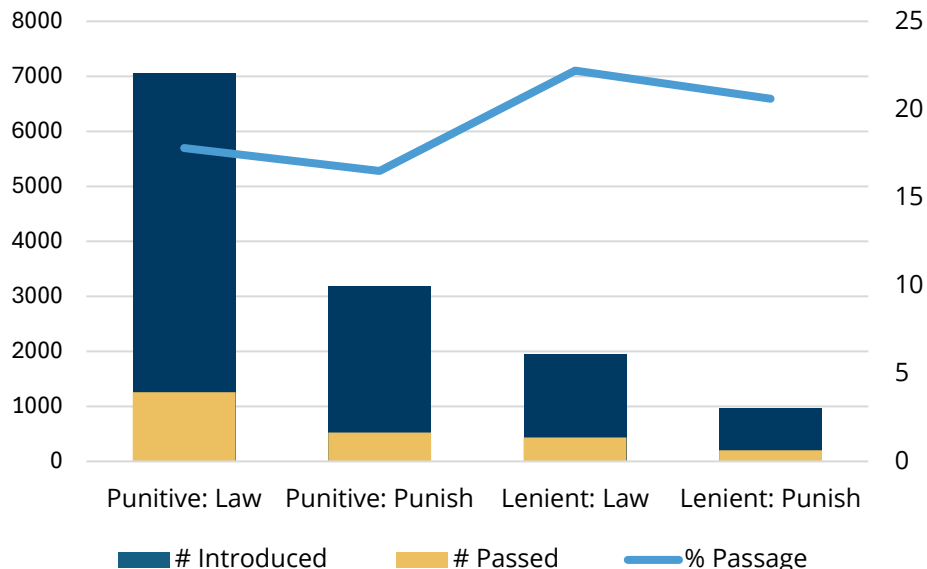
Notably, although the states passed a considerably larger number of punitive provisions than lenient provisions, lenient provisions had a higher passage rate. Lenient provisions changing the scope of the criminal law passed at a rate of 22%, as compared to 18% for punitive provisions. And lenient provisions changing the scope of punishment passed at a rate of 21%, as compared to 16% for punitive provisions.

Figure 1 also illustrates that states spent much more time and attention on legislation that changed the scope of criminal law than on legislation that changed the scope of punishment. Nationally, state legislatures were more than three times as likely to introduce and pass provisions that increased the scope of criminal law than legislation that increased punishment. [4] The same is true for the number of provisons introduced that decreased the scope of criminal law as compared to legislation that decreased punishment.

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[4] This trend is notable because, these provisions often addressed behavior that was already already criminalized. As is discussed in more detail below, *see infra* Figure 4. the most popular legislative topics were Drugs/Narcotics, Assault, and Sex Offenses—topics already the subject of multiple existing criminal laws when the study period began in 2015. Rather than creating entirely new crimes, it is possible that many of these provisions were intended to create new, aggravated versions of existing crimes. In other words, it is possible that these provisions were increasing punishment, rather than criminal law, but doing so in a targeted manner.

Figure 2: Bills Introduced and Passed by Type
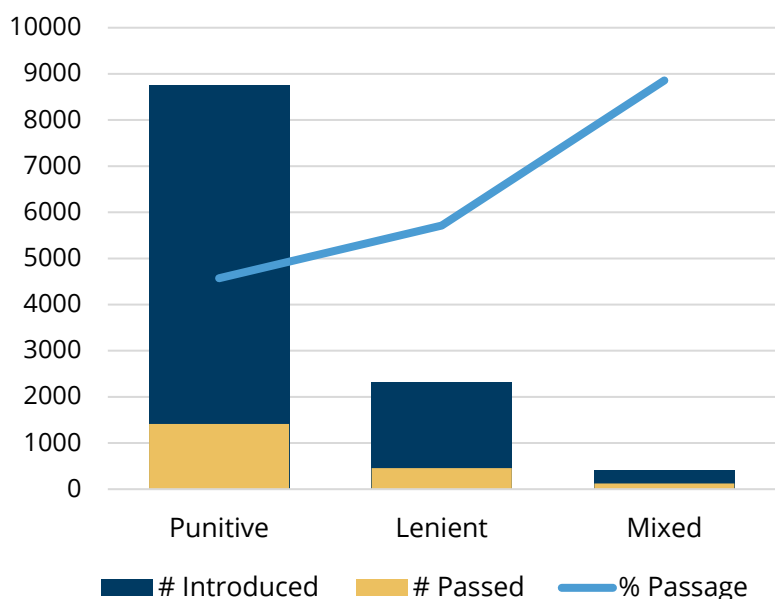
When viewed in terms of bills, rather than provisions, one sees a similar pattern for punitive and lenient legislation.[5] As Figure 2 demonstrates, of the 11,476 crime and punishment bills introduced, 8,753 (76%) were punitive, 2,320 (20%) were lenient, and 403 (3.5%) were mixed. The bills that passed represented only a small fraction of crime and punishment bills that were introduced. Of the 8,753 punitive bills introduced, 1,412 (16%) passed. Of the 2,320 lenient bills introduced, 455 (20%) passed, while 124 of the 403 (31%) mixed bills passed. Put differently, while far more punitive bills were introduced and passed, the passage rate of the lenient bills was higher.

The introduction and passage of bills reveals the same pattern as provisions when it comes to punitive and lenient provisions, but it reveals something new about what we call "mixed bills." Specifically, it shows that mixed bills pass at a significantly higher rate than other types of bills; mixed bills are nearly twice as likely to pass as punitive bills and 50% more likely to pass as lenient bills. Although the overall number of mixed bills is far smaller than the number of punitive or lenient bills, their high pass rate suggests that these bills may be the most fruitful avenue for those seeking to alter criminal law or punishment—perhaps because mixed bills better allow for legislative compromise.

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[5] Because multiple provisions can appear in a single bill, the number of bills introduced and passed is lower than the number of provisions.

Comparing States' Punitiveness

Because our study includes data from all 50 states, it allows us to compare and contrast the crime and punishment legislative agenda of the different states. These comparisons should be understood for what they are—a snapshot of legislative efforts at a particular point in time, rather than a comprehensive evaluation of the punitive or lenient character of a state's laws. For example, a state that passed a law to increase the punishment associated with assault convictions from six months in jail to one year in prison will be captured in our dataset as having enacted punitive legislation, while a state that already had a two-year prison sentence for assault crimes and made no changes to that punishment would be captured as not enacting punitive legislation. In other words, the state that changes its laws will appear to be more punitive, even though another state's existing laws are more punitive in absolute terms.

In addition, the time period captured by our data is somewhat unusual. During the years 2015 to 2018, a significant number of states were engaged in serious criminal justice reform efforts. Some of those efforts were connected to the Justice Reinvestment Initiative, an initiative undertaken by the U.S. Justice Department's Bureau of Justice Assistance, The Pew Charitable Trusts, the Council of State Governments Justice Center, the Crime and Justice Institute, and other organizations to develop alternatives to incarceration while improving public safety.[6] These efforts were aimed at addressing incredibly high levels of incarceration that had persisted in the United States despite an historic crime drop in the two prior decades.[7] This crime drop and the concern about incarceration levels may have provided a particularly favorable legislative environment for criminal justice reform.

With these caveats in mind, our data show a surprising amount of geographic and political diversity in the states whose legislative efforts were more punitive and the states whose efforts were more lenient.

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[6] PEW CHARITABLE TRUSTS, 35 STATES REFORM CRIMINAL JUSTICE POLICIES THROUGH JUSTICE REINVESTMENT (July 2018), *available at* https://www.pewtrusts.org/-/media/assets/2018/07/pspp_reform_matrix.pdf (collecting reform efforts undertaken from 2007 to 2017).

[7] Although crime had reached unprecedentedly high levels in the early 1990s, from 1993 to the mid-2010s property crime decreased by approximately 50% and violent crime by 70%. *See, e.g.*, Graham Farrell, Nick Tilley, and Andromachi Tseloni, *Why the Crime Drop?*, 43 CRIME AND JUSTICE 421, 425-26 (2014).

There are different methods to assessing punitiveness based on legislative activity. One method is to examine the introduction of crime and punishment bills and assess what percentage of bills introduced were purely punitive. Using this method, New York is far and away the most punitive state, having introduced more than 1,100 purely punitive bills and fewer than 100 lenient or mixed bills. Nevada is the least punitive state, with less than 50% of the bills introduced being purely punitive.

Table 2[8]: States with the highest and lowest rates of relative pure punitive bills introduced (punitive bills introduced/all crime and punishment bills introduced)

State Name	Relative Punitiveness Introduction Percentage	Relative Punitiveness Introduction Rank
New York	95% (1116/1180)	1
Pennsylvania	92% (436/472)	2
New Jersey	90% (548/610)	3
New Mexico	89% (133/149)	4
Massachusetts	87% (469/539)	5
South Carolina	82% (94/114)	6
Michigan	81% (368/453)	7
Kentucky	81% (108/133)	8
Washington	79% (139/176)	9
Minnesota	79% (70/89)	10
...	...	...
Oklahoma	61% (232/382)	41
South Dakota	60% (73/122)	43
Kansas	60% (73/122)	43
Idaho	58% (31/53)	44
Florida	57% (138/242)	45
Arizona	56% (40/71)	46
Colorado	55% (69/126)	47
Louisiana	54% (95/176)	48

[8] In Table 2, percentages are calculated as follows. In bills characterized as purely punitive, the numerator includes the number of bills that contain only provisions either increasing substantive criminal law, increasing punishment, or both. The denominator includes all crime and punishment bills that were introduced.

Nebraska	52% (47/90)	49
Nevada	48% (30/62)	50

Another method to assess punitiveness is to look at the introduction of bills designed to make the state's criminal justice system less punitive—*i.e*, lenient bills that either decrease the scope of criminal law or decrease punishment. Under this method, Colorado is the least punitive state, with nearly 45% of the crime and punishment bills introduced being purely lenient. New York is the most punitive state, with less than 5% of the bills introduced being purely lenient.

Table 3[9]: States with the highest and lowest rates of relative pure lenient bills introduced (lenient bills introduced/all crime and punishment bills introduced)

State Name	Relative Leniency Introduction Percentage	Relative Leniency Introduction Rank
Colorado	44% (56/126)	1
Nebraska	42% (38/90)	2
Idaho	42% (22/53)	3
Nevada	40% (25/62)	4
South Dakota	38% (46/122)	5
Florida	38% (91/242)	6
Montana	35% (30/85)	7
Arkansas	35% (80/230)	8
Arizona	34% (24/71)	9
Kansas	34% (41/122)	10
…	…	…
Indiana	16% (34/218)	41
Massachusetts	13% (69/539)	42
Minnesota	12% (11/89)	43
Maine	12% (12/104)	44
South Carolina	11% (13/114)	45

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[9] In Table 3, percentages are calculated as follows. In bills characterized as purely lenient, the numerator includes the number of bills that contain only provisions either decreasing substantive criminal law, decreasing punishment, or both. The denominator includes all crime and punishment bills that were introduced.

New Mexico	10% (15/149)	46
New Jersey	9% (54/610)	47
West Virginia	9% (23/263)	48
Pennsylvania	6% (27/472)	49
New York	4% (53/1180)	50

The picture looks somewhat different when punitiveness is measured based on the bills that were passed, rather than the bills that were introduced. Five states passed only punitive crime and punishment bills during the study period, and four of those states were in the top ten punitive states as measured by bills introduced. But for some states, the picture was quite different. Massachusetts, for example, is the fifth <u>most</u> punitive state as measured by punitive bills introduced, but the fifth <u>least</u> punitive state as measured by the pass rate for those punitive bills, and it is the <u>most lenient</u> state as measured by the pass rate for lenient bills.

Table 4[10]: States with the highest and lowest rates of pure punitive bills passed (punitive bills passed/crime and punishment bills passed)

State Name	Punitiveness Passage Percentage	Punitiveness Passage Rank
Kentucky	100% (22/22)	5
Alaska	100% (3/3)	5
New Mexico	100% (7/7)	5
South Carolina	100% (3/3)	5
New York	100% (13/13)	5
Wyoming	89% (17/19)	6
North Carolina	88% (21/24)	7
Pennsylvania	86% (24/28)	8
Texas	82% (54/66)	9
Wisconsin	81% (52/64)	10
…	…	…

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[10] In Table 4, percentages are calculated as follows. In bills characterized as purely punitive, the numerator includes the number of bills that contain only provisions either increasing substantive criminal law, increasing punishment, or both. The denominator includes all crime and punishment bills that were passed.

Hawaii	64% (7/11)	41
Connecticut	63% (20/32)	42
Missouri	63% (5/8)	43
New Hampshire	60% (12/20)	44
Massachusetts	59% (19/32)	45
Vermont	59% (10/17)	46
Montana	57% (13/23)	47
Louisiana	55% (51/92)	48
Nevada	48% (13/27)	49
Nebraska	47% (8/17)	50

Table 5[11]: States with the highest and lowest rates of pure lenient bills passed (lenient bills passed/crime and punishment bills passed)

State Name	Leniency Passage Percentage	Leniency Passage Rank
Massachusetts	41% (13/32)	1
New Hampshire	40% (8/20)	2
Montana	39% (9/23)	3
Missouri	38% (3/8)	4
Colorado	36% (24/66)	6
Hawaii	36% (4/11)	6
Nebraska	35% (6/17)	7
Connecticut	31% (10/32)	8
California	31% (27/87)	9
Arkansas	31% (34/111)	10
…	…	…
Maine	13% (6/48)	41
Indiana	12% (6/52)	42
Wyoming	11% (2/19)	44
Minnesota	11% (2/19)	44
West Virginia	6% (3/48)	45

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[11] In Table 5, percentages are calculated as follows. In bills characterized as purely lenient, the numerator includes the number of bills that contain only provisions either decreasing substantive criminal law, decreasing punishment, or both. The denominator includes all crime and punishment bills that were passed.

Alaska	0% (0/3)	50
Kentucky	0% (0/22)	50
South Carolina	0% (0/3)	50
New Mexico	0% (0/7)	50
New York	0% (0/13)	50

Comparing Legislative Efforts and Incarceration Rates

As noted above, how a legislature changes its laws during a particular time period does not necessarily indicate how punitive the state is overall. We compared punitive legislative efforts during the study period and did not find that states with more punitive legislation introduced had higher incarceration rates.[12] Instead, we found an overall correlation between punitive bills and incarceration rates is -0.33. In other words, states with higher rates of punitive bill introduction have lower incarceration rates.

Figures 3a and 3b: Relationship between incarceration rate and pure punitive bills introduced or pure lenient bills introduced bills

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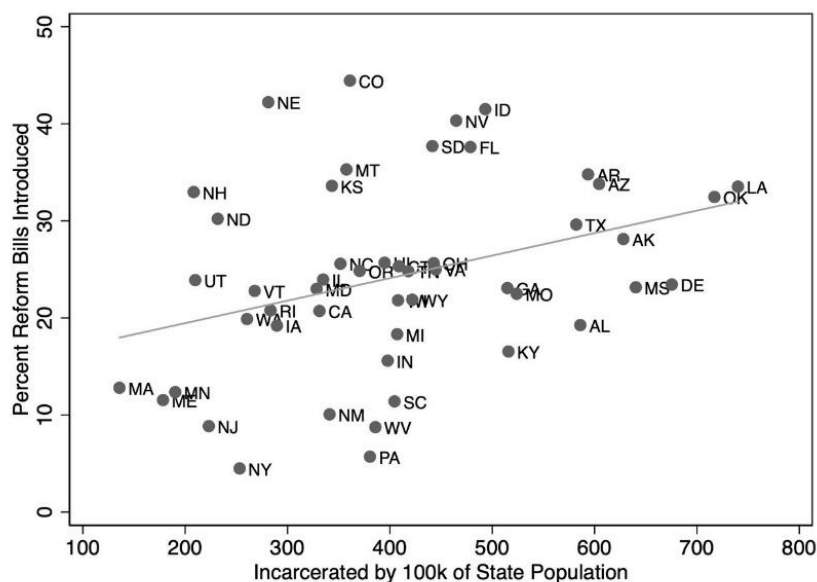
[12] The incarceration rate used in these figures is the average rate of incarceration per 100k population during the years of the study period (2015 through 2018).
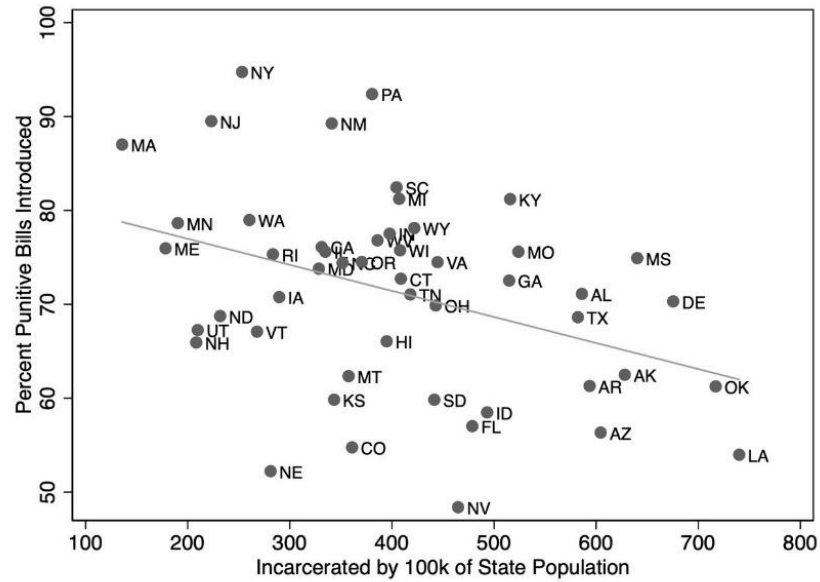
In light of our findings that punitiveness looked slightly different if measure by bills passed, rather than bills introduced, we also compared punitive passage rates with incarceration rates. That comparison also did not find that states with higher rates of punitive legislation passed had higher incarceration rates.

Figure 3c: Relationship between incarceration rate and pure punitive bills passed/pure punitive bills introduced
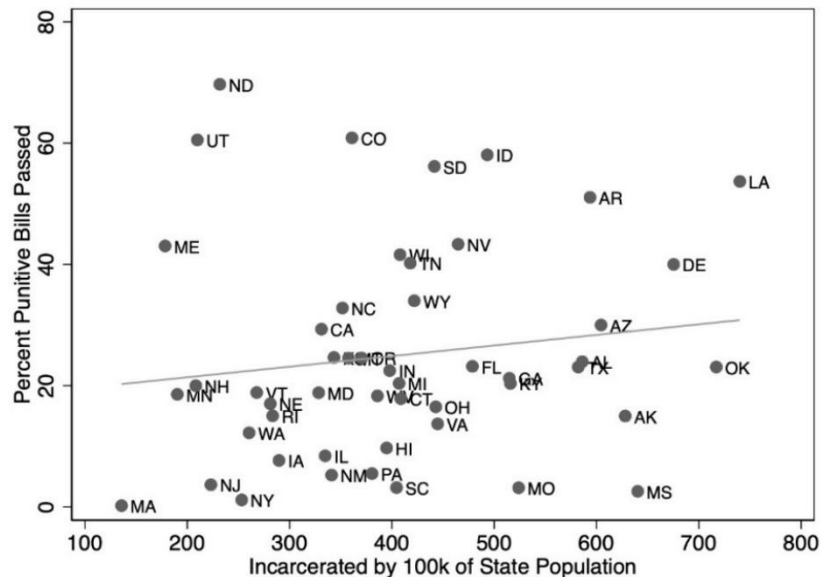
Legislative Efforts by Types of Crime

Our dataset captures not only whether crime and punishment legislation was punitive or lenient, but also what crimes were the subject of legislative efforts. That is to say, our data set allows us to observe which types of crimes are prompting legislative change.[13]

Notably, two types of crimes—firearms offenses and drug/narcotics offenses—were very popular subjects of both punitive <u>and</u> lenient legislative efforts.

Many of the crimes that prompted the most legislation aimed at changing the scope of criminal law also proved to be popular topics for legislation aimed at changing punishment. One notable exception to this trend is homicide offenses, which were popular subjects for both increasing and decreasing punishment, but not for changing the scope of criminal law. With the exception of homicide, all of the top crimes

Figure 4: Most popular crime provisions nationwide (passed/introduced)

Increase Criminal Law

- *Assault (134/782)*
- *Firearms (58/774)*
- *Drugs/Narcotics (152/643)*
- *Sex Offenses (103/486)*

Increase Punishment

- *Assault (62/425)*
- *Drugs/Narcotics (45/293)*
- *Sex Offenses (47/262)*
- *Homicide (26/237)*

Decrease Criminal Law

- *Drugs/Narcotics (88/453)*
- *Firearms (68/442)*
- *Regulatory Offenses (16/76*)

Decrease Punishment

- *Drug/Narcotics (45/246)*
- *Homicide (4/54)*
- *Firearms (7/34)*
- *Larceny/Theft (10/32)*

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[13] We developed our list of offense types by supplementing the National Incident-Based Reporting System (NIBRS), the FBI's crime data collection system, with several additional offense types, for a total of 52 discrete offense types. Not all bills fall into one of the offense categories. For example, our dataset includes 55 bills that address criminal laws associated with failing to report a crime or provide assistance. And some bills dealt with crime or punishment as an undifferentiated matter. For example, a bill that raises the age of adult criminal responsibility from 17 to 18 years old. In order to account for these types of bills, we included the NIBRS Code 90Z (Other) and our own code A8 (undifferentiated) as two of our 52 offense codes. For more on offense codes, *see* Appendix F, the Offense Codebook, and Appendix G, the NIBRS Lookup Table.

that prompted legislative efforts to increase criminal punishment were also the top crimes for efforts to increase the scope of criminal law.

In addition to examining the particular crimes they implicate, legislative provisions can also be grouped into more general categories—namely crimes against the person, crimes against property, crimes against society. (Some offenses do not fit into any of those three categories, and so they were classified as other or not applicable.[14])

As Table 6 indicates, crimes against society were the most popular target of legislative efforts. Far more provisions addressing crimes against society were introduced and passed than other categories of crime. That holds true for punitive provisions and lenient provisions. Crimes against property were the least popular targets of legislative efforts. But provisions aimed at decreasing punishments associated with crimes against property passed at the highest rate (25%).

Table 6[15]: Crime Categories by Provision Type, percent passed (passed/introduced)

Provision Type	Increase Criminal Law	Increase Punishment	Decrease Criminal Law	Decrease Punishment
Crime Against Person	17% (254/1,461)	14% (120/849)	20% (29/144)	15% (13/84)
Crimes Against Property	20% (159/783)	17% (47/279)	18% (20/110)	25% (10/40)
Crime Against Society	16% (537/3266)	16% (199/1239)	22% (277/1256)	20% (76/372)
Other or N/A	17% (131/750)	18% (76/432)	25% (75/306)	20% (84/427)
Total	17% (1081/6260)	16% (442/2799)	22% (401/1816)	20% (183/923)

When analyzed by number of bills, rather than by number of provisions, it becomes clear that the success of lenient provisions came mostly through the

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[14] We adapted these categories from the NIBRS, and more information about what crimes fall into which categories is contained in Appendix F, the Offense Codebook.
[15] To arrive at the data in Table 6, each offense was assigned a "crimes against" category and the total number of offenses in each category was aggregated.

passage of mixed bills—that is, bills that contained both punitive and lenient provisions—rather than the passage of purely lenient bills. Overall, mixed bills were more likely to pass in every offense category, suggesting that these bills may represent important opportunities for legislative compromise that have a higher rate of success. However, even though mixed bills pass at a much higher rate, there are far fewer such bills than purely punitive or purely lenient bills. Consequently, a smaller number of mixed bills are passed.

Table 7[16]: Crime Categories by Bill Type, percent passed (introduced/passed)

Bill Type	Punitive	Lenient	Mixed
Crime Against Person	16% (316/1986)	15% (25/168)	27% (17/63)
Crimes Against Property	19% (180/956)	15% (19/126)	48% (11/23)
Crime Against Society	15% (578/3839)	20% (257/1264)	31% (81/258)
Other or N/A	17% (175/1033)	22% (136/629)	33% (19/58)
Total	16% (1251/7828)	20% (437/2188)	32% (128/403)

Crime, Punishment, and Partisanship

The breakdown of punitive and lenient legislation sometimes looks different depending on which party controls the legislature.

When it comes to the introduction of legislation, a statistical analysis of our dataset reveals that partisan control is not a significant predictor of bill introductions.

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[16] To arrive at the data in Table 7, each offense was assigned a "crimes against" category and the total number of offenses in each category was aggregated. Then, bills were assigned into one of the three categories: punitive, lenient, or mixed. Using this method, the total number of bills is greater than the total bills reported in the National Analysis on punitive, lenient, and mixed bills, above because a bill can contain multiple provisions of different crime categories.

Table 8: Introduced per state and session by issue[17]

	Increase Criminal Law	Decrease Criminal Law	Increase Punishment	Decrease Punishment
	Dependent variable:			
Republican Legislature	13.782 (13.953)	1.330 (4.033)	−4.210 (7.699)	1.470 (1.762)
Split Legislature	7.548 (20.219)	−5.500 (5.844)	−6.022 (11.156)	−1.927 (2.553)
Log Legislative Expenditures	−2.726 (9.122)	1.040 (2.637)	2.541 (5.034)	3.444*** (1.152)
Salary	0.120 (0.171)	−0.015 (0.050)	0.076 (0.095)	−0.025 (0.022)
Session Length	0.244*** (0.079)	−0.031 (0.023)	0.027 (0.043)	−0.011 (0.010)
Term Limits	−12.065 (13.046)	7.755** (3.771)	1.614 (7.199)	5.523*** (1.647)
Crime Rate	−0.044 (0.042)	−0.013 (0.012)	−0.009 (0.023)	−0.009* (0.005)
Total # Bills Introduced	0.012*** (0.002)	0.002*** (0.001)	0.005*** (0.001)	0.001*** (0.0002)
Constant	0.891 (49.024)	11.391 (14.170)	−7.843 (27.050)	−11.443* (6.190)
Observations	98	98	98	98
R^2	0.587	0.218	0.408	0.318
Adjusted R^2	0.550	0.148	0.354	0.257
Residual Std. Error (df=89)	52.981	15.313	29.233	6.689
F Statistic (df=8; 89)	15.819***	3.103***	7.653***	5.189***
Note:				*p<0.1; **p<0.05; ***p<0.01

When it comes to bills that were passed, the relationship between punitiveness and partisanship is more clear. Republican-controlled legislatures were significantly more likely to pass bills that increased the scope of criminal law and increased punishment. There were not statistically

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[17] Nebraska is the missing state.

significant differences in the rate of passage of laws that increased leniency of decreased punishment.

Table 9: Passed per state and session by issue[18]

	Dependent variable:			
	Increase Criminal Law	Decrease Criminal Law	Increase Punishment	Decrease Punishment
Republican Legislature	4.783** (1.898)	0.634 (0.820)	2.503** (1.148)	−0.435 (0.599)
Split Legislature	2.834 (2.781)	0.052 (1.202)	1.435 (1.682)	−0.281 (0.878)
Log Legislative Expenditures	2.104* (1.251)	0.235 (0.541)	0.793 (0.757)	0.399 (0.395)
Salary	0.003 (0.023)	0.010 (0.010)	0.080 (0.014)	−0.002 (0.007)
Session Length	−0.018* (0.011)	−0.015*** (0.005)	−0.006 (0.006)	−0.001 (0.003)
Term Limits	3.641** (1.741)	2.457*** (0.753)	2.120** (1.053)	2.651*** (0.550)
Crime Rate	−0.016*** (0.006)	−0.005* (0.003)	−0.004 (0.003)	−0.002 (0.002)
Total # Bills Introduced	0.009*** (0.001)	0.003*** (0.001)	0.003*** (0.001)	0.002*** (0.0004)
Constant	−3.032 (6.717)	2.476 (2.903)	−2.516 (4.062)	−1.314 (2.121)
Observations	98	98	98	98
R^2	0.450	0.419	0.275	0.383
Adjusted R^2	0.401	0.366	0.209	0.328
Residual Std. Error (df=89)	7.231	3.125	4.374	2.284
F Statistic (df=8; 89)	9.113***	8.007***	4.211***	6.918***
Note:				*p<0.1; **p<0.05; ***p<0.01

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[18] Nebraska is the missing state.

Of course, partisanship may affect punitiveness differently depending on the particular crimes at issue. For those crimes which are more politically salient than others, something other than traditional questions of punitiveness versus leniency may affect the legislative process. In recent years, for example, the Republican party has taken a more anti-immigration stance than the Democratic party, and thus we might expect to see more punitive legislation in states with Republican-controlled legislatures than states with Democratic-controlled legislatures. On the other hand, concern over animal cruelty is more often associated with the political left, and so we might expect to see more punitive legislation in states with Democratic-controlled legislatures than states with Republican-controlled legislatures.

We examined a total of nine politically salient crimes—abortion, animal cruelty, domestic violence, firearm offenses, immigration violations, hate crimes, pornography/obscene material, regulatory offenses, and offenses related to voting, elections, and campaigns.[19] We expected to find that

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[19] Political salience was initially determined by the research team and then confirmed with public opinion data.

Republicans are more likely to support criminalizing abortion than Democrats. *See e.g.*, Pew Research Center Fact Sheet, *Public Opinion on Abortion* (May 13, 2024), at https://www.pewresearch.org/religion/fact-sheet/public-opinion-on-abortion/ ("Among Republicans and independents who lean toward the Republican Party, 57% say abortion should be illegal in all or most cases. By contrast, 85% of Democrats and Democratic leaners say abortion should be legal in all or most cases.").

Democrats are more likely to support robust animal rights that Republicans. *See e.g.*, Rebecca Riffkin, Gallup, *In U.S., More Say Animals Should Have Same Rights as People* (May 18, 2015), https://news.gallup.com/poll/183275/say-animals-rights-people.aspx (reporting that 39% of Democrats and Democratic-leaning independents believe that animals deserve the same rights as humans as compared to 23% of Republicans and Republican-leaning independents).

Democrats see domestic violence as a larger national problem, as compared to Republicans. *See e.g.*, YouGov Poll, June 2-3, 2016, available at https://d3nkl3psvxxpe9.cloudfront.net/documents/tabs_YG_Domestic_Violence_20160603.pdf (reporting that 58% of Democrats this that domestic violence is a "very serious" national problem, as compared to 44% of Republicans).

Democratic voters are more likely to believe that gun violence is a major problem. *See, e.g.,* Rachel Kleinfeld, Carnegie Endowment for International Peace, Polarization, Democracy, and Political Violence in the United States: What the Research Says (Sept. 5, 2023), *at* https://carnegieendowment.org/research/2023/09/polarization-democracy-and-political-violence-in-

Republican-controlled legislatures were more punitive regarding four crimes: abortion, immigration, pornography/obscenity, and offenses related to voting elections and campaigns. We also expected to find that Republican-controlled legislatures were more lenient towards firearm offenses and regulatory offenses. And we expected to find that Democratic-controlled legislatures were more punitive regarding five crimes: animal cruelty, domestic violence, firearm offenses, hate crimes, and regulatory offenses.

the-united-states-what-the-research-says?lang=en ("[O]nly 18 percent of Republicans and Republican-leaners feel gun violence is a major problem (versus 73 percent of Democrats and Democratic-leaners)").

Republican voters are less likely to support hate crime laws than Democratic voters. Zachary T. Malcom, Marin R. Wenger, and Brendan Lantz, Politics or Prejudice? Separating the Influence of Political Affiliation and Prejudicial Attitudes in Determining Support for Hate Crime Law, 29 *Psychology, Public Policy, and Law* 182, 184, 188 (2023) (summarizing existing literature linking support for hate crime laws to partisanship and finding that "the odds of supporting hate crime laws were 52% lower for Trump voters than for non-Trump voters").

Republicans hold more restrictive views on immigration and report more concern for illegal immigration. *See, e.g.*, Lydia Saad, Gallup, *U.S. Immigration Views Remain Mixed and Highly Partisan* (August 8, 2022), at https://news.gallup.com/poll/395882/immigration-views-remain-mixed-highly-partisan.aspx (reporting that 69% of Republicans think that immigration to the United States should be decreased (as compared to 17% of Democrats) and that "68% of Republicans 'worry a great deal' about illegal immigration" as compared to 18% of Democrats).

Republicans are more likely to support criminalizing pornography. Ryan Burge, The Association of Religion Data Archives, *Should Pornography be Completely Banned?* (Aug. 1, 2024), at https://www.thearda.com/categories/ahead-of-the-trend/should-pornography-be-completely-banned (analyzing data from the General Social Survey and finding that "age, being a Republican, attending religious services at a greater frequency, and being an evangelical Protestant" were all predictive of favoring a ban on pornography).

With few exceptions, Democratic voters were more likely to support increased regulation across industries. *See* Taylor Orth, YouGov, American prefer more, not less, regulation of dozens of major industries (Sept. 19, 2024), *at* https://today.yougov.com/economy/articles/50561-americans-prefer-more-regulation-of-major-industries-poll (providing data for registered voters who intend to vote for Trump or Harris in the 2024 election, by industry).

Republicans hold more restrictive views on voting. Pew Research Center, *Bipartisan Support for Early In-Person Voting, Voter ID, Election Day National Holiday* Feb, 7, 2024), *at* https://www.pewresearch.org/politics/2024/02/07/bipartisan-support-for-early-in-person-voting-voter-id-election-day-national-holiday/ (reporting results of a national survey, which found "deep partisan divisions over some voting policies, especially voting by mail").

In assessing this legislation, we provide only the absolute number of bills introduced and passed for these politically salient crimes. We do not attempt to control for the fact that there were more Republican-controlled legislatures during the study period, and we do not attempt to control for the overall number of bills introduced by Republican-controlled legislatures as compared to Democratic-controlled legislatures.

Our findings on politically salient crimes are mixed. For two of the nine crimes—abortion and pornography/obscenity—our findings matched our expectations. We observed significantly more punitive abortion bills and punitive pornography/obscenity bills introduced and passed in states with Republican-controlled legislatures.

Table 10: Abortion - Percentage of bills passed by legislative control (passed/introduced)

Control of Legislature	Republican	Democrat	Mixed	Total
Increase criminal law	20% (17/86)	0% (0/40)	4% (1/27)	12% (18/153)
Increase punishment	13% (2/16)	0% (0/2)	0% (0/1)	11% (2/19)
Decrease criminal law	0% (0/5)	0% (0/2)	0% (0/6)	0% (0/13)
Decrease punishment	0% (0/0)	0% (0/0)	0% (0/0)	0% (0/0)

Table 11: Pornography/Obscene Material - Percentage of bills passed by legislative control (passed/introduced)

Control of Legislature	Republican	Democrat	Mixed	Total
Increase criminal law	34% (22/64)	32% (7/22)	0% (0/8)	31% (29/94)
Increase punishment	25% (5/20)	40% (2/5)	0% (0/2)	26% (7/27)
Decrease criminal law	33% (2/6)	20% (1/5)	0% (0/1)	33% (3/9)
Decrease punishment	0% (0/1)	0% (0/0)	0% (0/0)	0% (0/1)

Our expectation that Republicans would be more likely to support increased punishment and the creation of new crimes associated with voting, elections, and campaigns was partially borne out. Republican-controlled legislatures introduced and passed more punitive legislation on the topic of voting, elections, and campaigns. But the overall number of those punitive bills introduced and passed by Republican-controlled legislatures was not significantly larger than the number of lenient bills that those legislatures introduced and passed.

Table 12: Voting, Elections, and Campaigns - Percentage of bills passed by legislative control (passed/introduced)

Control of Legislature	Republican	Democrat	Mixed	Total
Increase criminal law	22% (4/18)	0% (0/2)	0% (0/0)	20% (4/20)
Increase punishment	50% (3/6)	0% (0/5)	0% (0/0)	27% (3/11)
Decrease criminal law	20% (1/5)	0% (0/0)	0% (0/0)	20% (1/5)
Decrease punishment	33% (1/3)	0% (0/0)	0% (0/0)	33% (1/3)

For three of the nine politically salient offenses, there were no significant differences between Republican-controlled legislatures and Democratic-controlled legislatures. For immigration crimes, Republican-controlled legislatures introduced a couple more punitive bills, but the absolute number was negligible, and no bills passed. For animal cruelty offenses and domestic violence offenses, the number of bills introduced and passed was nearly identical for legislatures controlled by either party.

Table 13: Immigration Violations - Percentage of bills passed by legislative control (passed/introduced)

Control of Legislature	Republican	Democrat	Mixed	Total
Increase criminal law	% (0/6)	% (0/4)	% (0/0)	% (0/10)
Increase punishment	% (0/2)	% (0/2)	% (0/0)	% (0/4)
Decrease criminal law	0% (0/0)	0% (0/0)	0% (0/0)	0% (0/0)
Decrease punishment	0% (0/0)	0% (0/0)	0% (0/0)	0% (0/0)

Table 14: Animal Cruelty - Percentage of bills passed by legislative control (passed/introduced)

Control of Legislature	Republican	Democrat	Mixed	Total
Increase criminal law	11% (13/116)	16% (17/104)	13% (5/39)	12% (30/259)
Increase punishment	14% (8/56)	18% (9/49)	0% (0/2)	16% (17/107)
Decrease criminal law	50% (4/8)	0% (0/4)	0% (0/1)	31% (4/13)
Decrease punishment	100% (2/2)	0% (0/0)	0% (0/0)	100% (2/2)

Table 15: Domestic Violence - Percentage of bills passed by legislative control (passed/introduced)

Control of Legislature	Republican	Democrat	Mixed	Total
Increase criminal law	25% (7/28)	17% (4/24)	0% (0/5)	19% (11/57)
Increase punishment	18% (5/28)	7% (2/27)	30% (6/20)	17% (13/76)
Decrease criminal law	40% (2/5)	50% (2/4)	0% (0/0)	44% (4/9)
Decrease punishment	33% (1/3)	100% (1/1)	0% (0/0)	50% (2/4)

For regulatory offenses and hate crimes, we found the opposite of what we expected. We expected Democratic-controlled legislatures to be more punitive than Republican-controlled legislatures for both of these crimes. But for regulatory crimes, we found that Republican-controlled legislatures introduced and passed slightly more punitive bills. And while the deregulatory stance of the Republican party led us to expect more lenient legislation from Republican-controlled legislatures, Republican-controlled legislatures did not pass more lenient bills.

Table 16: Regulatory Offenses - Percentage of bills passed by legislative control (passed/introduced)

Control of Legislature	Republican	Democrat	Mixed	Total
Increase criminal law	31% (25/81)	19% (13/67)	0% (0/3)	25% (38/151)
Increase punishment	29% (5/17)	18% (3/17)	0% (0/2)	22% (8/36)
Decrease criminal law	20% (7/35)	28% (8/29)	0% (0/1)	23% (15/65)
Decrease punishment	0% (0/1)	0% (0/3)	0% (0/0)	0% (0/4)

For hate crimes, we expected Democratic-controlled legislatures to introduce and pass more punitive legislation. But we found that Republican-controlled legislatures introduced significantly more punitive bills on the topic and the parties passed barely any bills on the topic.

Table 17: Hate Crimes - Percentage of bills passed by legislative control (passed/introduced)

Control of Legislature	Republican	Democrat	Mixed	Total
Increase criminal law	5% (2/43)	19% (3/16)	0% (0/2)	8% (5/61)
Increase punishment	0% (0/18)	0% (0/2)	0% (0/0)	0% (0/20)
Decrease criminal law	0% (0/1)	0% (0/0)	0% (0/0)	0% (0/1)
Decrease punishment	0% (0/0)	0% (0/0)	0% (0/0)	0% (0/0)

Our findings on firearms crimes are complicated. We expected that Democratic-controlled legislatures would introduce and pass more punitive firearm bills, and that Republican-controlled legislatures would introduce and pass more lenient bills. Our expectations about lenient bills were borne out: Republican-controlled legislatures introduced more than twice as many bills aimed at decreasing the scope of criminal law and passed five times as many of those bills as compared to Democratic-controlled legislatures. But our expectations about punitive bills were incorrect: Republican-controlled legislatures introduced significantly more punitive firearm bills and passed a larger number as well.

Table 18: Firearms Offenses - Percentage of bills passed by legislative control (passed/introduced)

Control of Legislature	Republican	Democrat	Mixed	Total
Increase criminal law	5% (19/392)	10% (20/195)	6% (6/99)	7% (45/686)
Increase punishment	15% (12/78)	0% (0/41)	13% (4/31)	11% (16/150)
Decrease criminal law	23% (54/240)	7% (7/99)	8% (5/59)	17% (66/398)
Decrease punishment	25% (5/20)	100% (1/1)	20% (1/5)	27% (7/26)

Methodology

This study examines four years of crime and punishment legislation. The dataset includes every bill in all fifty state legislatures that was introduced in the years 2015 to 2018 and that would have changed either the substantive scope of criminal law or criminal punishments. In particular, the study examines every bill that increased or decreased the scope of substantive law, as well as every bill that increased or decreased punishments, among other variables. Our dataset is publicly available on the UNC Dataverse.[20]

The data for this study borrows heavily from a prior dataset of criminal-justice-related bills that was created for a previous study about prosecutorial lobbying efforts.[21] That study identified all criminal-justice-related bills introduced in state legislatures during the years 2015 to 2018. That dataset included the following information for each bill: state, legislative session, bill name (if any), bill tracking number, bill description, legislative actions (including, whether or not a bill passed), the type of sponsor, the sponsor(s) name(s), and additional notes that might provide important context. The prior study also classified bills according to the issue or issues they addressed, specifically whether the bill (1) increased the scope of criminal law, (2) decreased the scope of criminal law, (3) increased punishment, (4) decreased punishment, (5) changed relevant procedural limitations on criminal justice actors, (6) either increased or decreased funding for criminal justice activities, or (7) altered the rights, responsibilities, or liability of criminal justice actors.

The current study began with the bills that had been classified as raising issues (1)-(4), and it then supplemented the existing variables with additional information. The first piece of additional information added was about the specific crime or crimes covered in each bill.

The coding of crimes was based, in large part, on the offense codes used by the National Incident-Based Reporting System (NIBRS), the FBI's crime data collection system.[22] NIBRS includes 62 offense categories, including a catch-all category, 90Z, to capture many offenses for which there is no dedicated code. Our study combined some NIBRS categories into a single category. For

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[20] Our dataset is available at https://doi.org/10.15139/S3/3HR3IM.

[21] *See* The Prosecutors and Politics Project, *Prosecutor Lobbying in the States, 2015-2018* (June 2021).

[22] *See* Appendix F for a final version of the offense code book with examples and crime categories.

example, our study combined NIBRS codes 35A and 35B (Drug/Narcotic Violation and Drug Equipment Violations, respectively), into a single code 35 (Drug/Narcotic Offenses). Our study also supplemented the NIBRS offense categories with sixteen additional offense categories in order to capture crimes that would have otherwise fallen into the 90Z catch-all NIBRS code.[23] Our new offense categories also included a code for undifferentiated offenses, which captured the substantive or punishment impact of bills with no specific offense mentioned (e.g., a sentencing range change for a sentencing class, etc.) or many unrelated offenses. All told, our study captures 52 different categories of offenses, including a category for undifferentiated offenses and a catchall category.

In order to facilitate our data analysis, offense codes were also grouped into three distinct categories: crimes against the person, crimes against property, or crimes against society. These categories are used by the NIBRS system. To ensure consistency, we kept all NIBRS codes in their original category. We then used the NIBRS definition of these categories to assign our additional offense codes to a category, where possible.[24]

Because the new offense codes provided more granular information about the content of each bill, we also revisited the coding from the previous study about the effect of the bill—namely whether the bill sought to increase criminal law, decrease criminal law, increase punishment, or decrease punishment. Having determined that some bills addressed more than one crime, we then recoded the bills to capture how the bill would affect each crime—*i.e.*, whether each of those offenses would be subject to an increase and/or decrease in substantive law and/or an increase and/or decrease in punishment of the bill became law. These four directional changes were indicated with codes A-D: increases substantive law (code A); decreases substantive law (code B); increases punishments (code C); and decreases punishments (code D).

All coding was based on the language of the most recent version of each bill, including the version passed into law, where applicable. Each state's bills were

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[23] The sixteen offense categories added to the NIBRS coding system were: A1 Abortion; A2 Domestic Violence; A3 Firearms Offenses; A4 Regulatory Offenses; A5 Sex Offender Registration or Restrictions; A6 Traffic Offenses (Other Than DUI); A7 Weapons (Other Than Firearms); A8 Undifferentiated; A9 Perjury and False Statements; A10 Cyberterrorism and Terrorism; A11 Obstruction of Justice; A12 Hate Crimes; A13 Drones; A14 Official Misconduct or Corruption; A15 Hunting and Fishing; and A16 Voting, Elections, and Campaigns.
[24] *See* Appendix F – Offense Codebook.

maintained in separate excel spreadsheets. The coding was performed by multiple coders. Several steps were taken to maximize consistency and replicability. First, all coding was done by either law students or law school graduates; the coders' specialized legal knowledge helped to ensure that the content of the bills was accurately reflected in the codes selected.

Second, all coders received training on the project background, procedures, and resources prior to beginning the study. Several different resources were created for this study and made available to coders. One resource was a codebook with project codes, conventions, and general instructions.[25] The codebook included the NIBRS system's comprehensive crime lookup table.[26] A second resource provided examples of how various substantive law and punishment changes should be reflected in codes A through D.[27] A document that included specific coding questions and answers was also provided to all coders.

Third, prior to the first round of coding, a coding accuracy check was performed to test the level of objectivity in the most critical areas of coding: topic selection and offense code selection. Seven coders were asked to code 30 bills randomly selected from the state of Mississippi. An answer key was created by a project researcher. For topic selection, coders received 0-4 points per bill if they had selected the correct topics A-D, regardless of which offense codes they had selected, for a possible total of 120 points. The mean score in topic selection was 102.9 points (85.7%) and the median score was 104 points (86.7%).[28]

Fourth, throughout the duration of the study, the offense codebook was updated to reflect project-specific coding practices, and text searches were performed to attempt to consistently code crimes that did not appear to fall neatly into existing project codes. And finally, a review of all 90Z coding was

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[25] *See* Appendix E – Project Codebook.
[26] *See* Appendix G – NIBRS Offense Lookup Table.
[27] *See* Appendix D – Defining Topics and Identifying Omitted Topics.
[28] For offense selection, coders received 0-2 points per bill, for a possible total of 52 points (0=wrong offense(s), 1=correct offense(s) identified with other incorrect offense(s), 2=correct offense(s) identified). Four bills in the sample were bills that students should have identified as omissions and therefore, were not scored for offense selection. The mean score in offense selection was 42.6 (81.9%) and the median score was 45 (86.5%). Following the coding accuracy check, additional training was provided to coders using feedback and hypothetical coding examples.

performed after the initial round of coding was complete to correct potential miscoding.

State Reports

The following state reports contain three sections. The first section details the composition of the state's crime and punishment legislative agendas in two ways. First, bills are categorized as follows: 1) punitive, only increasing the substantive law and/or increasing punishment; 2) lenient, only decreasing the substantive law and/or decreasing punishment; or 3) mixed, containing a mix of punitive and lenient provisions. A second table details bills at the provision level by providing the number of times bills contained each topic: increasing the substantive law; increasing punishment; decreasing the substantive law; or decreasing punishment. Punitiveness is color coded in red, leniency is color coded in green, and mixed bills are color coded in yellow.

The second section contains a summary of subject matter priorities in each state. While not all offenses are covered, the offenses that appeared most often in either their introduction or passage are included. When the most prevalent offenses were either undifferentiated or fell within the catch-all code (for all other offenses not falling into a specific code), they were excluded from this section.

The final section provides information about key sponsors. This information is included only for some states.

Because a relatively small number of crime and punishment bills were actually passed in most states, much of the data and analysis in these reports focuses on bills that were introduced.

Alabama

Comparing Punitive and Lenient Bills

Alabama legislators introduced 135 crime and punishment bills and of those, 33 passed for an overall passage rate of 24%. Of the bills that were introduced, 71% were punitive, 19% were lenient, and the rest were mixed. Although punitive and lenient bills passed at a similar rate, because so many more punitive bills were introduced, 70% of the crime and punishment bills that passed were punitive, 18% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	96	26	13
# Passed	23	6	4
% Passed	24%	23%	31%

There were 166 separate provisions introduced in Alabama that were intended to increase or decrease either the substantive law or punishment. Close to three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Three times as many provisions that increased the substantive law and punishment were passed as compared to provisions that decreased crime or punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to twice as many crime provisions as punishment provisions, and it passed 1.7 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	78	45	28	15
# Passed	21	14	8	3
% Passed	27%	31%	29%	20%
Total # Intro	123		43	
Total # Passed	35		11	
% Total Passed	28%		26%	

Subject Matter Priorities

During the study period, Alabama legislators focused significant attention on firearms offenses, homicide, and drug offenses. The most bills were introduced to address firearms offenses (27 bills). The most bills were passed to address sex offenses (four punitive bills).

Firearms Offenses	• 27 bills introduced (18 punitive and 9 lenient) • 2 bills passed (1 lenient and 1 mixed)
Homicide	• 9 bills introduced (all punitive) • 2 bills passed (both punitive)
Drug / Narcotic Offenses	• 20 bills introduced (11 punitive and 9 lenient) • 3 bills passed (all punitive)

Key Sponsors

In Alabama, individual sponsors introduced crime and punishment legislation. This allowed us to identify the most active legislators – those that introduced five or more pieces of crime and punishment legislation. (Eight additional legislators introduced two bills that successfully passed.)

The most active Alabama sponsor during the study period was Henry "Hank" Sanders. Sanders introduced nine crime and punishment bills during the study period, including seven bills aimed at curtailing or prohibiting the use of the death penalty.[29] Sanders also attempted to make it a crime to possess assault weapons or large capacity ammunition.[30] None of his bills passed. The death penalty bills died in committee.[31]

Henry "Hank" Sanders, Image Source: Wikipedia

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[29] S.B. 103, 2018 S., Reg. Sess. (Ala. 2018); S.B. 119, 2019 S., Reg. Sess. (Ala. 2019); S.B. 60, 2015 S., Reg. Sess. (Ala. 2015); S.B. 61, 2015 S., Reg. Sess. (Ala. 2015); S.B. 48, 2017 S., Reg. Sess. (Ala. 2017); S.B. 49, 2017 S., Reg. Sess. (Ala. 2017); S.B. 51, 2017 S., Reg. Sess. (Ala. 2017).

[30] S.B. 223, 2018 S., Reg. Sess. (Ala. 2018); S.B. 383, 2018 S., Reg. Sess. (Ala. 2018).

[31] Anthony Izaguirre, *Lawmaker crusades against death penalty in Alabama,* THE DETROIT NEWS (Mar. 18, 2017, 10:58 PM), https://www.detroitnews.com/story/news/nation/2017/03/18/alabama-death-penalty/99366088/.

Sanders was a Democrat who represented the rural 23rd District in the Alabama Senate from 1982 to 2018. Sanders grew up during the Jim Crow era and marched with Dr. Martin Luther King in the 1965 march from Selma to Montgomery.[32]

In 2017, Hank Sanders responded to the failures to ban the death penalty by saying, "You don't fight whether you'll win or not. You fight based on whether you think your position is right." He went on to add that "it is a lonely fight," but that he saw it as "an extension of my fight for civil rights." Sanders claimed that the death penalty unfairly targeted Black people[33] and revealed that other politicians have said to him, "You're right, but I can't touch that," reasoning that they may lose votes if they supported Sanders' crusade against the death penalty.[34]

Another active sponsor was Gerald Allen. Allen introduced eight bills during the study period. Seven of those bills limited the scope of the substantive law related to disorderly conduct with a firearm or firearms possession,[35] among other provisions. He also introduced one bill creating the crime of performing an abortion.[36] None of his bills passed.

Allen was a Republican Senator from the 21st District, who represented a mix of rural, urban, and suburban communities. Allen served in the Alabama House of Representatives between 1994 and 2010 before he was elected to the Senate in 2010.[37]

Another active sponsor was Juandalynn Givan, who introduced five bills during the study period.[38] Givan was more punitive on issues like firearms and sex offenders while also advocating for reform measures for low level offenders after the study period.[39] During the study period, Givan sponsored one bill that passed into law centered on the creation of a tracking system for registered sex offenders and penalties for failure to register as a sex offender.[40]

Juandalynn Givan, Image Source: https://trackbill.com/legislator/alabama-representative-juandalynn-givan/751-

Givan served as a Democratic member of the Alabama House of Representatives, taking office in 2010. She represented District 60, a mix of urban and rural communities including a portion of Birmingham. Givan is a candidate in the 2025 Birmingham mayoral election and has a platform

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[32] Greg Palast, *Remembering Bloody Sunday* 1995, Greg Palast Investigative Journalism (Mar. 7, 2021), https://www.gregpalast.com/remembering-bloody-sunday-1965-selma-alabama/.

[33] Anthony Izaguirre, *Lone Lawmaker Crusades Against the Death Penalty in* Alabama, Associated Press (Mar. 15, 2017 5:38 AM) https://apnews.com/general-news-f60d2d57efc443dfb115a9953e687391.

[34] *Id.*

[35] S.B. 14, 2015 S., 2d Spec. Sess. (Ala. 2015); S.B. 14, 2015 S., 1st Spec. Sess. (Ala. 2016); S.B. 24, 2017 S., 2017 Reg. Sess. (Ala. 2017); S.B. 3, 2018 S., Reg. Sess. (Ala. 2018); S.B. 22, 2015 S., 2d Spec. Sess. (Ala. 2015); S.B. 9, 2016 S., Reg. Sess. (Ala. 2016); S.B. 34, 2015 S., 2d Spec. Sess. (Ala. 2015).

[36] S.B. 9.

[37] Gerald Allen, https://www.legistorm.com/person/bio/190223/Gerald_Harrison_Allen.html.

[38] 463 H.B. 316, 2015 H., Reg. Sess. (Ala. 2015); H.B. 8, 2017 H. Rep., Reg. Sess. (Ala. 2017); H.B. 12, 2017 H. Rep., Reg. Sess. (Ala. 2017); H.B. 13 (2017); H.B. 13, 2017 H. Rep., Reg. Sess. (Ala. 2017); H.B. 434, 2018 H. Rep, Reg. Sess. (Ala. 2018).

[39] Patrick Darrington, *Rep. Givan seeking to address wide array of issues in upcoming* session, ALABAMA POLITICAL REPORTER (Dec. 20, 2023, 7:51 AM). https://www.alreporter.com/2023/12/20/rep-givan-seeking-to-address-wide-array-of-issues-in-upcoming-session/.

[40] Act 2015-463 H.B 316.

that includes many progressive criminal justice initiatives while acknowledging the challenges faced in Birmingham: "Birmingham is a disaster zone on any given day because of the crime. It's a great city. It's the Magic City, but it is now becoming the city of horrors. And when I say horrors, I mean bodies dropping at any given time. Something's got to give."[41]

Arthur Orr was also an active sponsor. Between 2015 and 2018, Orr introduced five pieces of crime and punishment legislation,[42] three of which aimed to expand the definition of, or penalties for, driving under the influence. One of those three bills successfully passed, resulting in an increased penalty for those convicted of a second DUI offense.[43]

Arthur Orr, Image Source: https://ballotpedia.org/Arthur_Orr

He also successfully introduced and passed a bill adding kratom to Schedule I of the Alabama controlled substances list.[44] Kratom is an herbal product which can have effects similar to those of stimulants and opioids and had been widely available in convenience stores.[45] Orr introduced one additional unsuccessful bill between 2015 and 2018, which was aimed at defining criminal penalties for racketeering by creating an Alabama RICO Act.[46]

Orr served as a Republican Senator for the suburban 3rd District during the study period. He was first elected in 2006. In 2016, Orr explained his motivation to introduce the kratom banning bill stemmed from concerned constituents who told him about kratom's effects on their families. "Any young person, a 12-year-old, can go into a convenience store and buy this product and get a heroin high on it. That's just something we need to regulate or ban...."[47]

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[41] Erica Thomas, *'I got a problem with people dying': State Rep. Givan calls Birmingham 'disaster zone,' Backs Ingram-led bill for state intervention in crime-ridden cities*, 1819 NEWS (Jul. 23, 2024) https://1819news.com/news/item/i-got-a-problem-with-people-dying-givan-calls-birmingham-disaster-zone-says-mayor-needs-to-listen.

[42] S.B. 180, 2017 S., Reg. Sess. (Ala. 2017); S.B. 90, 2018 S., Reg. Sess. (Ala. 2018); Act 2016-279; S.B. 162, 2015 S., Reg. Sess. (Ala. 2015); S.B. 234, 2016 S., Reg. Sess. (Ala. 2016).

[43] Ala. Code 1975 § 32-5A-191 (2018).

[44] Ala. Code 1975 § 20-2-23 (2016).

[45] *Senator pushes to ban Kratom, a 'legal high' herbal extract*, WAFF (Feb. 23, 2016 12:09 AM), https://www.waff.com/story/31286048/senator-pushes-to-ban-kratom-a-legal-high-herbal-extract/ (last updated Mar. 22, 2016 12:34 AM).

[46] S.B. 234.

[47] *Senator pushes to ban Kratom, a 'legal high' herbal extract*.

Alaska

Comparing Punitive and Lenient Bills

Alaska legislators introduced 32 crime and punishment bills and of those, three passed for an overall passage rate of 9%. Of the bills that were introduced, 63% were punitive, 28% were lenient, and the rest were mixed. Every crime and punishment bill that passed was punitive.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	20	9	3
# Passed	3	0	0
% Passed	15%	0%	0%

There were 39 separate provisions introduced in Alaska that were intended to increase or decrease either the substantive law or punishment. Twice as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment. Four provisions that increased the substantive law or punishment were passed, whereas none of the provisions that decreased the substantive law or punishment passed.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced 5.5 times as many crime provisions as punishment provisions, and it passed three crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	23	3	10	3
# Passed	3	1	0	0
% Passed	13%	33%	0%	0%
Total # Intro	26		13	
Total # Passed	4		0	
% Total Passed	15%		0%	

Subject Matter Priorities

During the study period, Alaska legislators focused attention on firearms offenses, assault, and drug offenses. The most bills were introduced to address drugs offenses (10 bills).

Only three crime and punishment bills, all punitive, passed and were signed into law. These laws involved the following offenses: assault; prostitution; human trafficking; arson; destruction of property; and criminally negligent burning of forested land.

Firearms Offenses	• 4 bills introduced (3 punitive and 1 lenient) • no bills passed
Assault	• 2 bills introduced (both punitive) • 1 bill passed (punitive)
Drug / Narcotic Offenses	• 10 bills introduced (5 punitive, 3 lenient, 2 mixed) • no bills passed

Key Sponsors

In Alaska, several different types of sponsors introduced crime and punishment legislation: individuals introduced 13 bills; groups of two or more co-sponsors introduced 15 bills; a legislative committee introduced one bill; and a legislative committee at the request of Governor Bill Walker (2014-2018) introduced three bills.[48] Governor Walker's bills included two decreasing the substantive criminal law on drug offenses and one increasing the substantive criminal law on animal cruelty. None of the three bills passed.[49]

The two most active sponsors during the study period, David Eastman and Matt Clavan, each sponsored or co-sponsored three bills.

David Eastman, sponsored three punitive bills which did not pass.[50] H.B. 245 would have criminalized female genital mutilation at the state level despite the procedure already being a

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[48] H.B. 292, 30th Legis., 2d Sess. (Alaska 2017-2018); H.B. 286, 29th Legis., 2d Sess. (Alaska 2015-2016); S.B. 147, 30th Legis., 2d Sess. (Alaska 2017-2018).

[49] *Id.*

[50] H.B. 245, 30th Legis., 1st Sess. (Alaska 2017-2018); H.B. 250, 30th Legis., 1st Sess. (Alaska 2017-2018); H.B. 370, 30th Legis., 2d Sess. (Alaska 2017-2018).

David Eastman, Photo by Nathaniel Herz, Alaska Dispatch News

federal crime.[51] In response to inquiry on the redundancy of the bill, Eastman stated in 2017, "The feds all too often decline to prosecute good criminal cases here in Alaska."[52] Another of Eastman's bills, H.B. 370, aimed to relax the criminal code by limiting who could be charged with assault for firearm offenses.[53] In H.B. 250, Eastman proposed to criminalize of the killing of unborn children and curtail abortion, which Eastman opposed under any circumstance.[54] In 2017, Eastman said, "You have individuals who are in villages and are glad to be pregnant, so that they can have an abortion because there's a free trip to Anchorage involved." He was censured for these comments.[55] Eastman would be unanimously censured again in 2023, save his own lone dissent, when he questioned experts about the cost–saving nature of fatal child abuse, "In the case where child abuse is fatal, obviously it's not good for the child, but it's actually a benefit to society because there aren't needs for government services and whatnot over the whole course of that child's life?"[56] Eastman, a Republican, represented Alaska's rural tenth district from 2017–2022.

Another active sponsor during the study period was Matt Claman. Claman sponsored two punitive bills and one lenient bill.[57] H.B. 312, which passed, made it easier to arrest violent offenders at hospitals.[58] H.B. 112 proposed to "close a loophole and eliminate a gray area" by making it illegal for law enforcement officers to have sexual intercourse with suspects.[59] Claman also introduced H.B. 196, a lenient bill aimed at giving credits for time served when defendants entered rehab programs.[60] Both H.B. 112 and H.B. 196 failed.

Matt Claman, Photo by Matt Claman, YouTube

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[51] H.B. 245, 30th Legis., 1st Sess. (Alaska 2017-2018).

[52] Nathaniel Herz, *Alaska House colleagues condemn Wasilla lawmaker amid furor about his comments on abortion*, ANCHORAGE DAILY NEWS (May 6, 2017), https://www.adn.com/politics/alaska-legislature/2017/05/05/alaska-house-colleagues-condemn-wasilla-lawmaker-amid-furor-about-his-comments-on-abortion/.

[53] H.B. 370, 30th Legis., 2d Sess. (Alaska 2017-2018).

[54] H.B. 250, 30th Legis., 1st Sess. (Alaska 2017-2018).

[55] James Brooks, *House censures Rep. Eastman for 'village' abortion comments*, JUNEAU EMPIRE (May 10, 2017, 5:40 PM), https://www.juneauempire.com/news/house-censures-rep-eastman-for-village-abortion-comments/.

[56] Madeline Halpert, *Alaska lawmaker censured for asking if fatal child abuse saved taxpayer money*, BBC NEWS (Feb. 23, 2023), https://www.bbc.com/news/world-us-canada-64726727.

[57] H.B. 196, 29th Legis., 1st Sess. (Alaska 2015-2016); H.B. 112, 30th Legis., 1s Sess. (Alaska 2017-2018); H.B. 312, 30th Legis., 2d Sess. (Alaska 2017-2018).

[58] H.B. 312.

[59] Anne Hillman, *Bill targets 'gray area' when police have sex with sex workers under investigation,* ALASKA PUBLIC MEDIA (May 5, 2017), https://www.ktoo.org/2017/03/05/bill-targets-gray-area-when-police-have-sex-with-sex-workers-under-investigation/#.

[60] 60 H.B. 196, 29th Legis., 1st Sess. (Alaska 2015-2016).

Claman, a Democrat, served in the Alaska House of Representatives from 2015 to 2022 representing urban District 21[61]. Before 2015, he was mayor of Anchorage and ran his own law firm where he earned recognition for his pro bono work with domestic abuse victims.[62]

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[61] Matt Claman, *About Matt Claman,* https://www.mattclaman.com/about-matt.

[62] *Id.*

Arizona

Comparing Punitive and Lenient Bills

Arizona legislators introduced 71 crime and punishment bills and of those, 16 passed for an overall passage rate of 23%. Of the bills that were introduced, 56% were punitive, 34% were lenient, and the rest were mixed. Because more punitive bills were introduced and because punitive bills passed at a higher rate than lenient bills, 75% of the crime and punishment bills that passed were punitive, 13% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	40	24	7
# Passed	12	2	2
% Passed	28%	8%	38%

There were 90 separate provisions introduced in Arizona that were intended to increase or decrease the substantive law or punishment. Close to three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Four and a half times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over twice as many crime provisions as punishment provisions, and it passed 3.4 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	41	16	21	12
# Passed	13	5	4	0
% Passed	32%	31%	19%	0%
Total # Intro	90		33	
Total # Passed	18		4	
% Total Passed	20%		12%	

Subject Matter Priorities

During the study period, Arizona legislators focused significant attention on sex offenses, animal cruelty, and drug/narcotic offenses. The most bills were introduced to address drug offenses (17 bills). The most bills were passed to address sex offenses (5 bills).

Sex Offenses	• 11 bills were introduced (6 punitive, 2 lenient, and 3 mixed) • 6 bills passed (5 punitive, 1 mixed)
Animal Cruelty	• 5 punitive bills were introduced • none passed
Drug / Narcotic Offenses	• 17 bills were introduced (5 punitive, 10 lenient, and 2 mixed) • 3 bills passed (2 punitive and 1 mixed)

Key Sponsors

In Arizona, individual legislative sponsors introduced 37 crime and punishment bills and a primary sponsor along with one or more co-sponsors introduced 34 bills.

The two most active sponsors during the study period were Representatives Eddie Farnsworth and John Kavanagh.

During the study period, Eddie Farnsworth sponsored six crime and punishment bills and passed four of them on issues including dangerous crimes against children,[63] repeat offenses,[64] drug use and possession,[65] and child sex trafficking.[66] Farnsworth hoped that harsher sentencing would discourage drug dealers[67] and that clearer statutory terms would provide straightforward prosecution of child sex trafficking.[68] But he also succeeded in passing a bill which clarified

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[63] H.B. 2244, 53rd Leg., 2d Reg. Sess. (Ariz. 2018).

[64] H.B. 2377, 52nd Leg., 2d Reg. Sess. (Ariz. 2016).

[65] H.B. 2246, 53rd Leg., 2d Reg. Sess. (Ariz. 2018).

[66] H.B. 2238, 53rd Leg., 1st Reg. Sess. (Ariz. 2017).

[67] Azfamily.com News Staff, *GOP lawmaker proposes harsher punishment for opioid dealers; bill dies in House*, ARIZONA'S FAMILY (Feb. 13, 2018), https://infoweb-newsbank-com.libproxy.lib.unc.edu/apps/news/document-view?p=AMNEWS&docref=news/16A156A4CA86CF18.

[68] *Governor Ducey Signs Legislation Making It Easier To Prosecute Child Sex Traffickers*, TARGETED NEWS SERVICE (USA) (Apr. 19, 2017), https://infoweb-newsbank-

classifications of first time and repetitive offenders and how sentencing guidelines would apply to each group.[69] [70]

Eddie Farnsworth, Photo by Gage Skidmore

One of Farnsworth's bills aimed to impose a presumptive ten-year sentence for use or possession of heroin, fentanyl, or other similar drugs,[71] but ultimately failed to pass.[72] Representatives of both parties worried that the proposal would not solve the root problem and would put more people in prison.[73]

Eddie Farnsworth was a member of the Arizona House of Representatives from 2011 to 2019, and then served in the Arizona Senate until his retirement in 2021.[74] He represented Arizona's District 12 in both the Senate and the House of Representatives, which then encompassed part of Gilbert, Arizona, and other urban and suburban areas southeast of Phoenix and Tempe.[75] [76] He was a member of the Republican party.[77]

Another active sponsor in Arizona was John Kavanagh, who sponsored ten crime and punishment bills during the study period. Kavanagh successfully passed a 2015 bill, S.B. 1094, making "aggressive" panhandling a petty offense.[78] This penalty was a downward departure from a version of the bill in the preceding term, which penalized panhandling as a misdemeanor. The change was made in response to concerns from advocates for homeless Arizonans who could face challenges securing apartments with misdemeanor convictions.[79]

Kavanagh's 2018 event ticket bill failed.[80] The bill would have made it a felony to use computer software that circumvented security measures to log into websites.[81] He was motivated by hearing about instances of citizens having to pay two or three times the face value of event

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com.libproxy.lib.unc.edu/apps/news/document-view?p=AMNEWS&docref=news/163DD9F0932DD9E0.

[69] Ariz. H.B. 2377.

[70] S.52 Fact Sheet for H.B. 2377, 2d Reg. Sess. (Ariz. 2016), https://www.azleg.gov/legtext/52leg/2r/summary/S.2377JUD_ASENACTED.pdf.

[71] H.B. 2241, 53rd Leg., 2d Reg. Sess. (Ariz. 2018).

[72] *Bill History for HB2241*, ARIZONA LEGISLATURE (last visited Mar. 7, 2025), https://apps.azleg.gov/BillStatus/BillOverview/70021?Sessionid=119.

[73] Azfamily.com News Staff, *GOP lawmaker proposes harsher punishment for opioid dealers; bill dies in House*, ARIZONA'S FAMILY (Feb. 13, 2018).

[74] *Eddie Farnsworth*, BALLOTPEDIA, https://ballotpedia.org/Eddie_Farnsworth (last visited Mar. 7, 2025).

[75] *Arizona House of Representatives District 12*, BALLOTPEDIA, https://ballotpedia.org/Arizona_House_of_Representatives_District_12 (last visited Mar. 7, 2025).

[76] *Arizona Senate District 12*, BALLOTPEDIA, https://ballotpedia.org/Arizona_State_Senate_District_12 (last visited Mar. 7, 2025).

[77] *Eddie Farnsworth*, BALLOTPEDIA (last visited Mar. 7, 2025).

[78] Matthew Hendley, *Arizona Lawmakers Again Looking to Crack Down on Panhandling*, PHOENIX NEW TIMES (Mar. 5, 2015), https://infoweb-newsbank-com.libproxy.lib.unc.edu/apps/news/document-view?p=AMNEWS&docref=news/154063B2F6B923D8.

[79] *Id.*

[80] S.B. 1213, 53rd Leg., 2d Reg. Sess. (Ariz. 2018).

[81] *Id.*

tickets.[82] "I'm told that it's a real issue with concert tickets and sporting event tickets," he said, referencing bots logging into computer sites when tickets go on sale and buying up all the tickets.[83]

Two of Kavanagh's criminal justice bills focused on hot topics—recording police officers and flag theft—both of which failed to pass[84]. The first bill, introduced in 2016, prohibited most cases of recording law enforcement activity within 20 feet without the permission of the police officer.[85] Intending to promote safety, Kavanagh opined on the constitutionality of the bill: "…[O]ur constitution says you can limit certain rights if the limit is reasonable."[86] The bill ultimately failed, which he attributed to the emotional response it elicited.[87] "That dooms a bill to failure. Once a bill becomes so mired in controversy … it's time to move on," he said.[88]

John Kavanagh, Photo by Gage Skidmore

The flag theft bill, introduced in 2017, aimed to make the theft of an American flag a Class 6 felony while the theft of other property valued at less than $1,000 would be a Class 1 misdemeanor.[89] He told *The Arizona Daily Star*, "My reasoning is that when you steal a flag that somebody is flying, not only are you stealing the object but you're stealing that person's First Amendment right to express themselves."[90]

John Kavanagh has been a member of Arizona Senator since 2023[91] and has previously served terms in both the Arizona House of Representatives (2007-2015, 2019-2023) and the Arizona Senate (2015-2019, 2023-present).[92] He currently represents Arizona Legislative District 23, which encompasses parts of Maricopa, Pima, Pinal, and Yuma Counties, including some suburbs of Phoenix, Arizona.[93] He is a member of the Republican party[94] and was the President Pro Tempore of the Arizona Senate from 2017 to 2018.[95] Kavanagh is originally from New York, New

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[82] Howard Fischer, *Proposed legislation could thwart Arizona's artificial intelligence efforts*, THE ARIZONA DAILY STAR (Dec. 11, 2017), https://infoweb-newsbank-com.libproxy.lib.unc.edu/apps/news/document-view?p=AMNEWS&docref=news/168C017C95BBD7C0.

[83] *Id.*

[84] S.B. 1054, 52nd Leg., 2d Reg. Sess. (Ariz. 2016); S.B. 1009, 53rd Leg., 1st Reg. Sess. (Ariz. 2017).

[85] S.B. 1054, 52nd Leg., 2d Reg. Sess. (Ariz. 2016).

[86] *Id.*

[87] *Id.*

[88] *Id.*

[89] S.B. 1009, 53rd Leg., 1st Reg. Sess. (Ariz. 2017).

[90] Howard Fischer, *Senate panel OKs making US flag theft more serious offense*, THE ARIZONA DAILY STAR (Jan. 20, 2017), https://infoweb-newsbank-com.libproxy.lib.unc.edu/apps/news/document-view?p=AMNEWS&docref=news/16208A2F2E0FA428.

[91] *John Kavanagh*, BALLOTPEDIA, https://ballotpedia.org/John_Kavanagh (last visited Mar. 7, 2025).

[92] *Id.*

[93] https://www.azleg.gov/images/LegislativeDistrictMaps/LegislativeDistrict23.pdf.

[94] *John Kavanagh*, BALLOTPEDIA (last visited Mar. 7, 2025).

[95] https://www.azleg.gov (choose "2017" from dropdown; then click "Senate"; then click "Members"; then click "John Kavanaugh"); https://www.azleg.gov (choose "2018" from dropdown; then click "Senate"; then click "Members"; then click "John Kavanaugh").

York, and is a former police officer with the Port Authority of New York and the New Jersey Police Department.[96]

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[96] *Id.*

Arkansas

Comparing Punitive and Lenient Bills

Arkansas legislators introduced 230 crime and punishment bills and of those, 111 passed for an overall passage rate of 48%. Of the bills that were introduced, 61% were punitive, 35% were lenient, and the rest were mixed. Because so many of the bills that were introduced were punitive, and because more punitive bills passed than lenient ones, 65% of the crime and punishment bills that were passed were punitive, 31% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	141	80	9
# Passed	72	34	5
% Passed	51%	43%	56%

There were 274 separate provisions introduced in Arkansas that were intended to increase or decrease either the substantive law or punishment. Almost twice as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Twice as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to four times as many crime provisions as punishment provisions and it passed 4.3 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	134	44	82	14
# Passed	72	20	36	5
% Passed	54%	45%	44%	36%
Total # Intro	178		96	
Total # Passed	92		41	
% Total Passed	52%		43%	

Subject Matter Priorities

During the study period, Arkansas legislators focused significant attention on sex offenses, firearms offenses, drug offenses, and fraud. The most bills were introduced and passed to address firearms offenses (41 bills introduced and 16 bills passed). Of all the lenient bills introduced in the state, 41% included provisions about firearms offenses.

Sex Offenses	• 13 bills introduced (all punitive) • 9 bills passed (all punitive)
Firearms Offenses	• 41 bills introduced (33 lenient, 7 punitive, and 1 mixed) • 16 bills passed (1 punitive and 15 lenient)
Drug / Narcotic Offenses	• 17 bills introduced (10 punitive, 5 lenient, and 2 mixed) • 7 bills passed (3 punitive, 3 lenient, and 1 mixed
Fraud	• 13 bills introduced (all punitive) • 10 bills passed (all punitive)

Key Sponsors

In Arkansas, individual legislative sponsors or a primary sponsor with one or more co-sponsors introduced crime and punishment bills. This allowed us to identify the most active legislators – those that introduced eleven or more pieces of crime and punishment legislation.

The most active Arkansas sponsor during the study period was Clarke Tucker. Tucker introduced thirteen bills, six of which passed. Two of the bills passed were aimed at public trust: amending current criminal offenses regarding abuses of public office and public trust and adding Class C and Class B felony designations for offenses over certain monetary amounts.[97]

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[97] H.B. 1006, 91st Gen. Assemb., Reg. Sess. (Ark. 2017); H.B. 852, 90th Gen. Assemb., Reg. Sess. (Ark. 2015).

Tucker also successfully introduced and passed bills regarding sexual assault and domestic battery. H.B. 1658 criminalized sex between employees of the Department of Correction or Human Services and victims they have authority over.[98] H.B. 1174 expanded the bounds of battery to include purposefully causing physical injury to a family member or household member using a firearm.[99] Tucker's other crime and punishment legislation updated the definition of devices that could be used in harassing communications and limited affirmative defenses for people riding ATVs on public roads.[100]

Tucker sponsored seven other bills that were unsuccessful. They were aimed at sexual indecency with a child,[101] increasing the available sentences for certain sex offenders when committed against a household or family member,[102] protecting victims of domestic abuse,[103] protecting children from unattended loaded firearms,[104] amending the definition of abuse of office and altering the penalties,[105] amended law concerning elements and penalties of negligent homicide,[106] and increasing the penalties for taking campaign funds as personal income.[107]

Clarke Tucker, Image via https://senate.arkansas. gov/senators/clarke-tucker/

Tucker was a Democratic member of the House of Representatives from 2015 to 2019, serving the 35th district of Arkansas. He has held the position of Arkansas Senate member since 2021.[108]

Another active sponsor was Kim Hammer. Hammer introduced eleven bills during the study period with a tough-on-crime agenda. Nine of Hammer's bills passed the House of Representatives and addressed a wide range of issues[109]: creating the offense of sexual extortion; expanding the scope of places where arson could be committed; expanding the crime of obstruction to include first responders; creating a crime for the failure to follow a process for the disposal of human tissue; limiting how much force can be used in self-defense; making it a misdemeanor for public employees with

Kim Hammer, Image via https://senate.arkansas. gov/senators/kim-hammer/

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[98] H.B. 1658, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).

[99] H.B. 1174, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).

[100] H.B. 1176, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).; H.B. 1003, 91st Gen. Assemb., 2d Extraordinary Sess. (Ark. 2018).

[101] H.B. 1173, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).

[102] H.B. 1177, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).

[103] H.B. 1629, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).

[104] H.B. 1630, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).

[105] S.B. 85, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).

[106] S.B. 145, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).

[107] H.B. 1008, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).

[108] Arkansas Senate, https://senate.arkansas.gov/senators/clarke-tucker/ (last visited March 9, 2025).

[109] H.B. 1808, 91st Gen. Assemb., Reg. Sess. (Ark. 2017); H.B. 1577, 91st Gen. Assemb., Reg. Sess. (Ark. 2017); H.B. 1578, 91st Gen. Assemb., Reg. Sess. (Ark. 2017); H.B. 1566, 91st Gen. Assemb., Reg. Sess. (Ark. 2017); H.B. 1203, 90th Gen. Assemb., Reg. Sess. (Ark. 2015); H.B. 1945, 90th Gen. Assemb., Reg. Sess. (Ark. 2015); H.B. 2193, 91st Gen. Assemb., Reg. Sess. (Ark. 2017); H.B. 1190, 90th Gen. Assemb., Reg. Sess. (Ark. 2015); S.B. 476, 90th Gen. Assemb., Reg. Sess. (Ark. 2015).

supervisory fiduciary responsibilities to fail to comply with fraud-related practices; making it a misdemeanor to operate a motor vehicle without liability insurance and a felony to forge or counterfeit an insurance card; defining the requirements for concealed carry permit for persons between eighteen and twenty-one who served in the military; and lastly, passing a law criminalizing the violation of state procurement laws.

Hammer introduced two additional unsuccessful bills between the 90th and 91st General Assembly.[110] These bills were aimed at reporting potential conflicts of interest for general assembly members and a bill that would have specified what constitutes neglect and required the closure of child abuse investigations where conditions were not met.

Hammer was a Republican member of the Arkansas House of Representatives from 2011 to 2018, serving the 28th district. He is currently an incumbent member of the Arkansas Senate, where he has held office since 2019.[111]

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[110] H.B. 1313, 91st Gen. Assemb., Reg. Sess. (Ark. 2017); S.B. 305, 91st Gen. Assemb., Reg. Sess. (Ark. 2017).
[111] Arkansas Senate, https://senate.arkansas.gov/senators/kim-hammer/ (last visited March 7, 2025).

California

Comparing Punitive and Lenient Bills

California legislators introduced 251 crime and punishment bills and of those, 87 passed for an overall passage rate of 35%. Of the bills introduced, 76% were punitive, 21% were lenient, and the rest were mixed. Even though lenient bills passed at a higher rate than punitive bills, because so many of the bills introduced were punitive, 64% of the crime and punishment bills that passed were punitive, 31% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	191	52	8
# Passed	56	27	4
% Passed	29%	52%	50%

There were 267 separate provisions introduced in California that were intended to increase or decrease either the substantive law or punishment. Almost three and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Twice as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had an even focus; it introduced 134 crime provisions and 133 punishment provisions. However, it passed 1.4 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	111	95	23	38
# Passed	42	18	12	20
% Passed	38%	19%	52%	53%
Total # Intro	206		61	
Total # Passed	60		32	
% Total Passed	29%		52%	

Subject Matter Priorities

During the study period, California legislators focused significant attention on drug offenses, firearms offenses, and sex offenses. The most bills were introduced to address drug offenses (32 bills). The most bills were passed to address firearms (10 bills).

Drug / Narcotic Offenses	• 32 bills introduced (24 punitive, 7 lenient, and 1 mixed) • 9 bills passed (6 punitive, 2 lenient, and 1 mixed)
Firearms Offenses	• 26 bills introduced (20 punitive, 4 lenient, and 2 mixed) • 10 bills passed (7 punitive, 2 lenient, 1 mixed)
Sex Offenses	• 23 bills introduced (22 punitive and 1 mixed) • 8 bills passed (7 punitive and 1 mixed)

Key Sponsors

In California, individual legislative sponsors introduced 235 bills, two or more sponsors introduced 16 bills, and a legislative committee introduced one bill. This allowed us to identify the most active legislators in the state.

The most active legislator in the study was Senator Patricia Bates, sponsoring nine punitive bills aimed at increasing penalties for drug crimes and DWIs, policing sex offenders, and closing parole loopholes.[112] None of these bills became law.

A common theme in Bate's bills was the protection of children. S.B. 305 aimed to increase penalties for having synthetic marijuana in a drug house where children lived.[113] S.B. 772 and

Patricia Bates, Image from Time of San Diego, Office of Sen. Patricia Bates

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[112] S.B. 305, 2015-16 Cal. S, Reg. Sess. (Cal. 2015); S.B. 722, 2015-16 Cal. S., Reg. Sess. (Cal. 2015); S.B. 67, 2017-18 Cal. S., Reg. Sess. (Cal. 2017); S.B. 69, 2017-18 Cal. S., Reg. Sess. (Cal. 2017); S.B. 75, 2017-18 Cal. S., Reg. Sess. (Cal. 2017); S.B. 176, 2017-18 Cal. S., Reg. Sess. (Cal. 2017); S.B. 1103, 2017-18 Cal. S., Reg. Sess. (Cal. 2018); S.B. 1204, 2017-18 Cal. S., Reg. Sess. (Cal. 2018); S.B. 1323, 2017-18 Cal. S., Reg. Sess. (Cal. 2018).

[113] S.B. 305, 2015-16 Cal. S, Reg. Sess. (Cal. 2015).

S.B. 69 both aimed to create a new felony for disabling a GPS if it was implemented as a parole condition for a sex offense.[114]

S.B. 75 sought to reclassify twenty non-violent felonies as violent.[115] This bill was proposed in response to the successful passing of proposition 57, which allowed for early release and parole for people convicted of non-violent crimes. In her 2017 speech before the Public Safety Committee, where the bill passed seven to zero, Bates cited human trafficking of minors, rape by intoxication, and other serious crimes deemed non-violent under proposition 57. Of proposition 57, Bates said, "[the victims] will no longer have that peace of mind that the perpetrators are paying the price and instead they are on the streets with the potential to victimize someone else."[116]

Prior to entering politics, Bates spent a decade working as a social worker in the 1960s in her native Los Angeles. In a 2017 interview with her alma mater, Occidental College, Bates cited her social work as an influence on her conservative views. She said, "I had a jaundiced view of government programs because they were not helping people move out of poverty... My interest in government was to be a reformer if anything." Bates named child safety as one of her top concerns.[117]

Jim Cooper, Image Source: Digital Democracy Calmatters

Bates entered politics as part of a citizen's group in the 1980s advocating for pedestrian crosswalks along a stretch of roadway following the death of a child. She continued her political career as a member of the Laguna Niguel Community Council, Laguna Niguel's first mayor, California's fifth district's representative in the State Assembly, and a member of the Orange County Board of Supervisors. In 2014, Bates became a state senator, representing California's 35th district, an office which she held until 2022.[118] The 35th district encompasses both southern Orange County and northern San Diego. For much of Bates' career, wealthy, suburban Orange County was considered a conservative bastion with Ronald Reagan calling it the place where "good Republicans go before they die."[119] As a state senator, Bates rose through the ranks of the California Republican party, becoming senate minority leader in 2019.[120]

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[114] S.B. 69, 2017-18 Cal. S., Reg. Sess. (Cal. 2017); S.B. 69, 2017-18 Cal. S., Reg. Sess. (Cal. 2017).

[115] S.B. 75, 2017-18 Cal. S., Reg. Sess. (Cal. 2017).

[116] *Senate Standing Committee on Public Safety*, DIGITAL DEMOCRACY CALMATTERS (Apr. 18, 2017) https://calmatters.digitaldemocracy.org/hearings/52114?t=1530&f=beafc515a952cc30fea51b590886 dbda.

[117] Andy Faught, *Elephant in the Room*, OCCIDENTAL COLLEGE (Jan. 10 2018) https://www.oxy.edu/magazine/issues/winter-2018/elephant-room.

[118] *Patricia C. Bates*, BALLOTPEDIA (last visited Mar. 15, 2025) https://ballotpedia.org/Patricia_C._Bates.

[119] Ronald Reagan, *Remarks and a Question-and-Answer Session with Orange County Republicans at a Target '82 Fundraising Reception in Costa Mesa, California*, THE AMERICAN PRESIDENCY PROJECT (Aug. 20, 1981) https://www.presidency.ucsb.edu/documents/remarks-and-question-and-answer-session-with-orange-county-republicans-target-82.

[120] *Id.*

Another active California sponsor is former Assemblyman Jim Cooper. Between 2015 and 2018, Cooper sponsored eight, mostly punitive, crime and punishment bills.[121] The bills aimed to increase penalties for the theft of a firearm, to allow members of probation departments to purchase handguns, and to prohibit the purchase of large quantities of butane. None of these bills passed.

AB 1326 and AB 875 sought to increase penalties for petty theft when the defendant had prior convictions[122]. On the subject of theft, Cooper said in 2017, "Recent changes to California law have also allowed persons who repeatedly steal to face very few consequences regardless of their criminal record or how often they steal."[123] The efforts to increase penalties for theft were widely opposed by the liberal members of his party with a liberal publication labeling Cooper as a "crusader against criminal justice reform."[124]

From 2014 to 2022, Cooper represented the ninth district as a Democrat in the California State Assembly. This district encompasses urban and suburban areas including Sacramento.[125] Prior to joining the legislature, he spent several decades working in law enforcement in the town of Elk Grove before becoming its first mayor upon incorporation.[126] Cooper currently serves as the sheriff in Sacramento.[127]

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[121] A.B. 2854, 2015-16 Cal. Assemb., Reg. Sess. (Cal. 2016); A.B. 6, 2015-16 Cal. Assemb, 2d Extraordinary Sess. (Cal. 2015); A.B. 2245, 2015-16 Cal. Assemb., Reg. Sess. (Cal. 2016); A.B. 3104, 2017-18 Cal. Assemb., Reg. Sess. (Cal. 2018); A.B. 1326, 2017-18 Cal. Assemb., Reg. Sess. (Cal. 2017); A.B. 875, 2017-18 Cal. Assemb., Reg. Sess. (Cal. 2017); A.B. 1120, 2017-18 Cal. Assemb., Reg. Sess. (Cal. 2017-2018); A.B. 1176, 2015-16 Cal. Assemb., Reg. Sess. (Cal. 2016).
[122] A.B. 875, 2017-18 Cal. Assemb., Reg. Sess. (Cal. 2017); A.B. 1326, 2017-18 Cal. Assemb., Reg. Sess. (Cal. 2017).
[123] Jessica Pishko, *In Liberal California, A Crusader Against Criminal Justice Reform,* The Appeal (Aug. 19, 2019) https://theappeal.org/in-liberal-california-a-crusader-against-criminal-justice-reform/.
[124] *Id.*
[125] *Id.*
[126] *Id.*
[127] *Jim Cooper*, Ballotpedia (Mar. 16, 2025) https://ballotpedia.org/Jim_Cooper_(California).

Colorado

Comparing Punitive and Lenient Bills

Colorado legislators introduced 126 crime and punishment bills and of those, 66 passed for an overall passage rate of 52%. Of the bills that were introduced, 55% were punitive, 44% were lenient, and the rest were mixed. Because more punitive bills were introduced and because punitive bills passed at a higher rate than lenient bills, 64% of the crime and punishment bills that passed were punitive and 36% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	69	56	1
# Passed	42	24	0
% Passed	61%	43%	0%

There were 135 separate provisions introduced in Colorado that were intended to increase or decrease either the substantive law or punishment. Provisions that increased crime or punishment were introduced at a slightly higher rate as compared to those that decreased crime or punishment. Twice as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over one and a half times as many crime provisions as punishment provisions, and it passed 1.3 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	51	25	33	26
# Passed	31	15	9	15
% Passed	61%	60%	27%	58%
Total # Intro	76		59	
Total # Passed	46		24	
% Total Passed	61%		41%	

Subject Matter Priorities

During the study period, Colorado legislators focused significant attention on assault, firearms offenses, and drug offenses. The most bills were introduced to address firearms offenses (16 bills). The most bills were passed to address assault (7 punitive bills).

Assault	• 10 bills introduced (all punitive) • 7 bills passed (all punitive)
Firearms Offenses	• 16 bills introduced (3 punitive and 13 lenient) • 1 bill passed (punitive)
Drug / Narcotic Offenses	• 6 bills introduced (4 punitive, 1 lenient, and 1 mixed) • 4 bills passed (all punitive)

Key Sponsors

In Colorado, individual legislative sponsors or a primary sponsor with one or more co–sponsors introduced crime and punishment bills. This allowed us to identify the legislators introducing the largest number of bills during the study period.

One of the most active sponsors of crime and punishment legislation was former State Senator Pete Lee (Democrat), who sponsored twelve bills during the study period, all of which passed.[128] During Lee's tenure as a legislator, he introduced many bills related to crime and punishment and was an advocate of restorative justice. He focused on juvenile justice reform to prevent youth recidivism, cutting jail time for non–violent parole violators, and introducing programs to address poverty, drug addiction, and mental health challenges.[129] More recently, Lee aimed to

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[128] H.B. 16-1278, 70th Gen. Assemb., 2d Reg. Sess. (Colo. 2016); H.B. 18-1405, 71st Gen. Assemb., 2d Reg. Sess. (Colo. 2018); H.B. 18-1307, 71st Gen. Assemb., 2d Reg. Sess. (Colo. 2018); H.B. 17-1326, 71st Gen. Assemb. 1st Reg. Sess. (Colo. 2017); H.B. 18-1156, 71st Gen. Assemb., 2d Reg. Sess. (Colo. 2018); H.B. 17-1207, 71st Gen Assemb., 1st Reg. Sess. (Colo. 2017); H.B. 17-1302, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017); H.B. 17-1330, 71st Gen. Assemb. 1st Reg. Sess. (Colo. 2017); H.B. 18-1251, 71st Gen. Assemb., 2d Reg. Sess. (Colo. 2018); S.B. 15-124, 70th Gen. Assemb., Reg. Sess. (Colo. 2015); S.B. 18-249, 71st Gen. Assemb., 2d Reg. Sess. (Colo. 2018); S.B. 16-65, 70th Gen. Assemb. 2d Reg. Sess. (Colo. 2016).

[129] Pat Poblete, *COVER STORY; THE EQUAL JUSTICE PUZZLE: Sen. Pete Lee vows to keep searching for the missing piece on pre-trial reform*, COLORADO POLITICS (June 29, 2021)

Pete Lee, Image Source: https://leg.colorado.gov/legislators/pete-

reform the pre-trial detention process. He introduced S.B. 62, which would limit arrests of non-violent offenders and prevent the imposition of monetary bonds except in cases in which the detainee was a flight risk or a danger to society.[130] His proposed bills were unpopular with law enforcement officials and organizations such as the Fraternal Order of Police.[131]

Lee represented Colorado's rural 18th District in the House from 2010 to 2018.[132] In 2018, he was elected as the State Senator for the 11th District, but did not seek re-election.[133]

The most active sponsor was former State Senator John Cooke (Republican), who took part in the sponsorship of 29 crime and punishment bills during the study period.[134] Twenty-three of the bills passed.

John Cooke, Image Source: https://leg.colorado.gov/legislators/john-cooke

Cooke was an opponent of criminal justice reform and believed liberal policies "endanger us all" and incentivized criminals to commit

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https://www.coloradopolitics.com/legislature/cover-story-the-equal-justice-puzzle-sen-pete-lee-vows-to-keep-searching-for-the/article_2588c7fe-d357-11eb-ab68-cbbf6d2cf8aa.html.

[130] *Id.*

[131] *Id.*

[132] Senator Pete Lee, COLORADO GENERAL ASSEMBLY, https://leg.colorado.gov/legislators/pete-lee (last visited March 12, 2025).

[133] Megan Verlee and Bente Birkeland, *Colorado State Sen. Pete Lee indicted for registering to vote under a false address*, COLORADO PUBLIC RADIO (Aug. 9, 2022 4:36 PM), https://www.cpr.org/2022/08/09/colorado-state-senator-indicted/.

[134] H.B. 17-1172, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017); H.B. 15-1341, 70th Gen. Assem., 1st Reg. Sess. (Colo. 2015); S.B. 17-006, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017); S.B. 15-005, 70th Gen. Assemb., 1st Reg. Sess. (Colo. 2015); S.B. 15-126, 70th Gen. Assemb., 1st Reg. Sess. (Colo. 2015); S.B. 15-067, 70th Gen. Assemb. 1st Reg. Sess. (Colo. 2015); S.B. 16-144, 70th Gen. Assemb. 2d Reg. Sess. (Colo. 2016); S.B. 18-068, 71st Gen. Assemb., 2d Reg. Sess. (Colo. 2018); S.B. 17-048, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017); S.B. 17-115, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017); H.B. 16-1190, 70th Gen. Assemb., 2d Reg. Sess. (Colo. 2016); H.B. 15-1122, 70th Gen Assemb. 1st Reg. Sess. (Colo. 2015); H.B. 16-1344, 70th Gen. Assemb., 2d Reg. Sess. (Colo. 2016); H.B. 16-1080, 70th Gen Assemb. 2d Reg. Sess. (Colo. 2016); H.B. 18-1314, 71st Gen. Assemb., 2d Reg. Sess. (Colo. 2018); H.B. 17-1015, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017); H.B. 18-1264,71st Gen. Assemb., 2d Reg. Sess. (Colo. 2018); H.B. 17-1072, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017); H.B. 16-1278, 70th Gen. Assemb., 2d Reg. Sess. (Colo. 2016); H.B. 18-1307, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2018); H.B. 17-1330, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017); H.B. 15-1022, 70th Gen. Assemb., 1st Reg. Sess. (Colo. 2015); H.B. 16-1307, 70th Gen. Assemb., 2d Reg. Sess. (Colo. 2016); H.B. 16-1020, 70th Gen. Assemb., 2d Reg. Sess. (Colo. 2016); H.B. 17-1288, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017); H.B. 15-1043, 70th Gen. Assemb., 1st Reg. Sess. (Colo. 2015); H.B. 17-1308, 71st Gen. Assemb., 1st Reg. Sess. (Colo. 2017); H.B. 18-1109, 71st Gen. Assemb., 2d Reg. Sess. (Colo. 2018); and H.B. 16-1058, 70th Gen. Assemb., 2d Reg. Sess. (Colo. 2016).

crimes.[135] The bills he sponsored focused on providing aid to law enforcement and recognizing the efforts of police to keep communities safe. He was also concerned with the rights of crime victims, and co-sponsored S.B. 18-014, which would allow crime victims and prosecutors to know the locations of inmates incarcerated in different states.[136] Cook believed that a free society should not have "secret prisons" and that victims have a right to know where the person that wronged them was being held.[137]

Cooke was an adamant opponent of Senator Pete Lee's agenda and wrote multiple op-eds criticizing the Democrats in the Senate. Cooke argued that the goal of criminal justice reform was "public safety and the rights of victims" rather than making the process less tough on crime. [138]

Cooke represented the rural 13th State Senate District from 2015 to 2022 and was elected as the Senate Minority Leader during that time.[139] Prior to his election as State Senator, he served as the undersheriff of Weld County.[140]

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[135] John Cooke, *John Cooke: Misguided justice 'reforms' endanger us all*, GREELEY TRIBUNE (Jule 2, 2021 7:00 AM), https://www.greeleytribune.com/2021/07/02/john-cooke-misguided-justice-reforms-endanger-us-all/.

[136] Jeffrey A. Roberts, *Colorado legislators endorse crime victim's right to know the locations of out-of-state prisoners*, COLORADO FOIC (Jan 22, 2018), https://coloradofoic.org/colorado-legislators-endorse-crime-victims-right-know-state-prisoner-locations/#:~:text=Update%3A%20The%20Senate%20voted%2033,are%20incarcerated%20out%20of%20state.

[137] *Id.*

[138] Sen. John Cooke, *Cooke: The legislature's 'year of the criminal'*, COMPLETE COLORADO (July 5, 2021), https://completecolorado.com/2021/07/05/cooke-the-legislatures-year-of-the-criminal/.

[139] Senator John Cooke, Colorado General Assembly, https://leg.colorado.gov/legislators/john-cooke (last visited March 12, 2025).

[140] *Id.*

Connecticut

Comparing Punitive and Lenient Bills

Connecticut legislators introduced 154 crime and punishment bills and of those, 32 passed for an overall passage rate of 21%. Of the bills that were introduced, 73% were punitive, 6% were lenient, and the rest were mixed. Because so many of the bills that were introduced were punitive, even though lenient bills passed at a higher rate, 63% of the crime and punishment bills that passed were punitive, 31% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	112	39	3
# Passed	20	10	2
% Passed	18%	26%	67%

There were 191 separate provisions introduced in Connecticut that were intended to increase or decrease either the substantive law or punishment. Over three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Twice as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced 1.4 crime provisions for each punishment provision it introduced, and it passed 2.4 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	70	77	40	4
# Passed	17	12	12	0
% Passed	24%	16%	30%	0%
Total # Intro	147		44	
Total # Passed	29		12	
% Total Passed	20%		27%	

Subject Matter Priorities

During the study period, Connecticut legislators focused significant attention on assault, sex offenses, and drug offenses. The most bills were introduced and passed to address assault (36 bills introduced and 4 bills passed).

Assault	• 36 bills introduced (all punitive) • 4 bills passed (all punitive)
Sex Offenses	• 14 bills introduced (13 punitive and 1 lenient) • 2 bills passed (both punitive)
Drug / Narcotic Offenses	• 19 bills introduced (10 punitive and 10 lenient) • 3 bills passed (1 punitive and 2 lenient)

Sponsorship

Individual sponsors were not analyzed for this state.

Delaware

Comparing Punitive and Lenient Bills

Delaware legislators introduced 64 crime and punishment bills and of those, 27 passed for an overall passage rate of 42%. Of the bills that were introduced, 70% were punitive, 23% were lenient, and the rest were mixed. Although lenient bills passed at a higher rate, because more punitive bills were introduced than lenient bills, 67% of the crime and punishment bills that passed were punitive, 30% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	45	15	4
# Passed	18	8	1
% Passed	40%	53%	25%

There were 79 separate provisions introduced in Delaware that were intended to increase or decrease either the substantive law or punishment. Close to three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Twice as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced twice as many crime provisions as punishment provisions, and it passed 3.1 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	40	19	13	7
# Passed	14	9	8	2
% Passed	35%	47%	62%	29%
Total # Intro	59		20	
Total # Passed	23		10	
% Total Passed	39%		50%	

Subject Matter Priorities

During the study period, Delaware legislators focused significant attention on sex offenses, assault, drug offenses, and firearms offenses. The most bills were introduced and passed to address drug offenses.

Sex Offenses	• 8 bills introduced (7 punitive and 1 mixed) • 5 bills passed (4 punitive and 1 mixed)
Assault	• 8 bills introduced (7 punitive and 1 mixed) • 6 bills passed (5 punitive and 1 mixed)
Drug / Narcotic Offenses	• 13 bills introduced (2 punitive, 8 lenient, and 3 mixed) • 10 bills passed (2 punitive, 7 lenient , and 1 mixed)
Firearms Offenses	• 7 bills introduced (all punitive) • 1 bill passed (punitive)

Key Sponsors

In Delaware, individual legislative sponsors or a primary sponsor with one or more co-sponsors introduced crime and punishment bills. This allowed us to identify the legislators introducing the highest number of bills during the study period.

Margaret Henry was one of the most active sponsors in Delaware and sponsored four bills. Two of those bills targeted drug crime reform but did not pass. The first, S.B. 34, attempted to reduce the number of weight tiers used to categorize the severity of controlled substance offenses.[141] The second aimed to eliminate several aggravating factors under Delaware's controlled substances laws.[142]

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[141] S.B. 34, 149th Leg., 1st Sess. (Del. 2017).
[142] S.B. 33, 149th Leg., 1st Sess. (Del. 2017).

Henry also introduced two bills focused on violent offenses. The first sought to amend the domestic violence code by prohibiting people subject to protective orders from having deadly weapons.[143] The bill attempted to expand the definition of "misdemeanor crime of domestic violence" to include substantive dating relationships and cohabitating individuals at the time of the offense or within five years prior to the offense.[144] The second aimed to include the promotion of sexual solicitation of a child in the definition of a dangerous crime against a child and included provisions on human trafficking – this bill passed.[145]

Margaret Henry was a Democratic member of the Delaware State Senate. Henry represented District 2 from 1994 to 2014.[146] She was the first African American woman elected to the state Senate, where she served as Senate Majority Leader.[147] Through her years in office, she worked to reform the juvenile justice system and helped create a needle-exchange program designed to keep drug addicts from sharing diseases.[148]

Margaret Henry, Image Source: https://www.capegazette.com/article/state-chamber-presents-esteemed-award-margaret-rose-henry/214090

Another active legislator, Sean Lynn, sponsored five bills during the study period. Several of these bills addressed animal cruelty. The

first bill enabled the prosecution of animal fighting under Delaware's Racketeering and Organized Crime Statute; this bill passed.[149] He later introduced a bill sanctioning people that commit animal cruelty.[150] Another bill prohibited a person from engaging in the ivory trade—such violation would constitute a misdemeanor. The bill failed.[151]

Lynn also sponsored a bill that would classify strangulation as a violent felony; this bill passed.[152] Lynn's final bill removed the Department of Correction's authority to execute sentences of capital punishment and further prohibited the use of lethal injection or hanging.[153] This bill was unsuccessful.

Lynn is a Democratic member of the Delaware House of Representatives. Representing District 31, Lynn assumed office

Sean Lynn, Image Source: https://housedems.delaware.gov/members/house-district-31/

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[143] S.B. 83, 148th Leg., 1st Sess. (Del. 2015).

[144] *Id.*

[145] S.B. 153, 148th Leg., 1st Sess. (Del. 2015).

[146] *Margaret Rose Henry*, BALLOTPEDIA, https://ballotpedia.org/Margaret_Rose_Henry (last visited Mar. 8, 2025).

[147] *St. Sen. Margaret Rose* Henry, UNIVERSITY of DELAWARE, https://www1.udel.edu/blacksindelaware/Henry.htm (last visited Mar. 9, 2025).

[148] Delaware Online, https://www.delawareonline.com/story/news/politics/2017/09/28/sam-guy-announces-sen-rose-henry-retire-seek-her-office/713039001/ (last visited Mar. 9, 2025).

[149] H.B. 220, 148th Leg., 1st Sess. (Del. 2015).

[150] H.B. 204, 148th Leg., 1st Sess. (Del. 2015).

[151] H.B. 95, 149th Leg., 1st Sess. (Del. 2017).

[152] H.B. 07, 148th Leg., 1st Sess. (Del. 2015).

[153] H.B. 155, 149th Leg., 1st Sess. (Del. 2017).

in 2014. Representative Lynn is a graduate of Pace Law School.[154] Prior to assuming office, Lynn was a two term City Councilman from the City of Dover.[155] Lynn has expressed a commitment to public education, jobs and economic development, public safety, and equality and fundamental fairness.[156]

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[154] Scott Goss and Christina Jedra, *Sam Guy announces Sen. Margaret Rose Henry to retire, will seek her office*, Delaware House Democrats, https://housedems.delaware.gov/members/house-district-31/ (last visited Mar. 8, 2025).

[155] Sean Lynn, https://www.winwithlynn.org/ (last visited Mar. 8, 2025).

[156] *Id.*

Florida

Comparing Punitive and Lenient Bills

Florida legislators introduced 242 crime and punishment bills and of those, 46 passed for an overall passage rate of 19%. Punitive bills represented 57% of the total legislative agenda introduced compared to only 37% lenient bills. A total of 13% of punitive bills passed out of all bills introduced – over three times as many passed than lenient bills.

Florida legislators introduced 242 crime and punishment bills and of those, 46 passed for an overall passage rate of 19%. Of the bills that were introduced, 57% were punitive, 37% were lenient, and the rest were mixed. Because so many punitive bills were introduced and because punitive bills passed at a higher rate, 70% of the crime and punishment bills that passed were punitive and 22% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	138	91	13
# Passed	32	10	4
% Passed	23%	11%	31%

There were 330 separate provisions introduced in Florida that were intended to increase or decrease either the substantive law or punishment. Over one and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Three times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced twice as many crime provisions as punishment provisions, and it passed 1.7 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	105	62	60	47
# Passed	27	15	8	6
% Passed	26%	24%	13%	13%
Total # Intro	167		107	
Total # Passed	42		14	
% Total Passed	25%		13%	

Subject Matter Priorities

During the study period, Florida legislators focused significant attention on firearms offenses, regulatory offenses, and drug offenses. Considerable attention was also paid to sex offenses, pornography/obscene material offenses, and non-firearm weapons offenses. The most bills were introduced to address firearms offenses (35 bills). The most bills were passed to address drug offenses (5 bills).

Firearms Offenses	• 35 bills introduced (17 punitive, 17 lenient, and 1 mixed) • 3 bills passed (2 punitive and 1 lenient)
Regulatory Offenses	• 14 bills introduced (2 punitive, 10 lenient, and 2 mixed) • 2 bills passed (1 lenient and 1 mixed)
Drug / Narcotic Offenses	• 27 bills introduced (12 punitive, 13 lenient, and 2 mixed) • 5 bills passed (3 punitive and 2 lenient)

Sponsorship

Individual sponsors were not analyzed for this state.

Georgia

Comparing Punitive and Lenient Bills

Georgia legislators introduced 91 crime and punishment bills and of those, 20 passed for an overall passage rate of 22%. Of the bills that were introduced, 73% were punitive, 23% were lenient, and the rest were mixed. Although lenient bills passed at a slightly higher rate than punitive bills, because so many punitive bills were introduced, 70% of the crime and punishment bills that passed were punitive and 25% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	66	21	4
# Passed	14	5	1
% Passed	21%	24%	25%

There were 110 separate provisions introduced in Georgia that were intended to increase or decrease either the substantive law or punishment. Nearly three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Three times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced almost three and a half times as many crime provisions as punishment provisions, and it passed 2.7 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	62	20	23	5
# Passed	14	5	5	2
% Passed	23%	26%	22%	40%
Total # Intro	82		28	
Total # Passed	19		7	
% Total Passed	23%		25%	

Subject Matter Priorities

During the study period, Georgia legislators focused significant attention on sex offenses, firearm offenses, and drug offenses. The most bills were introduced to address firearms offenses (25 bills). The most bills were passed to address sex offenses (5 bills).

Sex Offenses	• 15 bills introduced (14 punitive and 1 mixed) • 5 bills passed (all punitive)
Firearm Offenses	• 25 bills introduced (14 punitive, 9 lenient, and 1 mixed • 4 bills passed (2 punitive and 2 lenient)
Drug / Narcotic Offenses	• 14 bills introduced (5 punitive, 7 lenient, and 2 mixed) • 3 passed (1 punitive, 1 lenient, and 1 mixed)

Key Sponsors

Individual sponsors were not analyzed for this state.

Hawaii

Comparing Punitive and Lenient Bills

Hawaii legislators introduced 109 crime and punishment bills and of those, 11 passed for an overall passage rate of 9%. Of the bills that were introduced, 66% were punitive, 26% were lenient, and the rest were mixed. Because so many punitive bills were introduced, even though lenient bills passed at a slightly higher rate, 64% of the crime and punishment bills that passed were punitive and 36% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	72	28	9
# Passed	7	4	0
% Passed	10%	14%	0%

There were 129 separate provisions introduced in Hawaii that were intended to increase or decrease either the substantive law or punishment. Over two times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Twice as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over three and a half times as many crime provisions as punishment provisions, and it passed 4.5 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	73	15	28	13
# Passed	6	1	3	1
% Passed	8%	7%	11%	8%
Total # Intro	88		41	
Total # Passed	7		4	
% Total Passed	8%		10%	

Subject Matter Priorities

During the study period, Hawaiian legislators focused significant attention on drug offenses. Specifically, 36 bills were introduced about the topic and three bills passed. Several other offenses were addressed by the legislature eight times each – fraud, animal cruelty, trespass of real property, and driving under the influence – but no topic other than drug offenses was the subject of more than one passed bill.

Drug / Narcotic Offenses	• 36 bills introduced (9 punitive, 19 lenient, and 8 mixed) • 3 passed (1 punitive and 2 lenient)

Key Sponsors

During the study period, 17 crime and punishment bills were introduced by individual sponsors, 17 were introduced by individual legislators at the request of an unknown third party, and the remaining 75 bills were introduced by two or more co-sponsors.

Representative Joseph Souki[157] sponsored 17 of the 109 crime and punishment bills during the study period. Four of his bills were co-sponsored with other legislators, and six were introduced on behalf of an unidentified third party. At opening remarks before the House of Representatives in 2015, 2016, and 2017, he expressed that his priorities were, generally, not related to criminal justice, apart from marijuana legislation.[158] The topic of marijuana was included in two of Souki's 17 bills, and he had attempted to legalize the drug as early as 2013.[159]

Joseph Souki, Image Source: Ballotpedia

Souki's lone successful bill authorized the use of a continuous alcohol monitoring device for repeat DUI offenders.[160] Other legislation that Representative Souki introduced spanned many topics—three bills expanded the substantive law around

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[157] *Joseph Souki*, Ballotpedia, https://ballotpedia.org/Joseph_Souki (last visited Mar. 21, 2025).

[158] *See* Joseph Souki, Speaker, Haw. H. of Reps., *Opening Day Remarks of 2015 Legis. Sess.* (Jan. 21, 2015), https://capitolwebsite.azurewebsites.net/sessions/session2015/docs/JosephMSouki.pdf; Joseph Souki, Speaker, Haw. H. of Reps., *Opening Day Remarks of 2016 Legis. Sess.* (Jan. 20, 2016), https://data.capitol.hawaii.gov/sessions/session2016/docs/SpeakerOpeningDayRemarks.pdf; Joseph Souki, Speaker, Haw. H. of Reps., *Opening Day Remarks of 2017 Legis. Sess.* (Jan. 18, 2017), https://capitolwebsite.azurewebsites.net/docs/SpeakerOpeningDayRemarks.pdf.

[159] Ben Gutierrez, *Bill to legalize marijuana introduced in legislature*, Hawaii News Now (Jan. 19, 2013), https://www.hawaiinewsnow.com/story/20629062/bill-to-legalize-marijuana-introduced-in-legislature/.

[160] *See* H.B. 306, 29th Leg., Reg. Sess. (Haw. 2017).

trespassing,[161] six focused on drug offenses,[162] and others changed the Penal Code relating to public nuisance,[163] driving under the influence,[164] and gambling.[165]

Representative Souki served in the Hawaii House of Representatives from 1982 to 2018 and was the Speaker of the House from 1993 to 1998 and 2013 to 2017.[166] He resigned in 2018.[167]

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[161] *See* H.B. 304, 29th Leg., Reg. Sess. (Haw. 2017); H.B. 1029, 29th Leg., Reg. Sess. (Haw. 2017); H.B. 1142, 29th Leg., Reg. Sess. (Haw. 2017).

[162] *See* H.B. 569, 28th Leg., Reg. Sess. (Haw. 2015); H.B. 137, 28th Leg., Reg. Sess. (Haw. 2015); H.B. 162, 28th Leg., Reg. Sess. (Haw. 2015); H.B. 1833, 28th Leg., Reg. Sess. (Haw. 2016); H.B. 1539, 29th Leg., Reg. Sess. (Haw. 2017); H.B. 701, 29th Leg., Reg. Sess. (Haw. 2017); H.B. 1132, 29th Leg., Reg. Sess. (Haw. 2017).

[163] *See* H.B. 2021, 28th Leg., Reg. Sess. (Haw. 2016); H.B. 2114, 28th Leg., Reg. Sess. (Haw. 2016).

[164] *See* H.B. 137, 28th Leg., Reg. Sess. (Haw. 2016); H.B. 306, 29th Leg., Reg. Sess. (Haw. 2017); H.B. 701, 29th Leg., Reg. Sess. (Haw. 2018).

[165] *See* H.B. 2111, 28th Leg., Reg. Sess. (Haw. 2016).

[166] *Representative Joseph M. Souki*, HAWAI'I STATE LEGISLATURE, https://www.capitol.hawaii.gov/legislature/memberpage.aspx?member=124&year=2018 (last visited June 5, 2025).

[167] Anita Hofschneider, *Former Hawaii House Speaker Forced Out Over Sexual Harassment*, Civil Beat (Mar. 21, 2018), https://www.civilbeat.org/2018/03/former-hawaii-house-speaker-forced-out-over-sexual-harassment/.

Idaho

Comparing Punitive and Lenient Bills

Idaho legislators introduced 53 crime and punishment bills and of those, 25 passed for an overall passage rate of 47%. Of the bills that were introduced, 58% were punitive, 42% were lenient, and the rest were mixed. Because more punitive bills were introduced and because punitive bills passed at a higher rate than lenient bills, 72% of the crime and punishment bills that passed were punitive and 28% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	31	22	0
# Passed	18	7	0
% Passed	54%	32%	0%

There were 78 separate provisions introduced in Idaho that were intended to increase or decrease either the substantive law or punishment. Nearly one and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Two and a half times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over six and a half times as many crime provisions as punishment provisions, and it passed four crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	28	3	18	4
# Passed	15	3	5	2
% Passed	54%	100%	28%	50%
Total # Intro	31		22	
Total # Passed	18		7	
% Total Passed	58%		32%	

Subject Matter Priorities

During the study period, Idaho legislators focused significant attention on firearms offenses, drug offenses, and sex offenses. The most bills were introduced and passed to address drug offenses (14 bills introduced and 6 bills passed).

Firearms Offenses	• 8 bills introduced (6 punitive and 2 lenient) • 2 bills passed (both punitive)
Sex Offenses	• 7 bills introduced (all punitive) • 5 bills passed (all punitive)
Drug / Narcotic Offenses	• 14 bills introduced (5 puntive and 9 lenient) • 6 bills passed (5 punitive and 1 lenient)

Sponsorship

In Idaho, all bills were sponsored by legislative committees.

Illinois

Comparing Punitive and Lenient Bills

Illinois legislators introduced 455 crime and punishment bills and of those, 39 passed for an overall passage rate of 9%. Of the bills that were introduced, 76% were punitive, 24% were lenient, and the rest were mixed. Although punitive and lenient bills passed at similar rates, because so many more punitive bills were introduced, 74% of the crime and punishment bills that passed were punitive and 26% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	344	109	2
# Passed	29	10	0
% Passed	8%	9%	0%

There were 523 separate provisions introduced in Illinois that were intended to increase or decrease either the substantive law or punishment. Over three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Nearly two and a half times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced three times as many crime provisions as punishment provisions, and it passed 6.3 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	297	97	96	33
# Passed	29	2	9	4
% Passed	10%	2%	9%	12%
Total # Intro	394		129	
Total # Passed	31		13	
% Total Passed	8%		10%	

Subject Matter Priorities

During the study period, Illinois legislators focused significant attention on firearms offenses, assault, and sex offenses. The most bills were introduced to address firearms offenses (112 bills). The most bills were passed to address assault (four punitive bills).

Firearms Offenses	• 112 bills introduced (69 punitive and 43 lenient) • 2 bills passed (1 punitive and 1 lenient)
Assault	• 31 bills introduced (28 punitive and 3 lenient) • 4 bills passed (all punitive)
Sex Offenses	• 28 bills introduced (27 punitive and 1 lenient) • 3 passed (2 punitive and 1 lenient)

Key Sponsors

In Illinois, individual legislators introduced 260 crime and punishment bills and an additional 195 bills were sponsored by one or more legislators. This allowed us to identify the legislators who were most active during the study period.

One of the most active sponsors, LaShawn Ford, introduced twenty-three bills during the study period; eleven of the bills were sponsored individually by Ford, and twelve of the bills were co-sponsored.

Many of Ford's bills were aimed at criminal justice reform. Ford sponsored bills related to the sealing of felony records, automatic expungements when charges were not filed after a certain amount of time, removing mandatory supervision post-release for class four felonies, and multiple bills related to the decriminalization of cannabis-related charges.[168] These bills did not pass.

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[168] H.B. 5698, 99th Gen. Assemb., Reg. Sess. (Ill. 2017); H.B. 0167, 99th Gen. Assemb., Reg. Sess. (Ill. 2015); H.B. 6013, 99th Gen. Assemb., Reg. Sess. (Ill. 2017); H.B. 0218, 99th Gen. Assemb., Reg. Sess. (Ill. 2015); H.B. 1432, 99th Gen. Assemb., Reg. Sess. (Ill. 2015); H.B. 4059, 100th Gen. Assemb., Reg. Sess. (Ill. 2019).

Several of Ford's bills expanding crimes against public safety passed.[169] These bills provided procedures for incidents of sexual assault or sexual abuse, expanded the crime of labor trafficking to include co-conspirators, and expanded the offenses that qualified as hate crimes.[170]

Ford has served as a Democratic member of the Illinois House of Representatives since 2007, serving the 8th district.[171]

Another active sponsor was Michael Madigan. He introduced twenty-nine bills during the study period, none of which passed. Twenty-five of the bills were sponsored individually by Madigan, and four were co-sponsored.
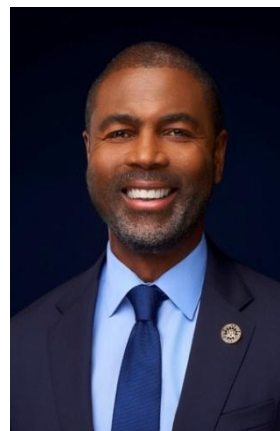
LaShawn Ford, Image Source: https://www.ilga.gove/house/rep.asp?MemberID=2815

Madigan's agenda, generally, increased substantive criminal law. For instance, six of Madigan's bills expanded the definitions of crimes such as eavesdropping, vehicular hijacking, and possessing burglary tools or explosive devices.[172]

Madigan's bills sought to clarify other terminology used in the penal code including victim, felony, conviction, persons with severe or profound intellectual disability, when a person is accountable for another person's actions, the use of force in defense of others, reckless discharge of a firearm, unlawful possession of firearms, the crime of defacing the identification marks on a firearm, methods of arrests, the procedures for search warrants, battery, and changes to bail on a new trial.[173]

Michael Madigan, Image Source: https://www.ilga.gov/house/rep.asp?MemberID=2088

Michael Madigan was a Democratic Illinois House of Representatives member from 1970 to 2021 and served as Speaker from 1983 to 2021, except when Republicans controlled the House from 1995 to 1997.[174]

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[169] S.B. 3096, 99th Gen. Assemb., Reg. Sess. (Ill. 2016); S.B. 3108, 100th Gen. Assemb., Reg. Sess. (Ill. 2018); H.B. 3711, 100th Gen. Assemb., Reg. Sess. (Ill. 2017).

[170] *Id.*

[171] *Representative LaShawn K. Ford*, ILLINOIS GENERAL ASSEMBLY, https://www.ilga.gov/house/rep.asp?MemberID=2815 (last Visited March 11, 2025).

[172] H.B. 1473, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1475, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1474, 100th Gen. Assemb., Reg. Sess. (Ill. 2019.; H.B. 1476, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1477, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1478, 100th Gen. Assemb., Reg. Sess. (Ill. 2019).

[173] H.B. 1492, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.R. 1526, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1527, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1528, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.R. 1529, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1530, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1532, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1533, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1718, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1719, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1720, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1724, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 1725, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.B. 0816, 100th Gen. Assemb., Reg. Sess. (Ill. 2019); H.R. 1728, 100th Gen. Assemb., Reg. Sess. (Ill. 2019).

[174] *Representative Michael J. Madigan*, ILLINOIS GENERAL ASSEMBLY, https://www.ilga.gov/house/rep.asp?MemberID=2088 (last visited March 17, 2025).

Indiana

Comparing Punitive and Lenient Bills

Indiana legislators introduced 218 crime and punishment bills and of those, 52 passed for an overall passage rate of 24%. Of the bills that were introduced, 78% were punitive, 16% were lenient, and the rest were mixed. Even though punitive and lenient bills passed at similar rates, because more punitive bills were introduced, 73% of the crime and punishment bills that passed were punitive and 12% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	169	34	15
# Passed	38	6	8
% Passed	22%	18%	53%

There were 325 separate provisions introduced in Indiana that were intended to increase or decrease either the substantive law or punishment. Five and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Five times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced 1.3 crime provisions for each punishment provision it introduced, and it passed 1.4 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	147	128	38	12
# Passed	39	31	11	4
% Passed	27%	24%	29%	33%
Total # Intro	275		50	
Total # Passed	70		15	
% Total Passed	25%		30%	

Subject Matter Priorities

During the study period, Indiana legislators focused significant attention on firearms offenses, homicide, and drug offenses. The most bills were introduced and passed to address drug offenses (51 bills introduced and 11 bills passed).

Firearms Offenses	• 19 bills introduced (16 punitive and 3 lenient) • 4 bills passed (3 punitive and 1 lenient)
Homicide	• 15 bills introduced (12 punitive, 2 lenient, and 1 mixed) • 5 bills passed (all punitive)
Drug / Narcotic Offenses	• 51 bills introduced (25 punitive, 18 lenient, and 8 mixed) • 11 bills passed (7 punitive, 2 lenient, and 2 mixed)

Key Sponsors

Individual sponsors were not analyzed for this state.

Iowa

Comparing Punitive and Lenient Bills

Iowa legislators introduced 479 crime and punishment bills and of those, 38 passed for an overall passage rate of 8%. Of the bills that were introduced, 71% were punitive, 19% were lenient, and the rest were mixed. Even though punitive and lenient bills passed at similar rates, because more punitive bills were introduced, 68% of the crime and punishment bills that passed were punitive and 13% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	339	92	48
# Passed	26	5	7
% Passed	8%	5%	15%

There were 573 separate provisions introduced in Iowa that were intended to increase or decrease either the substantive law or punishment. Two and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Close to three times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to four times as many crime provisions as punishment provisions, and it passed 3.5 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	329	88	126	30
# Passed	28	9	11	2
% Passed	9%	10%	9%	7%
Total # Intro	417		156	
Total # Passed	37		13	
% Total Passed	9%		8%	

Subject Matter Priorities

During the study period, Iowa legislators focused significant attention on regulatory offenses, firearms offenses, and drug offenses. The most bills were introduced to address drug offenses (59 bills). The most bills were passed to address firearms and drug offenses (four bills each).

Regulatory Offenses	• 46 bills introduced (39 punitive, 4 lenient, and 3 mixed) • 3 bills passed (all punitive)
Firearms Offenses	• 45 bills introduced (16 punitive, 23 lenient, and 6 mixed) • 4 bills passed (1 lenient and 3 mixed)
Drug / Narcotic Offenses	• 59 bills introduced (12 punitive, 31 lenient, and 16 mixed) • 4 bills passed (2 punitive and 2 mixed)

Key Sponsors

Brad Zaun, Image Source: https://www.legis.iowa.gov/legislators/legislator?ga=90&personID=788

In Iowa, crime and punishment bills were introduced by individual sponsors (257 bills), two or more individual sponsors (122 bills), legislative committees (132 bills), and parties outside of the legislature (29 bills). The two most active sponsors were Brad Zaun and Chip Baltimore.

Senator Zaun introduced 28 bills during the study period. He introduced two bills during the 86th General Assembly—neither passed. The first attempted to add new sections to firework laws,[175] and the second attempted to establish a criminal offense for falsely swearing certain oaths and affidavits.[176]

During the 87th General Assembly, Senator Zaun introduced twenty-six bills—five passed. Of those that passed, the first bill expanded the definition school employees within the offense of sexual exploitation by a school employee.[177] The second amended a bill to include "equipment rental property" in addition to "video

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[175] S.F. 96, 86th Gen. Assemb. (Ia. 2016).
[176] S.F. 186, 86th Gen. Assemb. (Ia. 2016).
[177] S.F. 83, 87th Gen. Assemb. (Ia. 2017).

rental property" to theft.[178] The third decreased coverage of armed with a dangerous weapon—defined as any device that directs an electronic current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person—to permit use by persons over 18.[179] The fourth bill expanded the coverage of kidnapping in the second degree.[180] And last, the fifth bill prohibited and required certain actions relating to a fetus.[181]

Unsuccessful bills introduced by Senator Zaun included the increase of criminal penalties for drug offenses,[182] the creation of a capital murder offense for murdering a peace officer, and bills increasing criminal penalties for sex crimes.[183]

Brad Zaun was a Republican Iowa State Senator who served multiple constituencies: 32nd District (2005-2013); 20th District (2013-2023); 22nd District (2023-2025). Senator Zaun served as President Pro Tempore of the Iowa Senate from 2021-2025.[184] Prior to serving in the Iowa State Senate, Brad Zaun served as city council member of Urbandale from 1996-1998 before becoming mayor and serving from 1998-2005.

Another active sponsor was Chip Baltimore, who introduced thirteen bills during the study period. During the 86th General Assembly, Representative Baltimore introduced eight bills—none of which passed. One of the proposed bills attempted to eliminate the specific intent element in the criminal offense of assault, while another proposed bill attempted to eliminate the criminal offense of violating a no-contact protective order. Other proposed bills targeted drug offenses, and sexual misconduct by an agent of the state against an inmate.

During the 87th General Assembly, Representative Baltimore introduced five bills—two passed. The first removed the ban on possessing certain firearms and eliminated penalties for carrying dangerous weapons. It further introduced a new crime for carrying a knife while committing a crime, modified laws on weapon possession on school grounds or while under the influence of alcohol or drugs. The bill also established requirements for obtaining a firearm and defined permissible firearm use. The second expanded the criminal offenses of illegal use of a scanning device to obtain credit card information.

Chip Baltimore is a former Republican member of the Iowa House of Representatives who represented District 47 from 2011-2019.[185]

Chip Baltimore, Image Source: https://www.legis.iowa.gov/legislators/legislator?ga=85&personID=9401

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[178] S.F. 403, 87th Gen. Assemb. (Ia. 2018).
[179] S.F. 2321, 87th Gen. Assemb. (Ia. 2018).
[180] S.F. 2230, 87th Gen. Assemb. (Ia. 2018).
[181] S.F. 359, 87th Gen. Assemb. (Ia. 2018).
[182] S.F. 280, 87th Gen. Assemb. (Ia. 2018).
[183] S.F. 3042, 87th Gen. Assemb. (Ia. 2018).; S.F. 3045, 87th Gen. Assemb. (Ia. 2018).
[184] *Senator Brad Zaun*, THE IOWA LEGISLATURE, https://www.legis.iowa.gov/legislators/legislator?ga=90&personID=788 (last visited Mar. 16, 2025).
[185] *Chip Baltimore*, BALLOTPEDIA, https://ballotpedia.org/Chip_Baltimore (last visited Mar. 16, 2025).

Kansas

Comparing Punitive and Lenient Bills

Kansas legislators introduced 122 crime and punishment bills and of those, 23 passed for an overall passage rate of 19%. Of the bills that were introduced, 60% were punitive, 34% were lenient, and the rest were mixed. Because more punitive bills were introduced and because punitive bills passed at higher rate than lenient bills, 78% of the crime and punishment bills that passed were punitive, 13% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	73	41	8
# Passed	18	3	2
% Passed	25%	7%	25%

There were 134 separate provisions introduced in Kansas that were intended to increase or decrease either the substantive law or punishment. Close to two times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Twice as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to 1.3 crime provisions for each punishment provision it introduced, and it passed 1.6 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	57	27	19	31
# Passed	16	7	2	4
% Passed	28%	26%	11%	13%
Total # Intro	84		50	
Total # Passed	23		6	
% Total Passed	27%		12%	

Subject Matter Priorities

During the study period, Kansas legislators focused significant attention on assault, firearms offenses, and drug offenses. The most bills were introduced and passed to address drug offenses (25 bills introduced and 5 bills passed).

Assault	• 10 bills introduced (all punitive) • 1 bill passed (punitive)
Firearms Offenses	• 11 bills introduced (9 punitive and 2 lenient) • 1 bill passed (punititive)
Drug / Narcotic Offenses	• 25 bills introduced (8 punitive, 14 lenient, and 3 mixed) • 5 bills passed (2 punitive, 2 lenient, and 1 mixed)

Sponsorship

In Kansas, bills were primarily sponsored by legislative committees (110 bills). Individual sponsors were not analyzed for this state.

Kentucky

Comparing Punitive and Lenient Bills

Kentucky legislators introduced 133 crime and punishment bills and of those, 22 passed for an overall passage rate of 17%. Of the bills that were introduced, 81% were punitive, 17% were lenient, and the rest were mixed. All of the crime and punishment bills that passed were punitive.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	108	22	3
# Passed	22	0	0
% Passed	20%	0%	0%

There were 164 separate provisions introduced in Kentucky that were intended to increase or decrease either the substantive law or punishment. Nearly five times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Twenty-six provisions that increased the substantive law or punishment were passed, whereas no provisions that decreased the substantive law and punishments passed.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced 1.2 crime provisions for each punishment provision it passed and it passed 2.3 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	81	55	7	21
# Passed	18	8	0	0
% Passed	22%	15%	0%	0%
Total # Intro	136		28	
Total # Passed	26		0	
% Total Passed	19%		0%	

Subject Matter Priorities

During the study period, Kentucky legislators focused significant attention on drug offenses, homicide, and assault. The most bills were introduced and passed to address drug offenses (20 bills introduced and 2 bills passed).

Homicide	• 13 bills introduced (all punitive) • 1 bill passed (punitive)
Assault	• 13 bills introduced (punitive) • 1 bills passed (punitive)
Drug / Narcotic Offenses	• 20 bills introduced (15 punitive, 3 lenient, and 2 mixed) • 2 bills passed (both punitive)

Key Sponsors

In Kentucky, crime and punishment bills were sponsored by individuals (54 bills) and groups of two or more individual sponsors (79 bills). Former State Representatives Robert Benvenuti and Gerald Watkins were two active sponsors during the study period.

Robert Benvenuti sponsored sixteen bills during the study period, five of which passed. In 2017, Benvenuti advocated heavily for House Bill 14, a bill (later signed into law) designed to expand the category of hate crimes to include violence against first responders.[186] He advocated for the "Blue Lives Matter" bill by stating that it presented a strong message to those who "hunt" first responders in the state.[187] Benvenuti was also the primary sponsor of 2016's House Bill 508, which would have added an aggravating factor for the death penalty in cases where the murder victim's age was below thirteen.[188] This bill did not make it past the Kentucky House, though Benvenuti has voiced support for the death penalty

Robert Benvenuti, Image Source: https://rpk.org/executive–committee/

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[186] H.B. 14, 2017 Gen. Assemb., Reg. Sess. (Ky. 2017).

[187] Ryland Barton, *Amid Protests, 'Blue Lives Matter' Bill Passes Kentucky House*, Louisville Public Media (Feb. 14, 2017, 12:58 AM), https://www.lpm.org/news/2017-02-14/amid-protests-blue-lives-matter-bill-passes-kentucky-house.

[188] H.B. 508, 2016 Gen. Assemb., Reg. Sess. (Ky. 2016).

and commented that a bill proposing its abolition would, "Never, ever have my support."[189]

Robert Benvenuti spent his entire adult life in Kentucky, and he now serves as Chairman of its Republican Party.[190] A staunch conservative, Benvenuti dedicated his time as representative to social causes of the right, including participating in the Bourbon Trail, Central, and Pro-Life Caucuses.[191] From 2012 to 2019, he represented parts of Kentucky's Fayette and Scott counties.

Gerald Watkins sponsored nine bills, all of which failed to pass. Most notable among them was H.B. 154 in 2016. The bill sought to encourage courts to include treatment when sentencing for drug-related offenses and to lower some of these offenses to a Class A misdemeanor (from a Class D felony).[192]

Gerald Watkins, Image Source: LRC Public Information

In 2015, Watkins and Benvenuti co-sponsored a tough-on crime bill similar to the "Blue Lives Matter" bill of 2017. 2015's H.B. 72 required sentence completion of at least 85% before felons were eligible for parole when they were convicted of attempted murder against a police officer or firefighter.[193] In 2017, Watkins told local news that "police officers and firefighters deserve nothing less" than to see those convicted "stay behind bars much longer."[194]

Gerald Watkins is a Democrat who represented parts of McCracken County in western Kentucky in the state's House of Representatives from 2013 to 2018.[195] During his time in office, Watkins served on a variety of committees including Economic Development and Workforce Investment and Education.[196]

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[189] Deborah Yetter, *Bill to abolish death penalty in Ky defeated*, LOUISVILLE COURRIER JOURNAL (Mar. 9, 2016 4:01 PM), https://www.courier-journal.com/story/news/politics/2016/03/09/bill-abolish-death-penalty-ky-defeated/81493874/.

[190] Sylvia Goodman, *Former State Rep. Robert Benvenuti elected as next Ky. Republican Party chairman*, KENTUCKY PUBLIC RADIO (Dec. 11, 2023 6:19 PM), https://www.lpm.org/news/2023-12-11/former-state-rep-robert-benvenuti-elected-as-next-ky-republican-party-chairman.

[191] *Benvenuti: The Republican Party is Kentucky's Party*, REPUBLICAN PARTY of KY., https://rpk.org/benvenuti-the-republican-party-is-kentuckys-party/.

[192] H.B. 154, 2016 Gen. Assemb., Reg. Sess. (Ky. 2016).

[193] H.B. 72, 2015 Gen. Assemb., Reg. Sess. (Ky. 2015).

[194] News Release to the Advocate, *Rep. Gerald Watkins pre-files bills to boost public safety, consumer protection*, THE GLEANER (Jan. 10, 2017, 12:06 AM), https://www.thegleaner.com/story/news/local/uca/news/2017/01/10/rep-gerald-watkins-pre-files-bills-boost-public-safety-consumer-protection/95960832/.

[195] H.R. 309, 2018 Gen. Assemb., Reg. Sess. (Ky. 2018).

[196] *Id.*

Louisiana

Comparing Punitive and Lenient Bills

Louisiana legislators introduced 176 crime and punishment bills and of those, 92 passed for an overall passage rate of 52%. Of the bills that were introduced, 54% were punitive, 33% were lenient, and the rest were mixed. Because more punitive bills were introduced and because punitive bills passed at a higher rate than lenient bills, 55% of the crime and punishment bills that passed were punitive, 28% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	95	59	22
# Passed	51	26	15
% Passed	54%	44%	68%

There were 208 separate provisions introduced in Louisiana that were intended to increase or decrease either the substantive law or punishment. Nearly one and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Twice as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over one and a half times as many crime provisions as punishment provisions, and it passed 2.1 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	95	29	32	52
# Passed	57	13	20	24
% Passed	60%	45%	63%	46%
Total # Intro	124		84	
Total # Passed	70		44	
% Total Passed	56%		52%	

Subject Matter Priorities

During the study period, Louisiana legislators focused significant attention on drug offenses, homicide, and firearms offenses. The most bills were introduced to address drug offenses and firearms (24 bills each). The most bills were passed to address drug offenses (14 bills).

Homicide	• 12 bills introduced (1 punitive and 11 lenient) • 4 bills passed (1 punitive and 3 lenient)
Firearms Offenses	• 24 bills introduced (16 punitive, 7 lenient, and 1 mixed) • 4 bills passed (2 punitive and 2 lenient)
Drug / Narcotic Offenses	• 24 bills introduced (7 punitive, 12 lenient, and 5 mixed) • 14 bills passed (3 punitive, 7 lenient, and 4 mixed)

Key Sponsors

In Louisiana, individual legislative sponsors introduced crime and punishment bills. This allowed us to identify the most active legislators – those that introduced seven or more pieces of legislation.

Between 2015 and 2018, Sherman Mack introduced eight, mostly punitive, crime and punishment bills. These included a bill aimed at classifying additional substances as controlled substances,[197] a downward adjustment of parole for those sentenced to more than thirty years for crimes committed as juveniles,[198] and a new crime for the electronic abuse of those with infirmities.[199] Four of his bills were signed into law.

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[197] H.B. 72, 2015 Gen. Assembl. (La. 2015).
[198] H.B. 45, 2017 Gen. Assembl. (La. 2017).
[199] H.B. 79, 2018 Gen. Assembl. (La. 2018).

Former Rep. Sherman Mack (R). Mack represented Louisiana's District 95, a rural area encompassing the towns of Albany and Livingston.[200] Mack held office from 2011 to 2024, when he was barred from re-election by term limits. He was succeeded by his brother, Shane Mack.[201]

While in office, Sherman Mack served as chairman of the Administration of Justice Committee for several years in addition to being a member of a Justice Reinvestment Task Force.[202] The taskforce was created in 2015 by the state legislature to address Louisiana's incarceration rate, the highest in the country. The members included the state's chief justice at the time, district attorneys, legislators, and representatives of different advocacy groups. Mack was later accused of attempting to "water down" the 2017 bill that resulted from the task force's efforts.[203]

Criminal justice has been a common thread through Mack's career. Outside of politics, Mack had been a partner of a law firm he founded in 2000. As a representative, Mack made headlines when he was the sole vote against a bill that aimed to lower the maximum pretrial jail time for misdemeanor arrests.[204]

Sherman Mack, Photo Credit: Mack Law Firm

Another active sponsor was former Louisiana State Senator J.P Morrell (Democrat) who introduced seven bills (six passed). These bills were primarily punitive. In 2018, Morrell proposed S.B. 53, which aimed to classify animal cruelty as a violent crime,[205] followed by S.B. 236, creating the crime of sexual abuse of an animal.[206] That same year, Morrell proposed bills to increase the consequences of submitting false police reports (S.B. 52),[207] to expand the definition of what constitutes identity theft (S.B. 50),[208] and to legislate that people in police custody cannot give consent to sex (S.B. 105), thus making it a sex offense to engage in intercourse with

J.P. Morrell, Photo Credit: jpmorrell.com

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[200] *Louisiana House of Representatives District 95*, BALLOTPEDIA (last visited Mar. 25, 2025), https://ballotpedia.org/Louisiana_House_of_Representatives_District_95.

[201] David Gray, *Parish Councilman Shane Mack announces candidacy for House of Representatives*, THE LIVINGSTON PARISH NEWS (Jan. 30, 2023) https://www.livingstonparishnews.com/stories/parish-councilman-shane-mack-announces-candidacy-for-house-of-representatives,14405.

[202] Julie O'Donoghue, *Republican chairman seeks to water down criminal justice reform package*, THE TIMES-PICAYUNE (May 31, 2017) https://www.nola.com/news/politics/republican-chairman-seeks-to-water-down-criminal-justice-package/article_b9550622-d474-5889-9c06-70b5baef4509.html.

[203] *Id.*

[204] Julie O'Donoghue, *Louisiana House votes to slightly reduce jail time for people arrested*, LOUISIANA ILLUMINATOR (May 4. 2021 7:45 PM) https://lailluminator.com/2021/05/04/louisiana-house-votes-to-slightly-reduce-jail-time-for-people-arrested/.

[205] S.B. 53, 2018 Gen. Assembl. (La. 2018).

[206] S.B. 236, 2018 Gen. Assembl. (La. 2018).

[207] S.B. 52, 2018 Gen. Assembl. (La. 2018).

[208] S.B. 50, 2018 Gen. Assembl. (La. 2018).

them.[209] Morrell also sponsored a bill to end the death penalty in Louisiana.[210] Following a 4:1 vote in committee, the bill advanced to the full Senate for consideration, but it did not pass. Speaking on behalf of this bill in 2018, Morrell said, "[t]he death penalty is an archaic holdover from a time when we were not as civilized as we are today…[W]e have had the death penalty on the books since the founding of our state, and it has not deterred violent crime."[211]

Morrell is the current president of the New Orleans City Council, but he spent most of his political career in the legislature. From 2006 to 2008, Morrell served in the Louisiana House of Representatives representing District 97 upon his father's retirement from the same seat. From 2009 to 2020, Morrell represented District 3, which includes several suburbs of New Orleans.[212] Before politics, Morrell worked as a public defender[213] and spoke often of the need for criminal justice reform. In 2018, Morrell gave an interview on Louisiana's rare provision requiring only 10 out of 12 jurors to vote guilty to criminally convict for felonies. Morrell said, "There is absolutely no coherent reason why Louisiana should differ from 48 other states in how we prosecute criminal cases… It makes our state look like a backward, ridiculous, uneducated bastion [of something] that other states mock us for."[214]

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[209] S.B. 105, 2018 Gen. Assembl. (La. 2018).

[210] Devon Sanders, *Morrell's bill to eliminate Louisiana's death penalty passes Senate judiciary committee,* THE GAMBIT, (Apr. 10, 2018)., https://www.nola.com/gambit/news/the_latest/morrells-bill-to-eliminate-louisianas-death-penalty-passes-senate-judiciary-committee/article_8e41fb56-1c9b-5e4c-b6ad-dce49b3821df.html.

[211] Paul Braun and Devon Sanders, *Will Louisiana abolish the death penalty this year?,* LSU MANSHIP SCHOOL NEWS SERVICE (Apr. 10, 2018, 8:20 P.M) https://www.theadvertiser.com/story/news/local/louisiana/2018/04/10/louisiana-abolish-death-penalty-year/505523002/.

[212] *State Senate District 3,* LA, CENSUS REPORTER (last visited Mar. 26, 2025) https://censusreporter.org/profiles/61000US22003-state-senate-district-3-la/.

[213] *Jean-Paul Morrell's Biography,* VOTE SMART (last visited Mar. 26, 2025) https://justfacts.votesmart.org/candidate/biography/4588/jean-paul-morrell.

[214] Dillon Lowe, *Louisiana Might Finally Get Rid of Its Century-Old, Racist Jury System*, SLATE (Oct. 22, 2018, 2:27 P.M) https://slate.com/news-and-politics/2018/10/louisiana-unanimous-jury-verdict-constitutional-amendment.html.

Maine

Comparing Punitive and Lenient Bills

Maine legislators introduced 104 crime and punishment bills and of those, 48 passed for an overall passage rate of 46%. Of the bills that were introduced, 76% were punitive, 12% were lenient, and the rest were mixed. Although lenient bills passed at a higher rate than punitive bills, because so many of the bills that were introduced were punitive, 71% of the crime and punishment bills that passed were punitive, 13% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	79	12	13
# Passed	34	6	8
% Passed	43%	50%	62%

There were 131 separate provisions introduced in Maine that were intended to increase or decrease either the substantive law or punishment. Close to four times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Three times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over three and a half times as many crime provisions as punishment provisions, and it passed 3.8 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	80	24	22	5
# Passed	37	11	13	2
% Passed	46%	46%	59%	40%
Total # Intro	104		27	
Total # Passed	48		15	
% Total Passed	46%		56%	

Subject Matter Priorities

During the study period, Maine legislators focused significant attention on drug offenses, assault, and sex offenses. The most bills were introduced and passed to address drug offenses (21 bills introduced and 9 bills passed).

Assault	• 15 bills introduced (13 punitive and 2 mixed) • 7 bills passed (6 punitive and 1 mixed)
Sex Offenses	• 10 bills introduced (all punitive) • 4 bills passed (all punitive)
Drug / Narcotic Offenses	• 21 bills introduced (8 punitive, 8 lenient, and 5 mixed) • 9 bills passed (4 punitive, 2 lenient, and 3 mixed)

Key Sponsors

In Maine, crime and punishment bills were primarily sponsored by individuals (98 bills). Legislative committees sponsored five bills. One additional bill originated from a citizen-initiated referendum which sought to legalize marijuana in the State of Maine. It did not pass; however, cannabis is now legal under Maine law.[215] Within the bills sponsored by individual legislators, we were able to identify the two most active legislators, Scott Cyrway and Paul Davis.

Senator Cyrway introduced seven bills during the study period. During the 127th Legislature, he sponsored three bills, all of which passed. The first bill passed removed the age limit on victims of the crime of unlawful sexual contact.[216] The second bill created crimes for the transportation of drugs.[217] Senator Cyrway also introduced a bill that created a Class C crime for assaulting a firefighter.[218]

Senator Cyrway introduced four bills during the 128th Legislature 1st Regular Session—only one of which passed. The single passing bill added an element of threatened use of force in

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[215] *Frequently Asked Questions*, DEP'T. of ADMIN. And FIN. SERV. OFFICE of CANNABIS POLICY, https://www.maine.gov/dafs/ocp/resources/faq#:~:text=Cannabis%20is%20legal%20under%20State, have%20it%20in%20your%20possession (last visited Mar. 23, 2025).
[216] L.D. 1540, 127th Legis. 2nd Reg. Sess. (Me. 2016).
[217] L.D. 1541, 127th Legis. 2nd Reg. Sess. (Me. 2016).
[218] L.D. 1683, 127th Legis. 2nd Reg. Sess. (Me. 2016).

Scott Cyrway, Image Source: https://mainehousegop.org/members/cyrway-

robberies.[219] Senator Cyrway also introduced a proposal that would repeal marijuana legalization.[220] He further proposed a bill that allowed a person to be found guilty of manslaughter if someone died after taking drugs that the perpetrator trafficked or supplied.[221] The fourth proposed bill aimed to classify the failure to administer first aid and assistance to a person in medical distress after providing them with illegal substances as a Class C crime.[222]

Scott Cyrway is a Republican member of the Maine State Senate representing the 16th District. Prior to assuming office in 2024, Cyrway served as a Member of the Maine House of Representatives from 2022-2024. Cyrway previously served as Senator the 16th District.[223]

Cyrway worked as a crop and dairy farmer from 1964-1976 and is a former deputy patrol sheriff. Senator Cyrway currently serves as a member on the joint committee on Criminal Justice and Public Safety.[224] He has received multiple awards and recognition including the Life Saving and Valor Awards from the Kennebec County Sheriff's Office (among others).[225]

Senator Davis Paul introduced three bills during the 127th Legislature—two of which passed. The first elected to classify a person who damages a public easement while operating a motor vehicle as having committed a Class E crime.[226] The second bill established a Class E crime for individuals who hunt with a crossbow that does not meet certain requirements.[227] Senator Davis later introduced a bill that would repeal the requirement of parental consent for a minor to get an abortion.[228] This proposal did not pass.

Paul Davis, Image Source: https://samofmaine.org/board-of-directors/paul-davis/

Senator Davis introduced three bills during the 128th Legislature—two of which passed. The first bill increased the age requirement to buy tobacco products.[229] The second bill established a Class E crime for discharging a firearm within 300ft of a state boat ramp.[230] Senator Davis also proposed to change the crime

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[219] L.D. 1387, 128th Legis. 1st Reg. Sess. (2017).

[220] L.D. 667, 128th Legis. 1st Reg. Sess. (2017).

[221] L.D. 42, 128th Legis. 1st Reg. Sess. (2017).

[222] L.D. 92, 128th Legis. 1st Reg. Sess. (2017).

[223] *Scott Cryway's Biography*, VOTE SMART, https://justfacts.votesmart.org/candidate/biography/155345/scott-cyrway#.VTOOBCHBzGc (last visited Mar. 23, 2025).

[224] *Id.*

[225] *Rep. Scott Cryway*, MAINE HOUSE REPUBLICANS, https://mainehousegop.org/members/cyrway-scott/ (last visited Mar. 23, 2025).

[226] L.D. 1074 127th Legis. 2nd Reg. Sess. (Me. 2016).

[227] L.D. 1196 127th Legis. 2nd Reg. Sess. (Me. 2016).

[228] L.D. 83 127th Legis. 2nd Reg. Sess. (Me. 2016).

[229] L.D. 1170.128th Legis. 1st Reg. Sess. (2017).

[230] L.D. 343.128th Legis. 1st Reg. Sess. (2017).

of assault to include offensive physical contact and created the crime of aggravated assault on an officer.[231]

Paul Davis is a former republican member of the Maine State Senate who served multiple constituencies: 4th District (2014-2022); 27th District (2002-2006); and 8th District (1998-2002). From 2008-2014 Davis served as a Member of the Maine House of Representatives from the 26th District. Davis served as Minority Leader of the Maine Senate from 2004-2006.[232] Prior to entering politics, Paul Davis served for 23 years as a state trooper and in the United States Army National Guard.[233]

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[231] L.D. 990.128th Legis. 1st Reg. Sess. (2017).

[232] *Paul Davis, Sr.'s Biography*, VOTE SMART, https://justfacts.votesmart.org/candidate/biography/19594/paul-davis-sr#.UdV8g_mG3pU (last visited Mar. 23, 2025).

[233] *Paul T. Davis (Maine state senator)*, BALLOTPEDIA, https://ballotpedia.org/Paul_T._Davis_(Maine_state_senator) (last visited Mar. 23, 2025).

Maryland

Comparing Punitive and Lenient Bills

Maryland legislators introduced 187 crime and punishment bills and of those, 37 passed for an overall passage rate of 20%. Of the bills that were introduced, 74% were punitive, 23% were lenient, and the rest were mixed bills. Although lenient bills passed at a higher rate than punitive bills, because so many punitive bills were introduced, 70% of the crime and punishment bills that passed were punitive and 30% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	138	43	6
# Passed	26	11	0
% Passed	19%	26%	0%

There were 217 separate provisions introduced in Maryland that were intended to increase or decrease either the substantive law or punishment. Over three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Close to three times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over two times as many crime provisions as punishment provisions, and it passed 2.7 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	111	55	39	12
# Passed	20	10	10	1
% Passed	18%	18%	26%	8%
Total # Intro	166		51	
Total # Passed	30		11	
% Total Passed	18%		22%	

Subject Matter Priorities

During the study period, Maryland legislators focused significant attention on drug offenses, assault, and homicide. The most bills were introduced and passed to address drug offenses (44 bills were introduced and 9 bills passed).

Assault	• 25 bills introduced (22 punitive and 3 lenient) • 3 bills passed (all punitive)
Homicide	• 22 bills introduced (16 punitive, 4 lenient, and 2 mixed) • 2 bills passed (both punitive)
Drug / Narcotic Offenses	• 44 bills introduced (21 punitive, 20 lenient, and 3 mixed) • 9 bills passed (4 punitive and 5 lenient)

Sponsorship

Individual sponsors were not analyzed for this state.

Massachusetts

Comparing Punitive and Lenient Bills

Massachusetts legislators introduced 539 crime and punishment bills and of those, 32 passed for an overall passage rate of 6%. Of the bills that were introduced, 87% were punitive, 13% were lenient, and the rest were mixed. Even though lenient bills passed at a higher rate, because so many punitive bills were introduced, 59% of the crime and punishment bills that passed were punitive and 41% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	469	69	1
# Passed	19	13	0
% Passed	4%	19%	0%

There were 670 separate provisions introduced in Massachusetts that were intended to increase or decrease either the substantive law or punishment. Almost seven times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Nearly one and a half times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to twice as many crime provisions as punishment provisions, and it passed 1.3 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	367	217	69	17
# Passed	13	13	12	7
% Passed	4%	6%	17%	41%
Total # Intro	584		86	
Total # Passed	26		19	
% Total Passed	4%		22%	

Subject Matter Priorities

During the study period, Massachusetts legislators focused significant attention on traffic offenses (non–DUI), assault, and drug offenses. The most bills were introduced to address traffic offenses (94 bills). The most bills were passed to address drug offenses (12 bills).

Traffic Offenses (not DUI)	• 94 bills introduced (93 punitive and 1 lenient) • no bills passed
Assault	• 51 bills introduced (50 punitive and 1 lenient) • 2 bills passed (both punitive)
Drug / Narcotic Offenses	• 66 bills introduced (50 punitive, 15 lenient, and 1 mixed) • 12 bills passed (7 punitive and 5 lenient)

Sponsorship

Individual sponsors were not analyzed for this state.

Michigan

Comparing Punitive and Lenient Bills

Michigan legislators introduced 453 crime and punishment bills and of those, 97 passed for an overall passage rate of 21%. Of the bills that were introduced, 81% were punitive, 18% were lenient, and the rest were mixed. Although lenient bills passed at a higher rate than punitive bills, because more punitive bills were introduced, 77% of the crime and punishment bills that passed were punitive and 23% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	368	83	2
# Passed	75	22	0
% Passed	20%	27%	0%

There were 613 separate provisions introduced in Michigan that were intended to increase or decrease either the substantive law or punishment. Almost four and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Almost three and a half times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a balanced focus; it introduced 1.1 punishment provisions for each crime provision it introduced, and it passed 1.2 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	239	262	60	52
# Passed	52	49	18	11
% Passed	22%	19%	30%	21%
Total # Intro	501		112	
Total # Passed	101		29	
% Total Passed	20%		26%	

Subject Matter Priorities

During the study period, Michigan legislators focused significant attention on assault, sex offenses, commerce violations, fraud, and firearms offenses. Most bills were introduced and passed to address assault (93 bills introduced and 16 bills passed).

Assault	• 93 bills introduced (91 punitive and 2 lenient) • 16 bills passed (14 punitive and 2 lenient)
Sex Offenses	• 35 bills introduced (31 punitive, 4 lenient) • 7 bills passed (6 punitive and 1 lenient)
Commerce Violations	• 36 bills introduced (32 punitive and 4 lenient) • 10 bills passed (all punitive)
Fraud	• 38 bills introduced (33 punitive and 5 lenient) • 10 bills passed (8 punitive and 2 lenient)
Firearms Offenses	• 37 bills introduced (26 punitive and 11 lenient) • 11 bills passed (6 punitive and 5 lenient)

Sponsorship

Individual sponsors were not analyzed for this state.

Minnesota

Comparing Punitive and Lenient Bills

Minnesota legislators introduced 89 crime and punishment bills and of those, 19 passed for an overall passage rate of 21%. Of the bills that were introduced, 79% were punitive, 12% were lenient, and the rest were mixed. Even though punitive and lenient bills passed at similar rates, because more punitive bills were introduced, 68% of the crime and punishment bills that passed were punitive, 11 were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	70	11	8
# Passed	13	2	4
% Passed	19%	18%	50%

There were 104 separate provisions introduced in Minnesota that were intended to increase or decrease either the substantive law or punishment. Over four times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Three times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to twice as many crime provisions as punishment provisions, and it passed 2.7 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	57	27	11	9
# Passed	15	5	4	2
% Passed	26%	19%	36%	22%
Total # Intro	84		20	
Total # Passed	20		6	
% Total Passed	24%		30%	

Subject Matter Priorities

During the study period, Minnesota legislators focused significant attention on assault offenses, fraud offenses, and drug offenses. The most bills were introduced and passed to address assault offenses (13 bills introduced and 5 bills passed).

Assault	• 13 bills introduced (12 punitive and 1 mixed) • 5 bills passed (4 punitive and 1 mixed)
Fraud	• 10 bills introduced (9 punitive and 1 mixed) • 4 bills passed (all punitive)
Drug / Narcotic Offenses	• 11 bills introduced (5 punitive, 2 lenient, and 4 mixed) • 4 bills passed (3 punitive and 1 mixed)

Sponsorship

Individual sponsors were not analyzed for this state.

Mississippi

Comparing Punitive and Lenient Bills

Mississippi legislators introduced 311 crime and punishment bills and of those, 9 passed for an overall passage rate of 3%. Of the bills that were introduced, 75% were punitive, 23% were lenient, and the rest were mixed. Although punitive and lenient bills passed at a similar rate, because more punitive bills were introduced, 67% of the crime and punishment bills that passed were punitive, 22% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	234	72	5
# Passed	6	2	1
% Passed	3%	3%	20%

There were 331 separate provisions introduced in Mississippi that were intended to increase or decrease either the substantive law or punishment. Over three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Three times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a slightly greater focus on crime; it introduced 1.3 crime provisions for each punishment provision it introduced, and it passed the same number of crime and punishment provisions.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	159	94	30	48
# Passed	4	5	2	1
% Passed	3%	5%	7%	2%
Total # Intro	253		78	
Total # Passed	9		3	
% Total Passed	4%		4%	

Subject Matter Priorities

During the study period, Mississippi legislators focused significant attention on homicide offenses, sex offenses, and nonviolent family offenses. The most bills were introduced to address homicide offenses (34 bills). No offense was addressed more than one time in any passed bill.

Homicide	• 34 bills introduced (29 punitive and 5 lenient) • 1 bill passed (punitive)
Sex Offenses	• 28 bills introduced (22 punitive and 6 mixed) • 1 bills passed (punitive)
Family Offenses, Nonviolent	• 21 bills introduced (all punitive) • none passed

Key Sponsors

In Mississippi, individual legislators sponsored most crime and punishment legislation (310 bills) and one bill was sponsored by two or more individuals. Among those sponsors, Mark Formby, Kevan Horan, and Brice Wiggins were three of the most active sponsors, each sponsoring 13 or more bills.

Mark Formby sponsored 18 crime and punishment bills during the study period. Five of these bills, all failed, proposed increased penalties for the crime of burglary[234] or the inclusion of various forms of burglary as crimes of violence.[235] Six additional bills sought to limit the ability

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[234] H.B. 256, 2015 Leg., Reg. Sess. (Miss. 2015); H.B. 539, 2016 Leg., Reg. Sess. (Miss. 2016); H.B. 624, 2017 Leg., Reg. Sess. (Miss. 2017).
[235] H.B. 577, 2016 Leg., Reg. Sess. (Miss. 2016); H.B. 625, 2017 Leg., Reg. Sess. (Miss. 2017).

of certain offenders to obtain earned time allowances in prison.[236] These bills also failed. Formby proposed criminalizing the possession of controlled substances in state, county, or municipal buildings in bills brought forward in 2015, 2016, and 2017, but he was unsuccessful.[237]

Formby, a Republican, represented the small, rural District 108 in the Mississippi House of Representatives from 1993–2017.[238]

During the study period, Kevan Horan sponsored thirteen bills, including H.B. 623 and H.B. 624, to increase compensation for indigent defense attorneys and criminal investigators.[239] He has been an advocate of criminal justice reform and sponsored H.B. 525 to provide work re-entry programs to incarcerated people and to increase uniformity in parole.[240] He believes that this bill "would incentivize good behavior for people in prison, considering they may have the opportunity for parole."[241] He also sponsored H.B. 465 which would allow people without convictions for violent offenses to be eligible for parole if they have a low life expectancy or are diagnosed with a terminal illness.[242] In his public speaking, Horan has emphasized that Mississippi is the poorest state in the nation and has the, "...highest incarceration rate, and the highest penalties for some crimes that are the least offensive to society," and argued that more needs to be done to give people opportunities to avoid repeat offenses.[243]

Mark Formby, Image Source: https://ballotpedia.org/ Mark_Formby

Kevan Horan, Image Source: https://ballotpedia.org/K evin_Horan_(Mississipp i)

Horan, a Republican, has represented rural Mississippi House District 34 since 2016 and his current term will end in 2028.[244] He was

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[236] H.B. 590, 2015 Leg., Reg. Sess. (Miss. 2015); H.B. 591, 2015 Leg., Reg. Sess. (Miss. 2015); H.B. 312, 2016 Leg., Reg. Sess. (Miss. 2016); H.B. 313, 2016 Leg., Reg. Sess. (Miss. 2016); H.B. 36, 2017 Leg., Reg. Sess. (Miss. 2017); H.B. 41, 2017 Leg., Reg. Sess. (Miss. 2017).

[237] H.B. 263, 2015 Leg., Reg. Sess. (Miss. 2015); H.B. 693, 2016 Leg., Reg. Sess. (Miss. 2016); H.B. 241, 2017 Leg., Reg. Sess. (Miss. 2017).

[238] *Mark Formby*, BALLOTPEDIA, https://ballotpedia.org/Mark_Formby (last visited March 23, 2025).

[239] *Kevin Horan (Mississippi)*, BALLOTPEDIA, https://ballotpedia.org/Kevin_Horan_(Mississippi) (last visited March 23, 2025).

[240] Brittany Brown, *'What we're doing right now isn't working' - Lawmakers take another swing at criminal justice reform*, MISSISSIPPI TODAY (February 2, 2021), https://mississippitoday.org/2021/02/02/legislature-is-taking-a-swing-at-it-again/.

[241] *Id.*

[242] *Id.*

[243] Brett Kittredge, *Reforming Mississippi's criminal justice system*, EMPOWER MISSISSIPPI, (June 10, 2021), https://empowerms.org/reforming-mississippis-criminal-justice-system/.

[244] *Kevin Horan (Mississippi), supra* note 239.

originally a Democratic representative for District 24, but switched to an Independent and later to a Republican.[245] Prior to his career as a politician, Horan was a private practice attorney specializing in criminal defense and personal injury.[246]

Brice Wiggins also sponsored 13 bills during the study period that covered a range of offenses, including obstruction of justice,[247] indecent assault,[248] inducing panic,[249] and murder.[250] All but one of these bills proposed increases in the substantive criminal law or punishment. The bill proposing a decrease in punishment, by allowing certain misdemeanants to participate in a pretrial intervention program, failed.[251]

Brice Wiggins, Image Source: https://ballotpedia.org/Brice_Wiggins

Wiggins also supported several bills related to children. S.B. 2138 expanded the offense of child abuse to include trafficked children.[252] S.B. 2868 criminalized conduct causing minors to sell drugs or join gangs.[253] Wiggin's lone successful bill during the study period, S.B. 2117, increased the substantive law by creating an alternative method to commit the offense of fondling a child.[254]

Wiggins, a Republican, is a State Senator representing District 52 in Southern Mississippi, which includes the gulf cities of Ocean Springs and Pascagoula[255]. He was first elected in 2012, and his current term will end in 2028.

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[245] *Id.*

[246] *Id.*

[247] S.B. 2114, 2017 Leg., Reg. Sess. (Miss. 2017); S.B. 2116, 2017 Leg., Reg. Sess. (Miss. 2017),

[248] S.B. 2766, 2016 Leg., Reg. Sess. (Miss. 2016); S.B. 2900, 2017 Leg., Reg. Sess. (Miss. 2017),

[249] S.B. 2758, 2016 Leg., Reg. Sess. (Miss. 2016).

[250] S.B. 2136, 2015 Leg., Reg. Sess. (Miss. 2015).

[251] S.B. 2765, 2016 Leg., Reg. Sess. (Miss. 2016).

[252] S.B. 2138, 2016 Leg., Reg. Sess. (Miss. 2016).

[253] S.B. 2868, 2018 Leg., Reg. Sess. (Miss. 2018).

[254] S.B. 2117, 2015 Leg., Reg. Sess. (Miss. 2015).

[255] *Brice Wiggins*, BALLOTPEDIA, https://ballotpedia.org/Brice_Wiggins.

Missouri

Comparing Punitive and Lenient Bills

Missouri legislators introduced 209 crime and punishment bills and of those, 8 passed for an overall passage rate of 4%. Of the bills that were introduced, 76% were punitive, 22% were lenient, and the rest were mixed bills. Although punitive and lenient bills passed at a similar rate, because more punitive bills were introduced, 63% of the crime and punishment bills that passed were punitive and 38% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	158	47	4
# Passed	5	3	0
% Passed	3%	6%	0%

There were 225 separate provisions introduced in Missouri that were intended to increase or decrease either the substantive law or punishment. Over three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Twice as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced nearly three and a half times as many crime provisions as punishment provisions, and it passed eight crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	135	38	39	13
# Passed	5	1	3	0
% Passed	4%	3%	8%	0%
Total # Intro	173		52	
Total # Passed	6		3	
% Total Passed	3%		6%	

Subject Matter Priorities

During the study period, Missouri legislators focused significant attention on assault offenses, firearms offenses, and drug offenses. The most bills were introduced and passed to address drug offenses (31 bills introduced and 2 bills passed).

Assault	• 29 bills introduced (21 punitive and 8 lenient) • None passed
Firearms Offenses	• 28 bills introduced (20 punitive and 8 mixed) • 1 bill passed (lenient)
Drug / Narcotic Offenses	• 31 bills introduced (16 punitive, 14 lenient, and 1 mixed) • 2 bills passed (both lenient)

Key Sponsors

Individual sponsors were not analyzed for this state.

Montana

Comparing Punitive and Lenient Bills

Montana legislators introduced 85 crime and punishment bills and of those, 23 passed for an overall passage rate of 27%. Of the bills that were introduced, 62% were punitive, 35% were lenient, and the rest were mixed. Although lenient bills were introduced at a slightly higher rate than punitive bills, because more punitive bills were introduced, 57% of the crime and punishment bills that passed were punitive, 39% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	53	30	2
# Passed	13	9	1
% Passed	25%	30%	50%

There were 89 separate provisions introduced in Montana that were intended to increase or decrease either the substantive law or punishment. Over one and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Close to one and a half times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to three times as many crime provisions as punishment provisions, and it passed 1.5 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	42	13	24	10
# Passed	8	6	7	4
% Passed	19%	46%	29%	40%
Total # Intro	55		34	
Total # Passed	14		11	
% Total Passed	25%		32%	

Subject Matter Priorities

During the study period, Montana legislators focused significant attention on assault, driving under the influence, and firearms offenses. The most bills were introduced to address assault and firearms offenses (9 bills each). The most bills were passed to address assault (3 bills).

Assault	• 9 bills introduced (8 punitive and 1 lenient) • 3 bills passed (all punitive)
Driving Under the Influence	• 8 bills introduced (7 punitive and 1 lenient) • 2 bills passed (both punitive)
Firearms Offenses	• 9 bills introduced (1 punitive and 8 lenient) • 1 bill passed (lenient)

Key Sponsors

In Montana, crime and punishment bills were introduced by individual sponsors. During the study period, eleven crime and punishment bills were sponsored by an individual at the request of a non-legislative third party.

Roger Webb introduced six bills during the study period. Webb's agenda related to social welfare with many of his bills aimed at expanding and increasing punishment for crimes against children and endangering the public. For instance, Webb sponsored bills expanding crime and punishment for child endangerment, increasing penalties associated with repeat DUI offenses, creating the offense of refusing to submit to a blood or breath test, revising laws to allow state home guards to assist sheriffs, making it a misdemeanor for a person to provide a person under twenty-one years old with alcohol on their property, and expanding the crime of theft to include abandonment of rental property when rent is still due.[256] None of these bills passed. Webb was a Republican member of the Montana State Senate from 2013 to 2021, serving the 23rd district.[257]

Senator Roger Webb, Image Source: https://archive.legmt.gov/legislator-information/roster/individual/4403

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[256] S.B. 137, 64th Gen. Assemb., Reg. Sess. (Mont. 2015); S.B. 315, 64th Gen. Assemb., Reg. Sess. (Mont. 2015); S.B. 400, 64th Gen. Assemb., Reg. Sess. (Mont. 2015); S.B. 130, 64th Gen. Assemb., Reg. Sess. (Mont. 2015); S.B. 242, 64th Gen. Assemb., Reg. Sess. (Mont. 2015); S.B. 239, 100th Gen. Assemb., Reg. Sess. (Mont. 2019).

[257] *Roger Webb*, BALLOTPEDIA, https://ballotpedia.org/Roger_Webb (last visited March 23, 2025).

Kimberly Dudik was also an active sponsor. She introduced five bills during the study period. Dudik's agenda related to the protection of children with four of her bills aimed at increasing penalties for crimes against children. For instance, Dudik sponsored bills that expanded the definition of sexual abuse of children, expanded the crime of child endangerment, and created a new aggravated child sex crime.[258] Of these bills, only the new expanded definition of sexual abuse passed.

Additional bills that Dudik sponsored included increasing the penalties for identity theft, creating new recordkeeping laws for escort services, and revising human trafficking laws.[259] Both the identity theft and human trafficking bills passed.

Dudik was a Democratic Member of the Montana House of Representatives from 2013 to 2021, serving the 94th district. In 2020, Dudik ran for the Attorney General of Montana but lost in the primary.[260]
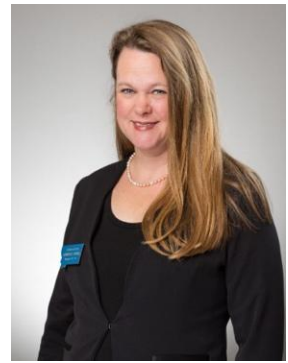
Kimberly Dudik,
Image Source:
https://archive.legmt.gov/legislator-information/roster/individual/5153

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[258] H.B. 247, 65th Gen. Assemb., Reg. Sess. (Mont. 2017); H.B. 378, 65th Gen. Assemb., Reg. Sess. (Mont. 2015); H.B. 379, 65th Gen. Assemb., Reg. Sess. (Mont. 2017).

[259] H.B. 232, 65th Gen. Assemb., Reg. Sess. (Mont. 2015); H.B. 379, 65th Gen. Assemb., Reg. Sess. (Mont. 2017); H.B. 89, 64th Gen. Assemb., Reg. Sess. (Mont. 2015).

[260] *Kimberly Dudik*, BALLOTPEDIA, https://ballotpedia.org/Kimberly_Dudik (last visited March 23, 2025).

Nebraska

Comparing Punitive and Lenient Bills

Nebraska legislators introduced 90 crime and punishment bills and of those, 17 passed for an overall passage rate of 19%. Of the bills that were introduced, 52% were punitive, 42% were lenient, and the rest were mixed. Because punitive and lenient bills were introduced and passed at a roughly similar rate, 47% of the crime and punishment bills that passed were punitive, 35% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	47	38	5
# Passed	8	6	3
% Passed	17%	16%	60%

There were 99 separate provisions introduced in Nebraska that were intended to increase or decrease either the substantive law or punishment. Nearly one and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. One and a half times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over two times as many crime provisions as punishment provisions, and it passed 1.6 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	43	13	25	18
# Passed	7	5	6	3
% Passed	16%	38%	24%	17%
Total # Intro	56		43	
Total # Passed	12		9	
% Total Passed	21%		21%	

Subject Matter Priorities

During the study period, Nebraska legislators focused significant attention on assault, firearms offenses, and drug offenses. The most bills were introduced to address firearms offenses and drug offenses (18 bills each). The most bills were passed to address drug offenses (5 bills).

Assault	• 16 bills introduced (15 punitive and 1 mixed) • 3 bills passed (all punitive)
Firearms Offenses	• 18 bills introduced (6 punitive, 9 lenient, and 3 mixed) • 3 bills passed (2 punitive and 1 lenient)
Drug / Narcotic Offenses	• 18 bills introduced (7 punitive, 9 lenient, and 2 mixed) • 5 bills passed (2 punitive, 1 lenient, and 2 mixed)

Key Sponsors

In Nebraska, individual legislative sponsors introduced all crime and punishment bills excepting one bill sponsored by a legislative committee. This allowed us to identify the legislator who introduced the highest number of bills. Patty Pansing Brooks introduced ten bills during the study period.

Patty Pansing Brooks, Image Source: Patty for Congress

Over the years, Brooks has been an outspoken advocate for the rights of victims of sex crimes and trafficking,[261] and many of her proposed bills reflected that.[262] In three bills introduced between 2015 and 2018, Pansing Brooks worked to protect or help victims of sex trafficking and sexual assault.[263] One of these bills, LB289, which became law in 2017, expanded penalties for violations of domestic

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[261] *Bill passes to support survivors of sex trafficking*, THE GRAND ISLAND INDEPENDENT, (last updated Nov.. 4, 2020) https://theindependent.com/news/local/article_1ea1b604-3dd6-11e8-9da1-afafdc7eae8c.html.

[262] Leg. B. 843, 104th Leg, 2d. Sess. (Neb. 2016); Leg. B. 289, 105th Leg, 1st. Sess. (Neb. 2017); Leg. B. 925, 105th Leg, 2d. Sess. (Neb. 2018); Leg. B. 988, 105th Leg, 2d. Sess. (Neb. 2018); Leg. B. 1132, 105th Leg, 2d. Sess. (Neb. 2018).

[263] Leg. B. 843; Leg. B. 988; Leg. B. 1132.

violence protection orders, sex trafficking, and stalking.[264] LB843, passed in 2016, gave victims of sex trafficking immunity from being charged with prostitution and provided funds for no-cost forensic medical examinations for sexual assault victims.[265]

Another bill, LB1132, which was passed and signed into law in 2018, required Nebraska health providers to report certain injuries from sexual assaults.[266] It also provided a path for survivors of sex trafficking to have any convictions related to their victimization set aside and the public records of such crimes sealed.[267] Pansing Brooks said the bill represented an "important step" for Nebraska in addressing sex trafficking.[268] "Through this latest important step, we are helping survivors who are unfairly penalized for the criminal malfeasance of their traffickers," she told The Grand Island Independent.[269]

One of her unsuccessful bills aimed to create an affirmative consent standard for sexual assault offenses in 2018,[270] as similar laws were passed in California, New York, and Connecticut throughout the mid-2010s.[271] She introduced the bill to empower survivors, and told The Columbus Telegram she was "honored to bring this legislation to the committee as it gives a voice to those men and women who, for far too long, have felt voiceless."[272] Opponents of the bill felt the language in the bill was unclear and would confuse jurors.[273] The bill was indefinitely postponed in 2018.[274] Pansing Brooks brought similar legislation again in 2021,[275] which also indefinitely postponed.[276]

From 2015 to 2023, Pansing Brooks served in the Nebraska State Senate,[277] the only unicameral statehouse in the country, where she represented a southeastern portion of the state's capital

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[264] Leg. B. 289.

[265] Leg. B. 843.

[266] Leg. B. 1132.

[267] *Bill passes to support survivors of sex trafficking*, *supra* note 261.

[268] *Id.*

[269] *Id.*

[270] Leg. B. 988.

[271] Emily Yoffe, *An Unexpected Ally for Betsy DeVos on Campus Sexual Assault*, THE ATLANTIC (Oct. 19, 2017), http://theatlantic.com/education/archive/2017/10/a-unexpected-ally-for-betsy-devos-on-campus-sexual-assault/543459/.

[272] Sydney Boyd, *Bill would adopt an affirmative consent standard on sexual assault*, THE COLUMBUS TELEGRAM (Feb. 11, 2018), https://columbustelegram.com/community/banner-press/news/bill-would-adopt-an-affirmative-consent-standard-on-sexual-assault/article_eb19ca51-ab8d-5ac4-8bc8-496d2928ad0d.html.

[273] *Id.*

[274] *LB988 - Adopt an affirmative consent standard with respect to sexual assault*, NEBRASKA LEGISLATURE, https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=34420&docnum=LB988&leg=105 (Mar. 12, 2018).

[275] Patty Pansing Brooks, *Local View: Yes should mean yes*, LINCOLN JOURNAL STAR (Apr. 21, 2021), https://journalstar.com/opinion/columnists/local-view-yes-should-mean-yes/article_73124e80-5354-5498-aab6-7cdffe2fc1fd.html.

[276] *LB 360 - Define and redefine terms relating to sexual assault offenses*, NEBRASKA LEGISLATURE, https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=43669&docnum=LB360&leg=107 (Apr. 20, 2022).

[277] *Patty Pansing Brooks*, BALLOTPEDIA, https://ballotpedia.org/Patty_Pansing_Brooks (last visited May 6, 2025).

and second largest city, Lincoln.[278] In 2023, Pansing Brooks ran an unsuccessful campaign to represent Nebraska in the United States House of Representatives.[279] She is a Democrat.

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[278] *Nebraska State Senate District 28*, BALLOTPEDIA, https://ballotpedia.org/Nebraska_State_Senate_District_28 (last visited May 6, 2025); *Lincoln, Nebraska*, BRITTANICA, https://www.britannica.com/place/Lincoln-Nebraska (last visited Apr. 26, 2025).

[279] *Patty Pansing Brooks*.

Nevada

Comparing Punitive and Lenient Bills

Nevada legislators introduced 62 crime and punishment bills and of those, 27 passed for an overall passage rate of 44%. Of the bills that were introduced, 48% were punitive, 40% were lenient, and the rest were mixed. Because punitive bills passed at a higher rate than lenient bills, 48% of the crime and punishment bills that passed were punitive, 26% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	30	25	7
# Passed	13	7	7
% Passed	43%	28%	100%

There were 73 separate provisions introduced in Nevada that were intended to increase or decrease either the substantive law or punishment. Nearly one and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. One and a half times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to one and a half times as many crime provisions as punishment provisions, and it passed 1.3 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	23	18	19	13
# Passed	13	10	8	6
% Passed	57%	56%	50%	46%
Total # Intro	41		32	
Total # Passed	23		14	
% Total Passed	56%		44%	

Subject Matter Priorities

During the study period, Nevada legislators focused significant attention on sex offenses, firearms offenses, and drug offenses. The most bills were introduced to address firearms offenses (10 bills). The most bills were passed to address sex offenses (5 bills).

Sex Offenses	• 5 bills introduced (4 punitive and 1 mixed) • 5 bills passed (4 punitive and 1 mixed)
Firearms Offenses	• 10 bills introduced (3 punitive, 6 lenient, and 1 mixed) • 3 bills passed (1 punitive, 1 lenient, and 1 mixed)
Drug / Narcotic Offenses	• 9 bills introduced (8 lenient, and 1 mixed) • 1 bill passed (mixed)

Sponsorship

Individual sponsors were not analyzed for this state.

New Hampshire

Comparing Punitive and Lenient Bills

New Hampshire legislators introduced 91 crime and punishment bills and of those, 20 passed for an overall passage rate of 22%. Of the bills that were introduced, 66% were punitive, 33% were lenient, and the rest were mixed. Although lenient bills passed at a higher rate than punitive bills, because more punitive bills were introduced, 60% of the crime and punishment bills that passed were punitive and 40% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	60	30	1
# Passed	12	8	0
% Passed	20%	27%	0%

There were 93 separate provisions introduced in New Hampshire that were intended to increase or decrease either the substantive law or punishment. Nearly two times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Provisions that increased the substantive law or punishment were passed at about the same rate.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over three times as many crime provisions as punishment provisions, and it passed 2.3 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	49	12	22	10
# Passed	9	3	5	3
% Passed	18%	25%	23%	30%
Total # Intro	61		32	
Total # Passed	9		8	
% Total Passed	15%		25%	

Subject Matter Priorities

During the study period, New Hampshire legislators focused significant attention on sex offenses, firearms offenses, and drug offenses. The most bills were introduced and passed to address drug offenses (16 bills introduced and 5 bills passed).

Sex Offenses	• 6 bills introduced (all punitive) • 3 bills passed (all punitive)
Firearms	• 14 bills introduced (8 punitive and 6 lenient) • 1 bill passed (lenient)
Drug / Narcotic Offenses	• 16 bills introduced (7 punitive and 9 lenient) • 5 bills passed (2 punitive and 3 lenient)

Sponsorship

Individual sponsors were not analyzed for this state.

New Jersey

Comparing Punitive and Lenient Bills

New Jersey legislators introduced 610 crime and punishment bills and of those, 27 passed for an overall passage rate of 4%. Of the bills that were introduced, 90% were punitive, 9% were lenient, and the rest were mixed. Although punitive and lenient bills passed at a similar rate, because so many more punitive bills were introduced, 74% of the crime and punishment bills that passed were punitive, 15% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	548	54	8
# Passed	20	4	3
% Passed	4%	7%	38%

There were 667 separate provisions introduced in New Jersey that were intended to increase or decrease either the substantive law or punishment. Almost nine times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Twice as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced almost one and a half times as many crime provisions as punishment provisions, and it passed 2.8 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	350	249	47	21
# Passed	18	7	7	2
% Passed	5%	3%	15%	10%
Total # Intro	599		68	
Total # Passed	25		9	
% Total Passed	4%		13%	

Subject Matter Priorities

During the study period, New Jersey legislators focused significant attention on assault, fraud offenses, and drug offenses. The most bills were introduced to address assault offenses (71 bills). The most bills were passed to address drug offenses (5 bills).

Assault	• 71 bills introduced (67 punitive, 3 lenient, and 1 mixed) • 3 bills passed (all punitive)
Fraud	• 58 bills introduced (all punitive) • 3 bills passed (all punitive)
Drug / Narcotic Offenses	• 61 bills introduced (42 punitive, 17 lenient, and 2 mixed) • 5 bills passed (3 punitive and 2 lenient)

Sponsorship

Individual sponsors were not analyzed for this state.

New Mexico

Comparing Punitive and Lenient Bills

New Mexico legislators introduced 149 crime and punishment bills and of those, 7 passed for an overall passage rate of 5%. Of the bills that were introduced, 89% were punitive, 11% were lenient, and the rest were mixed. All of the crime and punishment bills that passed were punitive.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	133	15	1
# Passed	7	0	0
% Passed	5%	0%	0%

There were 155 separate provisions introduced in New Mexico that were intended to increase or decrease either the substantive law or punishment. Eight provisions that increased the substantive law or punishment were passed. None of the provisions that decreased the substantive law or punishment passed.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on punishment when introducing legislation; it introduced 1.3 punishment provisions for each crime provision it introduced but it passed 1.7 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	60	79	6	10
# Passed	5	3	0	0
% Passed	8%	4%	0%	0%
Total # Intro	139		16	
Total # Passed	8		0	
% Total Passed	6%		0%	

Subject Matter Priorities

During the study period, New Mexico legislators focused significant attention on driving under the influence, homicide offenses, and sex offenses. The most bills were introduced to address driving under the influence offenses (30 bills). The most bills were passed to address pornography/obscene material (2 bills).

Driving Under the Influence	• 30 bills introduced (26 punitive and 4 lenient) • 1 bill passed (punitive)
Homicide	• 21 bills introduced (20 punitive and 1 lenient) • no bills passed
Sex Offenses	• 18 bills introduced (17 punitive and 1 lenient) • 1 bill passed (punitive)

Sponsorship

Individual sponsors were not analyzed for this state.

New York

Comparing Punitive and Lenient Bills

New York legislators introduced 1,180 crime and punishment bills and of those, 13 passed for an overall passage rate of 1%. Of the bills that were introduced, 95% were punitive, 4% were lenient, and the rest were mixed bills. All of the crime and punishment bills that passed were punitive.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	1,116	53	11
# Passed	13	0	0
% Passed	1%	0%	0%

There were 1,258 separate provisions introduced in New York that were intended to increase or decrease either the substantive law or punishment. Eighteen times as many provisions that increased the substantive law or punishment were introduced as compared to those that decreased crime or punishment. Fourteen provisions that increased the substantive law or punishment were passed, whereas no provisions that decreased the substantive law and punishments were passed.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to three times as many crime provisions as punishment provisions, and it passed two crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	890	303	39	26
# Passed	12	2	0	0
% Passed	1%	<1%	0%	0%
Total # Intro	1,193		65	
Total # Passed	14		0	
% Total Passed	1%		0%	

Subject Matter Priorities

During the study period, New York legislators focused significant attention on assault, sex offenses, and drug offenses. The most bills were introduced and passed to address assault (165 bills introduced and 5 bills passed).

Assault	• 165 bills introduced (all punitive) • 5 bills passed (all punitive)
Sex Offenses	• 99 bills introduced (97 punitive and 2 mixed) • 2 bills passed (both punitive)
Drug / Narcotic Offenses	• 87 bills introduced (86 punitive and 1 mixed) • 1 bills passed (punitive)

Sponsorship

In New York, crime and punishment legislation was sponsored by individuals (1,042 bills) and two or more individuals (659 bills).

The three most active sponsors during the study period were Andrew Raia, David McDonough, and Clifford Crouch, all of whom are Republican. In the aggregate, these legislators were involved in the sponsorship of 201 bills, two of which passed. All but five bills included provisions that sought to increase the substantive criminal law, increase punishment, or do both.

Andrew Raia served as a representative of the New York State Assembly's 9th District and later, its 12th District. Both districts are heavily populated and encompass large portions of Long Island.[280] He currently serves as the Huntington Town Clerk.[281]

David McDonough currently serves as the New York State Assembly Representative for the 14th District, which includes large portions of Long Island.[282] He has held this position since 2002. One of McDonough's key legislative victories was changing state education law to protect

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[280] Town of Huntington, https://www.huntingtonny.gov/andrew-raia.
[281] *Id.*
[282] Alex Costello, *Meet The Candidates: David McDonough For Assembly*, PATCH, (Oct. 8, 2020, 3:20 PM), https://patch.com/new-york/merrick/meet-candidates-david-mcdonough-assembly.

students in private schools who were victims of sexual abuse as the law previously only covered public schools.[283]

Clifford Crouch served as the New York State Assembly Representative for the 122nd District, from 1995-2021. That District includes Otsego, Broome, Chenango, and Delaware counties in the middle of Upstate New York.[284]

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[283] *Id.*
[284] Clifford Crouch, https://ballotpedia.org/Clifford_Crouch.

North Carolina

Comparing Punitive and Lenient Bills

North Carolina legislators introduced 86 crime and punishment bills and of those, 24 passed for an overall passage rate of 28%. Of the bills that were introduced, 74% were punitive and 26% were lenient. Because so many punitive bills were introduced and because punitive bills passed at a higher rate than lenient bills, 88% of the crime and punishment bills that passed were punitive and 13% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	64	22	0
# Passed	21	3	0
% Passed	33%	14%	0%

There were 97 separate provisions introduced in North Carolina that were intended to increase or decrease either the substantive law or punishment. Three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Eight times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over two and a half times as many crime provisions as punishment provisions, and it passed 3.7 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	51	22	19	5
# Passed	20	5	2	1
% Passed	39%	23%	11%	20%
Total # Intro	73		24	
Total # Passed	25		3	
% Total Passed	34%		13%	

Subject Matter Priorities

During the study period, North Carolina legislators focused significant attention on assault, sex offenses, and drug offenses. The most bills were introduced to address drug offenses (14 bills). The most bills were passed to address assault (5 bills).

Assault	• 11 bills introduced (10 punitive and 1 lenient) • 5 bills passed (4 punitive and 1 lenient)
Sex Offenses	• 8 bills introduced (all punitive) • 3 bills passed (all punitive)
Drug / Narcotic Offenses	• 14 bills introduced (7 punitive and 7 lenient) • 3 bills passed (all punitive)

Sponsorship

Individual sponsors were not analyzed for this state.

North Dakota

Comparing Punitive and Lenient Bills

North Dakota legislators introduced 96 crime and punishment bills and of those, 64 passed for an overall passage rate of 67%. Of the bills that were introduced, 69% were punitive, 30% were lenient, and the rest were mixed. Although punitive bills passed at only a somewhat higher rate than lenient bills, because more than twice as many punitive bills were introduced, 72% of the crime and punishment bills that passed were punitive, 27% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	66	29	1
# Passed	46	17	1
% Passed	70%	59%	100%

There were 114 separate provisions introduced in North Dakota that were intended to increase or decrease either the substantive law or punishment. Two and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Nearly three times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over three and a half times as many crime provisions as punishment provisions, and it passed 3.1 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	60	21	29	4
# Passed	42	15	17	4
% Passed	70%	71%	59%	100%
Total # Intro	81		33	
Total # Passed	57		21	
% Total Passed	70%		64%	

Subject Matter Priorities

During the study period, North Dakota legislators focused significant attention on regulatory offenses, assault, and drug offenses. The most bills were introduced and passed to address regulatory offenses (22 bills introduced and 14 bills passed).

Regulatory Offenses	• 22 bills introduced (20 punitive and 2 lenient) • 14 bills passed (13 punitive and 1 lenient)
Assault	• 10 bills introduced (9 punitive and 1 lenient) • 8 bills passed (7 punitive and 1 lenient)
Drug / Narcotic Offenses	• 18 bills introduced (9 punitive and 9 lenient) • 13 bills passed (7 punitive and 6 lenient)

Sponsorship

Individual sponsors were not analyzed for this state.

Ohio

Comparing Punitive and Lenient Bills

Ohio legislators introduced 156 crime and punishment bills and of those, 27 passed for an overall passage rate of 17%. Of the bills that were introduced, 70% were punitive, 26% were lenient, and the rest were mixed bills. Although punitive and lenient bills passed at a similar rate, because so many more punitive bills were introduced, 67% of the crime and punishment bills that passed were punitive, 26% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	109	40	7
# Passed	18	7	2
% Passed	17%	18%	29%

There were 198 separate provisions introduced in Ohio that were intended to increase or decrease either the substantive law or punishment. Nearly three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Three times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over one and a half times as many crime provisions as punishment provisions, and it passed 1.4 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	94	53	27	24
# Passed	16	11	5	4
% Passed	17%	21%	19%	17%
Total # Intro	147		51	
Total # Passed	27		9	
% Total Passed	18%		18%	

Subject Matter Priorities

During the study period, Ohio legislators focused significant attention on firearms offenses, assault, and drug offenses. The most bills were introduced to address firearm offenses (34 bills). The most bills were passed to address drug offenses (7 bills).

Firearms Offenses	• 34 bills introduced (16 punitive and 18 lenient) • 3 bills passed (1 punitive and 2 lenient)
Assault	• 12 bills introduced (all punitive) • 3 bills passed (all punitive)
Drug / Narcotic Offenses	• 18 bills introduced (10 punitive, 6 lenient, and 2 mixed) • 7 bills passed (4 punitive, 2 lenient, and 1 mixed)

Key Sponsors

Individual sponsors were not analyzed for this state.

Oklahoma

Comparing Punitive and Lenient Bills

Oklahoma legislators introduced 382 crime and punishment bills and of those, 83 passed for an overall passage rate of 22%. Of the bills that were introduced, 61% were punitive, 32% were lenient, and the rest were mixed bills. Although punitive and lenient bills passed at a similar rate, because so many more punitive bills were introduced, 65% of the crime and punishment bills that passed were punitive, 28% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	232	124	26
# Passed	54	23	6
% Passed	23%	19%	23%

There were 480 separate provisions introduced in Oklahoma that were intended to increase or decrease either the substantive law or punishment. Nearly twice as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Two times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over three times as many crime provisions as punishment provisions, and it passed 2.6 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	230	85	133	32
# Passed	55	21	23	9
% Passed	24%	25%	17%	28%
Total # Intro	315		165	
Total # Passed	76		32	
% Total Passed	24%		19%	

Subject Matter Priorities

During the study period, Oklahoma legislators focused significant attention on traffic offenses (non-DUI), firearm offenses, and drug offenses. The most bills were introduced to address firearms offenses (79 bills). The most bills were passed to address drug offenses (13 bills).

Traffice Offenses (non-DUI)	• 33 bills introduced (29 punitive, 2 lenient, and 2 mixed) • 2 bills passed (both mixed)
Firearms Offenses	• 79 bills introduced (18 punitive, 53 lenient, and 8 mixed) • 7 bills passed (1 punitive, 5 lenient, and 1 mixed)
Drug / Narcotic Offenses	• 42 bills introduced (26 punitive, 12 lenient, and 4 mixed) • 13 bills passed (6 punitive, 5 lenient, and 2 mixed)

Sponsorship

Individual sponsors were not analyzed for this state.

Oregon

Comparing Punitive and Lenient Bills

Oregon legislators introduced 153 crime and punishment bills and of those, 41 passed for an overall passage rate of 27%. Of the bills that were introduced, 75% were punitive, 25% were lenient, and the rest were mixed. Although lenient bills passed at a higher rate than punitive bills, because more punitive bills were introduced, 68% of the crime and punishment bills that passed were punitive, 29% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	114	38	1
# Passed	28	12	1
% Passed	25%	32%	100%

There were 158 separate provisions introduced in Oregon that were intended to increase or decrease either the substantive law or punishment. Nearly three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Seven times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced over twice as many crime provisions as punishment provisions, and it passed 3.7 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	88	30	21	19
# Passed	22	7	4	0
% Passed	25%	23%	19%	0%
Total # Intro	118		40	
Total # Passed	29		4	
% Total Passed	25%		10%	

Subject Matter Priorities

During the study period, Oregon legislators focused significant attention on assault, sex offenses, and animal cruelty. The most bills were introduced and passed to address assault (31 bills introduced and 7 bills passed).

Assault	• 31 bills introduced (29 punitive and 2 lenient) • 7 bills passed (all punitive)
Sex Offenses	• 14 bills introduced (13 punitive and 1 lenient) • 4 bills passed (3 punitive and 1 lenient)
Animal Cruelty	• 12 bills introduced (10 punitive and 2 lenient) • 1 bill passed (punitive)

Sponsorship

Individual sponsors were not analyzed for this state.

Pennsylvania

Comparing Punitive and Lenient Bills

Pennsylvania legislators introduced 472 crime and punishment bills and of those, 28 passed for an overall passage rate of 6%. Of the bills that were introduced, 92% were punitive, 6% were lenient, and the rest were mixed. Although lenient bills passed at a higher rate than punitive bills, because vastly more punitive bills were introduced, 86% of the crime and punishment bills that passed were punitive and 14% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	436	27	9
# Passed	24	4	0
% Passed	6%	15%	0%

There were 512 separate provisions introduced in Pennsylvania that were intended to increase or decrease either the substantive law or punishment. Thirteen times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Six and a half times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to seven times as many crime provisions as punishment provisions, and it passed 6.5 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	417	58	29	8
# Passed	22	4	4	0
% Passed	5%	7%	14%	0%
Total # Intro	475		37	
Total # Passed	26		4	
% Total Passed	5%		11%	

Subject Matter Priorities

During the study period, Pennsylvania legislators focused significant attention on firearms offenses, assault, and fraud. The most bills were introduced to address firearms offenses (97 bills). The most bills were passed to address assault (6 bills).

Firearms Offenses	• 97 bills introduced (92 punitive and 5 mixed) • 2 bills passed (both punitive)
Assault	• 84 bills introduced (83 punitive and 1 lenient) • 6 bills passed (all punitive)
Fraud	• 41 bills introduced (all punitive) • 4 bills passed (all punitive)

Sponsorship

Individual sponsors were not analyzed for this state.

Rhode Island

Comparing Punitive and Lenient Bills

Rhode Island legislators introduced 539 crime and punishment bills and of those, 80 passed for an overall passage rate of 15%. Of the bills that were introduced, 75% were punitive, 21% were lenient, and the rest were mixed. Even though punitive and lenient bills passed at a similar rate, because so many punitive bills were introduced, 76% of the crime and punishment bills that passed were punitive, 20% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	406	112	21
# Passed	61	16	3
% Passed	15%	14%	14%

There were 585 separate provisions introduced in Rhode Island that were intended to increase or decrease either the substantive law or punishment. Over three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Nearly four times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to four times as many crime provisions as punishment provisions, and it passed 2.9 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	353	97	109	26
# Passed	54	16	12	7
% Passed	15%	16%	11%	27%
Total # Intro	450		135	
Total # Passed	70		19	
% Total Passed	16%		14%	

Subject Matter Priorities

During the study period, Rhode Island legislators focused significant attention on firearms offenses, regulatory offenses, and traffic offenses (non-DUI). The most bills were introduced to address firearms offenses (78 bills). The most bills were passed to address regulatory offenses (11 bills).

Firearms Offenses	• 78 bills introduced (59 punitive, 10 lenient, and 9 mixed) • 5 bills passed (4 punitive and 1 mixed)
Regulatory Offenses	• 66 bills introduced (38 punitive, 22 lenient, and 6 mixed) • 11 bills passed (3 punitive, 6 lenient, and 2 mixed)
Traffic Offenses (non-DUI)	• 51 bills introduced (41 punitive, 8 lenient, and 2 mixed) • 4 bills passed (2 punitve and 2 lenient)

Sponsorship

Individual sponsors were not analyzed for this state.

South Carolina

Comparing Punitive and Lenient Bills

South Carolina legislators introduced 114 crime and punishment bills and of those, 3 passed for an overall passage rate of 3%. Of the bills that were introduced, 82% were punitive, 11% were lenient, and the rest were mixed. All of the crime and punishment bills that passed were punitive.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	94	13	7
# Passed	3	0	0
% Passed	3%	0%	0%

There were 151 separate provisions introduced in South Carolina that were intended to increase or decrease either the substantive law or punishment. More than five and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Four provisions that increased the substantive law or punishment were passed, and no lenient provisions were passed.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced twice as many crime provisions as punishment provisions, and it passed three crime provisions and only one punishment provision.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	84	44	18	5
# Passed	3	1	0	0
% Passed	4%	2%	0%	0%
Total # Intro	128		23	
Total # Passed	4		0	
% Total Passed	3%		0%	

Subject Matter Priorities

During the study period, South Carolina legislators focused significant attention on assault, firearms offenses, and sex offenses. The most bills were introduced to address assault and firearms offenses (17 bills each). Only three bills passed – one addressing hunting and fishing offenses (punitive), one addressing fraud (punitive), and one addressing human trafficking (mixed).

Assault	• 17 bills introduced (16 punitive and 1 mixed) • no bills passed
Firearms Offenses	• 17 bills introduced (14 punitive, 2 lenient, and 1 mixed) • no bills passed
Sex Offenses	• 9 bills introduced (all punitive) • no bills passed

Sponsorship

Individual sponsors were not analyzed for this state.

South Dakota

Comparing Punitive and Lenient Bills

South Dakota legislators introduced 122 crime and punishment bills and of those, 57 passed for an overall passage rate of 47%. Of the bills that were introduced, 60% were punitive, 38% were lenient, and the rest were mixed. Because more punitive bills were introduced than lenient bills and because punitive bills passed at a higher rate than lenient bills, 72% of the crime and punishment bills that passed were punitive, 25% were lenient, and the rest were mixed bills.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	73	46	3
# Passed	41	14	2
% Passed	56%	30%	67%

There were 130 separate provisions introduced in South Dakota that were intended to increase or decrease either the substantive law or punishment. Close to two times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Nearly three times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced 2.7 crime provisions for each punishment provision it introduced, and it passed 2.4 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	60	21	35	14
# Passed	33	13	11	5
% Passed	55%	62%	31%	36%
Total # Intro	81		49	
Total # Passed	46		16	
% Total Passed	57%		33%	

Subject Matter Priorities

During the study period, South Dakota legislators focused significant attention on firearms offenses, assault, and drug offenses. The most bills were introduced to address firearms offenses and drug offenses (12 bills each). The most bills were passed to address assault (7 bills).

Firearms Offenses	• 12 bills introduced (11 lenient, and 1 mixed) • 1 bill passed (lenient)
Assault	• 11 bills introduced (all punitive) • 7 bills passed (all punitive)
Drug / Narcotic Offenses	• 12 bills introduced (5 punitive, 7 lenient, and 1 mixed) • 6 bills passed (3 punitive, 2 lenient, and 1 mixed)

Sponsorship

Individual sponsors were not analyzed for this state.

Tennessee

Comparing Punitive and Lenient Bills

Tennessee legislators introduced 266 crime and punishment bills and of those, 98 passed for an overall passage rate of 37%. Of the bills that were introduced, 71% were punitive, 25% were lenient, and the rest were mixed. Because there were so many punitive bills introduced and because punitive bills passed at a higher rate than lenient bills, 78% of the crime and punishment bills that passed were punitive, 17% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	188	67	11
# Passed	76	17	5
% Passed	40%	25%	45%

There were 283 separate provisions introduced in Tennessee that were intended to increase or decrease either the substantive law or punishment. Over two and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Nearly four times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced 1.7 crime provisions for each punishment provision it introduced, and it passed 2.2 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	129	76	49	29
# Passed	54	29	18	4
% Passed	42%	38%	37%	14%
Total # Intro	205		78	
Total # Passed	83		22	
% Total Passed	40%		28%	

Subject Matter Priorities

During the study period, Tennessee legislators focused significant attention on assault, firearms offenses, and drug offenses. The most bills were introduced to address firearms offenses (42 bills). The most bills were passed to address drug offenses (13 bills).

Assault	• 29 bills introduced (27 punitive and 2 mixed) • 11 bills passed (10 punitive and 1 mixed)
Firearms Offenses	• 42 bills introduced (21 punitive, 20 lenient, and 1 mixed) • 8 bills passed (7 punitive and 1 lenient)
Drug / Narcotic Offenses	• 40 bills introduced (26 punitive, 10 lenient, and 4 mixed) • 13 bills passed (7 punitive, 3 lenient, and 3 mixed)

Sponsorship

Individual sponsors were not analyzed for this state.

Texas

Comparing Punitive and Lenient Bills

Texas legislators introduced 341 crime and punishment bills and of those, 66 passed for an overall passage rate of 19%. Of the bills that were introduced, 69% were punitive, 30% were lenient, and the rest were mixed. Punitive bills passed at a higher rate than lenient bills, and more punitive bills were introduced. Consequently, 82% of the crime and punishment bills that passed were punitive and 18% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	234	101	6
# Passed	54	12	0
% Passed	23%	12%	0%

There were 399 separate provisions introduced in Texas that were intended to increase or decrease either the substantive law or punishment. Two times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Four and a half times as many provisions that increased substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to twice as many crime provisions as punishment provisions, and it passed 3.8 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	165	102	94	38
# Passed	45	14	12	1
% Passed	27%	14%	13%	3%
Total # Intro	267		132	
Total # Passed	59		13	
% Total Passed	22%		10%	

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Subject Matter Priorities

During the study period, Texas legislators focused significant attention on assault, sex offenses, and drug offenses. The most bills were introduced and passed to address drug offenses (55 bills were introduced and 11 bills were passed).

Assault	• 51 bills introduced (46 punitive and 5 lenient) • 8 bills passed (7 punitive and 1 lenient)
Sex Offenses	• 42 bills introduced (35 punitive and 7 lenient) • 8 bills passed (6 punitive and 2 lenient)
Drug / Narcotic Offenses	• 55 bills introduced (29 punitive and 26 lenient) • 11 bills passed (10 punitive and 1 lenient)

Sponsorship

Individual sponsors were not analyzed for this state.

Utah

Comparing Punitive and Lenient Bills

Utah legislators introduced 113 crime and punishment bills and of those, 67 passed for an overall passage rate of 59%. Of the bills that were introduced, 67% were punitive, 24% were lenient, and the rest were mixed. Because more punitive bills were introduced and because punitive bills passed at a somewhat higher rate than lenient bills, 69% of the crime and punishment bills that passed were punitive, 21% were lenient, and the rest were mixed bills.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	76	27	10
# Passed	46	14	7
% Passed	61%	52%	70%

There were 136 separate provisions introduced in Utah that were intended to increase or decrease either the substantive law or punishment. Almost two and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Almost three times as many provisions that increased substantive crime or punishment were passed as compared to provisions that decreased crime or punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced more than twice as many crime provisions as punishment provisions, and it passed 1.8 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	66	30	27	13
# Passed	42	21	13	10
% Passed	64%	70%	48%	77%
Total # Intro	96		40	
Total # Passed	63		23	
% Total Passed	66%		58%	

Subject Matter Priorities

During the study period, Utah legislators focused significant attention on assault, sex offenses, and homicide offenses. The most bills were introduced to address assault and homicide (11 bills each). The most bills were passed to address assault (7 bills).

Assault	• 11 bills introduced (9 punitive and 2 mixed) • 7 bills passed (6 punitive and 1 mixed)
Sex Offenses	• 9 bills introduced (8 punitive and 1 mixed) • 6 bills passed (5 punitive and 1 mixed)
Homicide	• 11 bills introduced (7 punitive, 2 lenient, and 2 mixed) • 4 bills passed (3 punitive and 1 mixed)

Sponsorship

Individual sponsors were not analyzed for this state.

Vermont

Comparing Punitive and Lenient Bills

Vermont legislators introduced 79 crime and punishment bills and of those, 17 passed for an overall passage rate of 22%. Of the bills that were introduced, 67% were punitive, 23% were lenient, and the rest were mixed. Even though punitive and lenient bills passed at similar rates, because more punitive bills were introduced, 59% of the crime and punishment bills that passed were punitive, 26% were lenient, and the rest were mixed bills.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	53	18	8
# Passed	10	4	3
% Passed	19%	22%	38%

There were 94 separate provisions introduced in Vermont that were intended to increase or decrease either the substantive law or punishment. Nearly two and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. More than two times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to three times as many crime provisions as punishment provisions, and it passed 2.1 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	49	18	20	7
# Passed	11	4	4	3
% Passed	22%	22%	20%	43%
Total # Intro	67		27	
Total # Passed	15		7	
% Total Passed	22%		26%	

Subject Matter Priorities

During the study period, Vermont legislators focused significant attention on animal cruelty, firearms offenses, and drug offenses. The most bills were introduced to address firearms offenses (19 bills). The most bills were passed to address animal cruelty (3 bills).

Animal Cruelty	• 8 bills introduced (7 punitive and 1 mixed) • 3 bills passed (2 punitive and 1 mixed)
Firearms Offenses	• 19 bills introduced (7 punitive, 6 lenient, and 6 mixed) • 2 bills passed (both mixed)
Drug / Narcotic Offenses	• 7 bills introduced (5 punitive, 1 lenient, and 1 mixed) • 2 bills passed (both punitive)

Key Sponsors

In Vermont, the most active sponsors in the state introduced six or more pieces of legislation during the study period.

One active sponsor was Maxine Grad, who introduced seven bills. Grad's bipartisan work reached into various fields of law, including the sponsorship of bills aimed at addressing domestic and sexual violence and alternatives to punishment. She has characterized her philosophy as "sound justice reform."[285]

Justice reform relating to sexual violence was particularly important to Rep. Grad. In 2017, she sponsored House Bill (74), which was signed into law by Vermont's Republican Governor, Phil Scott.[286] This bill criminalized a new form of nonconsensual sexual conduct by directly addressing both interpersonal touching and personal, public

Maxine Grad, Photo Credit: Wayne Fawbrush Image Source: https://www.waterburyroundabout.org/community-archive/ywz9tbx98met9gkgjktch4ethxqa1z

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[285] David Goodman, *"It's been hard, emotional & frightening:" Judiciary Chair Rep. Maxine Grad on tackling guns, abortion & sexual abuse*, VERMONT CONVERSATION WITH DAVID GOODMAN (June 7, 2019), https://vermontconversation.com/2019/06/07/its-been-hard-emotional-frightening-judiciary-chair-rep-maxine-grad-on-tackling-guns-abortion-sexual-abuse/.

[286] H.B. 74, 2017-2018 Gen. Assemb., Leg. Sess. (Vt. 2017).

exposure of genitalia.[287] Additionally, in a special session in 2018, Grad co-sponsored a bill to address the sexual exploitation of people being held in custody by law enforcement officers.[288] Though the 2018 bill did not pass the Senate Rules Committee, it represented Rep. Grad's dedication to promoting justice by expanding the criminalization of acts of sexual violence. Some of this work was also done with Vermont State Senator Richard (Dick) Sears, Jr.[289]

Rep. Grad spent twenty-two years as a state representative in Vermont, starting in 2001.[290] A Democrat, Grad spent most of her time serving on the House Judiciary Committee, including seven years as vice chair under both Democrat and Republican leadership.[291]

Dick Sears, Photo Credit: Glenn Russell
Image Source:
https://vtdigger.org/2024/06/02/benningt on-county-senator-dick-sears-has-died-at-81/

Another active sponsor was Dick Sears, who introduced six bills during the study period. Sears' ongoing attention to the problem of child neglect and abuse resulted in many bills being successfully passed and signed in to law. One such bill detailed several methods for addressing these issues, including expanding the categories of acts that could be considered neglect and abuse.[292] The bill also expanded the categories of mandatory reporters in the state, thereby expanding who had a legal duty to protect children's welfare in Vermont.[293] It also expanded some of the possible consequences for violating the confidentiality of a child patient's information and sets a firm limit on how long a mandatory reporter had to file an official report of suspected neglect or abuse.[294]

Sen. Dick Sears served in the Vermont State Senate as a Democrat from 1993 up to his death in 2023.[295] Sen. Sears was known as one of the United States' "most productive" legislators and advocated extensively for children, having been an orphan himself.[296] The legislation he sponsored often related to protecting the many vulnerable populations that he had also come in contact with during his work prior to becoming a state senator.[297] For example, Sears was a

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[287] *Id.*

[288] H.B. 1, 2018 Gen. Assemb., Spec. Sess. (Vt. 2018).

[289] Xander Landen, *ACLU pitches sweeping reforms to cut prison population by hundreds*, VTDIGGER (Oct. 8, 2019 10:45 PM), https://vtdigger.org/2019/10/08/aclu-pitches-sweeping-reforms-to-cut-prison-population-by-hundreds/.

[290] Erika Nichols-Frazer, *Representative Maxine Grad to retire from Legislature*, THE VALLEY REPORTER (May 28, 2022), https://www.valleyreporter.com/index.php/news/local-news/16943-representative-maxine-grad-to-retire-from-legislature.

[291] *Id.*

[292] S.B 9, 2015-2016 Gen. Assemb., Leg. Sess. (Vt. 2015).

[293] *Id.*

[294] *Id.*

[295] Keith Whitcomb Jr., *Longtime Vermont senator touched many lives in Bennington and beyond*, RUTLAND HERALD (June 3, 2024), https://www.rutlandherald.com/news/local/longtime-vermont-senator-touched-many-lives-in-bennington-and-beyond/article_78ade52a-21d0-11ef-8c4f-9f312da4f582.html.

[296] *Id.*

[297] S.B 20, 2023-2024 Gen. Assemb., Leg. Sess. (Vt. 2024).

cofounder and head of 204 Depot Street, a residence home for at-risk boys who were offered a stay at Depot Street instead of care under the local Department of Corrections.[298]

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[298] Jim Therrien, *204 Depot Street program to mark 50 years*, BENNINGTON BANNER (Oct. 7, 2022), https://www.benningtonbanner.com/local-news/204-depot-street-program-to-mark-50-years/article_98b244ac-4675-11ed-a602-af0b933b43da.html.

Virginia

Comparing Punitive and Lenient Bills

Virginia legislators introduced 588 crime and punishment bills and of those, 84 passed for an overall passage rate of 14%. Of the bills that were introduced, 74% were punitive, 25% were lenient, and the rest were mixed. Even though punitive and lenient bills passed at similar rates, because nearly three times as many punitive bills were introduced, 71% of the crime and punishment bills that passed were punitive, 26% were lenient, and the rest were mixed bills.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	438	147	3
# Passed	60	22	2
% Passed	14%	15%	67%

There were 622 separate provisions introduced in Virginia that were intended to increase or decrease either the substantive law or punishment. Three times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Nearly three times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced nearly four times as many crime provisions as punishment provisions, and it passed 4.2 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	388	79	107	48
# Passed	52	12	19	5
% Passed	13%	15%	18%	10%
Total # Intro	467		155	
Total # Passed	64		24	
% Total Passed	14%		15%	

Subject Matter Priorities

During the study period, Virginia legislators focused significant attention on firearms offenses, assault, and drug offenses. The most bills were introduced to address firearms offenses (101 bills). The most bills were passed to address drug offenses (22 bills).

Firearms Offenses	• 101 bills introduced (95 punitive and 6 lenient) • 5 bills passed (4 punitive and 1 lenient)
Assault	• 45 bills introduced (42 punitive and 3 lenient) • 10 bills passed (all punitive)
Drug / Narcotic Offenses	• 72 bills introduced (28 punitive and 44 lenient) • 22 bills passed (9 punitive and 13 lenient)

Key Sponsors

In Virginia, crime and punishment legislation was sponsored by individuals (551 bills) or two or more individuals (37). Three of the most active legislators during the study period were Adam Ebbin, Scott Surovell, and Lillie Louise Lucas.

Adam Ebbin sponsored 21 bills during the study period. Ten of those bills sought to increase the substantive law and or punishment for various firearms offenses.[299] None passed. Ebbin also proposed eight bills attempting to decrease the substantive law and or punishment for conduct involving marijuana possession.[300] One of these bills passed: a bill

Adam Ebbin, Image Source: https://www.adamebbin.com/

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[299] S.B. 1178, 2015-2016 Leg., Reg. Sess. (Cal. 2015); S.B. 1179, 2015-2016 Leg., Reg. Sess. (Cal. 2015); S.B. 300, 2015-2016 Leg., Reg. Sess. (Cal. 2016); S.B. 301, 2015-2016 Leg., Reg. Sess. (Cal. 2016); S.B. 302, 2015-2016 Leg., Reg. Sess. (Cal. 2016); S.B. 1266, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 1267, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 2, 2017-2018 Leg., Reg. Sess. (Cal. 2018); S.B. 5, 2017-2018 Leg., Reg. Sess. (Cal. 2018); S.B. 1, 2017-2018 Leg., Reg. Sess. (Cal. 2018).
[300] S.B. 686, 2015-2016 Leg., Reg. Sess. (Cal. 2015); S.B. 1444, 2015-2016 Leg., Reg. Sess. (Cal. 2015); S.B. 104, 2015-2016 Leg., Reg. Sess. (Cal. 2016); S.B. 1091, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 1269, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 111, 2017-2018 Leg., Reg. Sess. (Cal. 2018); S.B. 327, 2015-2016 Leg., Reg. Sess. (Cal. 2016).

relating to the loss of a driver's license while in possession of small amounts of marijuana.[301] After the study period, Ebbin continued to advocate for the legalization of medical cannabis, arguing that it was a major step forward for Virginia, and passed S.B. 1406 to legalize marijuana.[302]

State Senator Adam Ebbin serves the 39th Senate District, which includes Alexandria and Arlington counties, near Washington D.C.[303] He has represented his district since 2012 and was re-elected in 2023.[304] Ebbin is a Democrat.

Scott Surovell was another active legislator who sponsored nineteen bills during the study period. He has advocated for criminal justice reform and expressed that Virginia was far behind in its progress towards better policies.[305]

Nine of Surovell's bills dealt with motor vehicles, including a decrease in the substantive law when illegally operating a motor vehicle[306] and an increase in the substantive law regarding careless or distracting driving causing physical injury to a person.[307] In three successive years, Surovell introduced legislation attempting to raise the threshold amount of money or goods taken to elevate petit larceny to grand larceny, but these attempts were unsuccessful during the study period.[308] His sole enacted bill expanded the prohibition on the introduction of snakehead fish into state waters.[309]

State Senator Scott Surovell (D) served as the 36th District's Senator from 2015–2023.[310] He currently represents the 34th Senate District and serves as the State Senate Majority Leader

Scott Surovell, Image Source: https://cardinalnews.org/2023/08/28/sen-surovell-may-be-from-fairfax-county-but-has-family-ties-to-roanokes-famous-

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[301] S.B. 784, 2017-2018 Leg., Reg. Sess. (Cal. 2017).

[302] James Cullum, *Bill creating retail market for cannabis to be reintroduced by Alexandria State Senator Adam Ebbin*, ALXNOW (January 8, 2024, 11:05 AM) https://www.alxnow.com/2024/01/08/bill-creating-retail-market-for-cannabis-to-be-reintroduced-by-alexandria-state-senator-adam-ebbin/ (last updated Jan. 9, 2024, 10:22 PM).

[303] *Sen. Adam Ebbin*, https://www.adamebbin.com/ (last visited March 27, 2025).

[304] *Id.*

[305] *Guest Commentary: Leading the Way on Criminal Justice Reform*, FALLS CHURCH NEWS-PRESS (December 23, 2019) https://www.fcnp.com/2019/12/23/guest-commentary-leading-the-way-on-criminal-justice-reform/.

[306] S.B. 391, 2015-2016 Leg., Reg. Sess. (Cal. 2016); S.B. 862, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 86, 2017-2018 Leg., Reg. Sess. (Cal. 2018).

[307] S.B. 663, 2015-2016 Leg., Reg. Sess. (Cal. 2016); S.B. 1339, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 87, 2017-2018 Leg., Reg. Sess. (Cal. 2018).

[308] S.B. 177, 2015-2016 Leg., Reg. Sess. (Cal. 2016); S.B. 816, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 21, 2017-2018 Leg., Reg. Sess. (Cal. 2018).

[309] S.B. 906, 2017-2018 Leg., Reg. Sess. (Cal. 2017).

[310] *Scott A. Surovell*, SENATE of VIRGINIA, https://apps.senate.virginia.gov/Senator/memberpage.php?id=S100 (last visited March 27, 2025).

Lillie Louise Lucas sponsored 17 crime and punishment bills during the study period. None passed. The majority of these bills (nine) sought to criminalize conduct related to casino or riverboat gambling and lotteries.[311]

Lucas has represented the 18th Senate District since 1992 and assumed office as president pro tempore of the Virginia Senate in 2020.[312] Her district includes the cities of Portsmouth and Suffolk.

L. Louise Lucas, Image Source: https://en.wikipedia.org/wiki/Louise_Lucas

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[311] S.B. 32, 2015-2016 Leg., Reg. Sess. (Cal. 2016); S.B. 33, 2015-2016 Leg., Reg. Sess. (Cal. 2016); S.B. 34, 2015-2016 Leg., Reg. Sess. (Cal. 2016); S.B. 1010, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 1011, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 1012, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 1499, 2017-2018 Leg., Reg. Sess. (Cal. 2017); S.B. 90, 2017-2018 Leg., Reg. Sess. (Cal. 2018); S.B. 91, 2017-2018 Leg., Reg. Sess. (Cal. 2018).

[312] *Louise Lucas*, WIKIPEDIA, https://en.wikipedia.org/wiki/Louise_Lucas (last visited March 27, 2025).

Washington

Comparing Punitive and Lenient Bills

Washington legislators introduced 176 crime and punishment bills and of those, 23 passed for an overall passage rate of 13%. Of the bills that were introduced, 79% were punitive, 20% were lenient, and the rest were mixed. Even though punitive and lenient bills passed at similar rates, because so many more punitive bills were introduced, 74% of the crime and punishment bills that passed were punitive, 22% were lenient, and the rest were mixed bills.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	139	35	2
# Passed	17	5	1
% Passed	12%	14%	50%

There were 186 separate provisions introduced in Washington that were intended to increase or decrease either the substantive law or punishment. Close to three and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Three times as many provisions that increased substantive law or punishment were passed compared to provisions that decreased crime or punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to twice as many crime provisions as punishment provisions, and it passed 2.7 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	100	44	20	22
# Passed	14	5	4	2
% Passed	14%	11%	20%	9%
Total # Intro	144		42	
Total # Passed	19		6	
% Total Passed	13%		14%	

Subject Matter Priorities

During the study period, Washington legislators focused significant attention on assault, firearms offenses, and drug offenses. The most bills were introduced to address drug offenses (25 bills). The most bills were passed to address pornography/obscene materials offenses (3 punitive bills).

Assault	• 21 bills introduced (20 punitive and 1 lenient) • no bills passed
Firearms Offenses	• 18 bills introduced (14 punitive and 4 lenient) • no bills passed
Drug / Narcotic Offenses	• 25 bills introduced (15 punitive, 8 lenient, and 2 mixed) • 2 bills passed (1 punitive and 1 mixed)

Sponsorship

Individual sponsors were not analyzed for this state.

West Virginia

Comparing Punitive and Lenient Bills

West Virginia legislators introduced 263 crime and punishment bills and of those, 48 passed for an overall passage rate of 18%. Of the bills that were introduced, 77% were punitive, 9% were lenient, and the rest were mixed. Because so many punitive bills were introduced and because punitive bills passed at a somewhat higher rate than lenient bills, 77% of the crime and punishment bills that passed were punitive, 6% were lenient, and the rest were mixed.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	202	23	37
# Passed	37	3	8
% Passed	18%	13%	22%

There were 333 separate provisions introduced in West Virginia that were intended to increase or decrease either the substantive law or punishment. Nearly four times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment Three times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime or punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to twice as many crime provisions as punishment provisions, and it passed 2.6 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	168	97	48	20
# Passed	37	13	10	5
% Passed	22%	13%	21%	25%
Total # Intro	265		68	
Total # Passed	50		15	
% Total Passed	19%		22%	

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Subject Matter Priorities

During the study period, West Virginia legislators focused significant attention on assault, human trafficking, and drug offenses. The most bills were introduced and passed to address drug offenses (63 bill introduced and 8 bills passed).

Assault	• 30 bills introduced (27 punitive, 1 lenient, and 2 mixed) • 6 bills passed (5 punitive and 1 lenient)
Human Trafficking	• 12 bills introduced (5 punitive and 7 mixed) • 2 bills passed (both mixed)
Drug / Narcotic Offenses	• 63 bills introduced (38 punitive, 6 lenient, and 19 mixed) • 8 bills passed (5 punitive, 1 lenient, and 2 mixed)

Key Sponsors

In West Virginia, all crime and punishment legislation was sponsored by individuals. Among those, the most active sponsors included Ralph Rodighiero, Kelli Sobonya, and Ryan Weld.

Between 2015 and 2018, Rodighiero sponsored sixteen bills—only one passed into law. The successful bill (2017) increased penalties for those who expose children to methamphetamine manufacturing.[313] Of the bills that did not pass, some aimed to protect children,[314] while others aimed to protect wildlife.[315]

Ralph Rodighiero is a former Democratic Member of the West Virginia House of Delegates. Rodighiero represented the 19th District from 2006–2016 and the 24th District from 2018–2020.[316] He was a consistent member of the Agriculture and Natural Resources Committee.

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[313] H.B. 2083, 83rd Leg., 1st Sess. (W.V. 2017).

[314] H.B. 2255, 82nd Leg., 1st Sess. (W.V. 2015); H.B. 2402, 82nd Leg., 1st Sess. (W.V. 2015); H.B. 2255, 82nd Leg., 2nd Sess. (W.V. 2016); H.B. 2402, 82nd Leg., 2nd Sess. (W.V. 2016); H.B. 2024, 83rd Leg., 1st Sess. (W.V. 2017); H.B. 2024, 83rd Leg., 2nd Sess. (W.V. 2018).

[315] H.B. 2175, 82nd Leg., 1st Sess. (W.V. 2015); H.B. 2175, 82nd Leg., 2nd Sess. (W.V. 2016); H.B. 2052, 83rd Leg., 1st Sess. (W.V. 2017).

[316] Ralph Rodighiero, https://ballotpedia.org/Ralph_Rodighiero.

Rodighiero was born in Logan, West Virginia. From 1986-2006, Rodighiero worked as a delivery driver for the United Postal Service.[317]

During the 2015 regular session, Kelli Sobonya introduced four bills—one passed. The successful bill increased the penalties for causing injury or death while driving under the influence. Sobonya introduced four additional bills in 2016—none of which passed. Generally, the proposals aimed to increase penalties for drug offenses and increase mandatory minimum sentences. Six bills were sponsored by Sobonya in 2017, with only one passing into law. That bill increased the penalties for the transportation of narcotics and certain controlled substances into the State of West

Ralph Rodighiero,
Image Source:
https://ballotpedia.org/Ralph_Rodighiero

Kelli Sobonya, Image Source:
https://www.century21.com/real-estate-agent/profile/kelli-sobonya-P25279053

Virginia.[318] During the 2018 regular session, Sobonya introduced two bills. One aimed to create a separate offense of prostituting a child while in a position of trust, while the other sought to create a felony for those who knowingly house drug traffickers.[319] Neither bill passed.

Kelli Sobonya is a former Republican Member of the West Virginia house of Delegates. Sobonya represented the 18th District from 2002-2018.[320] She currently works as a Realtor for Century 21 Home and Land.[321] Sobonya is also a County Commissioner for District 2.[322]

Ryan Weld has committed himself to addressing issues pertaining to taxes and fiscal responsibility, second amendment rights, veterans, substance abuse, and job creation.[323] Senator Weld introduced four crime and punishment bills during the 2015 and 2016 regular sessions—none passed.

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[317] *Ralph Rodighiero's Political Summary*, VOTE SMART, https://justfacts.votesmart.org/candidate/biography/59589/ralph-rodighiero (last visited Mar. 27, 2025).

[318] H.B. 2448, 2017 W.V., Reg. Sess. (WV. 2017).

[319] H.B. 4507, 2018 W.V., Reg. Sess. (WV. 2018); H.B. 4514, 2018 W.V., Reg. Sess. (WV. 2018).

[320] *Kelli Sobonya's Biography*, VOTE SMART, https://justfacts.votesmart.org/candidate/biography/52084/kelli-sobonya (last visited Mar. 27, 2025).

[321] *Kelli Sobonya*, CENTURY 21, https://www.century21.com/real-estate-agent/profile/kelli-sobonya-P25279053 (last visited Mar. 27, 2025).

[322] *County Commission*, CABELL COUNTY, https://www.cabellcounty.org/government/county_commission/index.php (last visited Mar. 27, 2025).

[323] *Ryan Weld*, https://ryanweld.com/ (last visited Mar. 27, 2025).

During the 2017 regular session, Senator Weld passed five out of his eight bills introduced. The first successful bill expanded the definition of kidnapping.[324] The second addressed conspiracy liability for narcotics crimes.[325] The third successful bill created a new felony offense for a drug delivery that results in the death of another person.[326] The fourth broadened the coverage of assault and battery laws.[327] The fifth successful bill created the crime of false swearing in a legislative proceeding and established penalties for violators.[328]

During the 2018 regular session, Weld passed one of three bills he introduced. The passing bill expanded the definition of extortion by subjecting a person to criminal penalty for extorting anything of value.[329]

Ryan Weld is a current Republican Member of the West Virginia Senate. Weld is a former Member of the West Virginia House of Delegates.[330] From 2014–2016 he represented the 2nd District. Currently, Senator Weld represents the 1st District after assuming office in 2016.[331] Weld became the Majority Whip in 2017. His current term ends in 2028.[332] Senator Weld was a member of the United States Air Force and reached the rank of captain.[333]

Ryan Weld, Image Source: https://www.wvlegislature.gov/senate1/lawmaker.cfm?member=Senator%20Weld

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[324] S.B. 206, 2017 W.V., Reg. Sess. (WV. 2017).

[325] S.B. 219, 2017 W.V., Reg. Sess. (WV. 2017).

[326] S.B. 220, 2017 W.V., Reg. Sess. (WV. 2017).

[327] S.B. 442, 2017 W.V., Reg. Sess. (WV. 2017).

[328] S.B. 554, 2017 W.V., Reg. Sess. (WV. 2017).

[329] S.B. 327, 2018 W.V., Reg. Sess. (WV. 2018).

[330] Ryan Weld, *About Ryan Weld*, https://ryanweld.com/about-ryan.

[331] *Id.*

[332] *Ryan Weld*, BALLOTPEDIA, https://ballotpedia.org/Ryan_Weld (last visited Mar. 27, 2025).

[333] *Ryan W. Weld (R – Brooke, 01)*, WEST VIRGINIA LEGISLATURE, https://www.wvlegislature.gov/senate1/lawmaker.cfm?member=Senator%20Weld (last visited Mar. 27, 2025).

Wisconsin

Comparing Punitive and Lenient Bills

Wisconsin legislators introduced 165 crime and punishment bills and of those, 64 passed for an overall passage rate of 39%. Of the bills that were introduced, 76% were punitive, 22% were lenient, and the rest were mixed. Because so many punitive bills were introduced and because punitive bills were passed at a higher rate than lenient bills, 81% of the crime and punishment bills that passed were punitive and 19% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	125	36	4
# Passed	52	12	0
% Passed	42%	33%	0%

There were 175 separate provisions introduced in Wisconsin that were intended to increase or decrease either the substantive law or punishment. Nearly three and a half times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. Four times as many provisions that increased the substantive law or punishment were passed compared to provisions that decreased crime or punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced nearly twice as many crime provisions as punishment provisions, and it passed 4.1 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	98	37	18	22
# Passed	39	10	10	2
% Passed	40%	27%	56%	9%
Total # Intro	135		40	
Total # Passed	49		12	
% Total Passed	36%		30%	

Subject Matter Priorities

During the study period, Wisconsin legislators focused significant attention on firearms offenses, driving under the influence, and sex offenses. The most bills were introduced and passed to address firearms offenses (32 bills introduced and 7 bills passed).

Firearms Offenses	• 32 bills introduced (28 punitive and 4 lenient) • 7 bills passed (4 punitive and 3 lenient)
Driving Under the Influence	• 17 bills introduced (6 punitive, 9 lenient, and 2 mixed) • 3 bills passed (all punitive)
Sex Offenses	• 13 bills introduced (11 punitive, 1 lenient, and 1 mixed) • 7 bills passed (all punitive)

Sponsorship

Individual sponsors were not analyzed for this state.

Wyoming

Comparing Punitive and Lenient Bills

Wyoming legislators introduced 64 crime and punishment bills and of those, 19 passed for an overall passage rate of 30%. Of the bills that were introduced, 78% were punitive and 22% were lenient. Because so many punitive bills were introduced and because punitive bills passed at a higher rate than lenient bills, 89% of the crime and punishment bills that passed were punitive and 11% were lenient.

	Punitive Bills	Lenient Bills	Mixed Bills
# Introduced	50	14	0
# Passed	17	2	0
% Passed	34%	14%	0%

There were 70 separate provisions introduced in Wyoming that were intended to increase or decrease either the substantive law or punishment. Four times as many provisions that increased crime or punishment were introduced as compared to those that decreased crime or punishment. More than ten times as many provisions that increased the substantive law or punishment were passed as compared to provisions that decreased crime and punishment.

Comparing the number of provisions on crime to the number of provisions on punishment, the legislature had a greater focus on crime; it introduced close to twice as many crime provisions as punishment provisions, and it passed 3.6 crime provisions for each punishment provision it passed.

	Provisions Increasing Substantive Law	Provisions Increasing Punishment	Provisions Decreasing Substantive Law	Provisions Decreasing Punishment
# Introduced	41	15	5	9
# Passed	16	5	2	0
% Passed	39%	33%	40%	0%
Total # Intro	56		14	
Total # Passed	21		2	
% Total Passed	38%		14%	

Subject Matter Priorities

During the study period, Wyoming legislators focused significant attention on assault offenses, animal cruelty, and drug offenses. The most bills were introduced to address drug offenses (9 bills). The most bills were passed to address assault (3 bills).

Assault	• 7 bills introduced (all punitive) • 3 bills passed (all punitive)
Animal Cruelty	• 5 bills introduced (all punitive) • 1 bill passed (punitive)
Drug / Narcotic Offenses	• 9 bills introduced (7 punitive and 2 mixed) • 1 bill passed (punitive)

Sponsorship

Individual sponsorship information was not analyzed for this state.

Appendix A – Overall Passage and Bill Types by State

State	% overall bill passage	# crime & punishment bills introduced	# crime & punishment bills passed	# pure punitive bills introduced	# pure punitive bills passed	# pure lenient bills introduced	# pure lenient bills passed	# mixed bills introduced	# mixed bills passed
Alabama	29.3%	135	33	96	23	26	6	13	4
Alaska	11.5%	32	3	20	3	9	0	3	0
Arizona	29.6%	71	16	40	11	24	2	7	2
Arkansas	63.4%	230	111	141	72	80	34	9	5
California	34.5%	251	87	191	56	52	27	8	4
Colorado	57.5%	126	66	69	42	56	24	1	0
Connecticut	11.2%	154	32	112	20	39	10	3	2
Delaware	64.5%	64	27	45	18	15	8	4	1
Florida	10.3%	242	46	138	32	91	10	13	4
Georgia	30.7%	91	20	66	14	21	5	4	1
Hawaii	9.1%	109	11	72	7	28	4	9	0
Idaho	66.9%	53	25	31	18	22	7	0	0
Illinois	28.4%	455	39	344	29	109	10	2	0
Indiana	18.4%	218	52	169	38	34	6	15	8
Iowa	13.1%	479	38	339	26	92	5	48	7
Kansas	17.4%	122	23	73	18	41	3	8	2
Kentucky	25.4%	133	22	108	22	22	0	3	0
Louisiana	42.9%	176	92	95	51	59	26	22	15
Maine	36.8%	104	48	79	34	12	6	13	8
Maryland	28.3%	187	37	138	26	43	11	6	0
Massachusetts	9.3%	539	32	469	19	69	13	1	0
Michigan	21.9%	453	97	368	75	83	22	2	0
Minnesota	2.7%	89	19	70	13	11	2	8	4
Mississippi	10.9%	311	9	234	6	72	2	5	1
Missouri	5.8%	209	8	158	5	47	3	4	0
Montana	16.6%	85	23	53	13	30	9	2	1
Nebraska	34.6%	90	17	47	8	38	6	5	3
Nevada	57.5%	62	27	30	13	25	7	7	7
New Hampshire	33.6%	91	20	60	12	30	8	1	0
New Jersey	3.5%	610	27	548	20	54	4	8	3
New Mexico	9.9%	149	7	133	7	15	0	1	0
New York	3.9%	1180	13	1116	13	53	0	11	0
North Carolina	20.8%	86	24	64	21	22	3	0	0
North Dakota	56.7%	96	64	66	46	29	17	1	1

Ohio	11.9%	156	27	109	18	40	7	7	2
Oklahoma	17.5%	382	83	232	54	124	23	26	6
Oregon	34.9%	153	41	114	28	38	12	1	1
Pennsylvania	5.3%	472	28	436	24	27	4	9	0
Rhode Island	27.9%	539	80	406	61	112	16	21	3
South Carolina	35.1%	114	3	94	3	13	0	7	0
South Dakota	52.3%	122	57	73	41	46	14	3	2
Tennessee	42.5%	266	98	188	76	67	17	11	5
Texas	19.0%	341	66	234	54	101	12	6	0
Utah	55.7%	113	67	76	46	27	14	10	7
Vermont	15.8%	79	17	53	10	18	4	8	3
Virginia	38.1%	588	84	438	60	147	22	3	2
Washington	17.6%	176	23	139	17	35	5	2	1
West Virginia	14.7%	263	48	202	37	23	3	37	8
Wisconsin	16.8%	165	64	125	52	36	11	4	1
Wyoming	33.9%	64	19	50	17	14	2	0	0

Appendix B – Provision Types by State

State	Introduced Increase Crime	Introduced Increase Punish	Introduced Decrease Crime	Introduced Decrease Punish	Passed Increase Crime	Passed Increase Punish	Passed Decrease Crime	Passed Decrease Punish
Alabama	78	45	28	15	21	14	8	3
Alaska	23	3	10	3	3	1	0	0
Arizona	41	16	21	12	13	5	4	0
Arkansas	134	44	82	14	72	20	36	5
California	111	95	23	38	42	18	12	20
Colorado	51	25	33	26	31	15	9	15
Connecticut	70	77	40	4	17	12	12	0
Delaware	40	19	13	7	14	9	8	2
Florida	105	62	60	47	27	15	8	6
Georgia	62	20	23	5	14	5	5	2
Hawaii	73	15	28	13	6	1	3	1
Idaho	28	3	18	4	15	3	5	2
Illinois	297	97	96	33	29	2	9	4
Indiana	147	128	38	12	39	31	11	4
Iowa	329	88	126	30	28	9	11	2
Kansas	57	27	19	31	16	7	2	4
Kentucky	81	55	7	21	18	8	0	0
Louisiana	95	29	32	52	57	13	20	24
Maine	80	24	22	5	37	11	13	2
Maryland	111	55	39	12	20	10	10	1
Massachusetts	367	217	69	17	13	13	12	7
Michigan	239	262	60	52	52	49	18	11
Minnesota	57	27	11	9	15	5	4	2
Mississippi	159	94	30	48	4	5	2	1
Missouri	135	38	39	13	5	1	3	0
Montana	42	13	24	10	8	6	7	4
Nebraska	43	13	25	18	7	5	6	3
Nevada	23	18	19	13	13	10	8	6
New Hampshire	49	12	22	10	9	3	5	3
New Jersey	350	249	47	21	18	7	7	2
New Mexico	60	79	6	10	5	3	0	0
New York	890	303	39	26	12	2	0	0
North Carolina	51	22	19	5	20	5	2	1

North Dakota	60	21	29	4	42	15	17	4
Ohio	94	53	27	24	16	11	5	4
Oklahoma	230	85	133	32	55	21	23	9
Oregon	88	30	21	19	22	7	11	3
Pennsylvania	417	58	29	8	22	4	4	0
Rhode Island	353	97	109	26	54	16	12	7
South Carolina	84	44	18	5	3	1	0	0
South Dakota	60	21	35	14	33	13	11	5
Tennessee	129	76	49	29	54	29	18	4
Texas	165	102	94	38	45	14	12	1
Utah	66	30	27	13	42	21	13	10
Vermont	49	18	20	7	11	4	4	3
Virginia	388	79	107	48	52	12	19	5
Washington	100	44	20	22	14	5	4	2
West Virginia	168	97	48	20	37	13	10	5
Wisconsin	98	37	18	22	39	10	10	2
Wyoming	41	15	5	9	16	5	2	0

Appendix C – Most Popular Offenses Introduced by Partisan Control

	Republican Controlled		Democrat Controlled		Mix Control	
	Offense	% Passed (Passed / Intro)	Offense	% Passed (Passed / Intro)	Offense	% Passed (Passed / Intro)
Increases Criminal Law	Firearms	6.2% (27/434)	Firearms	10.0% (22/219)	Assault	10.0% (22/219)
	Assault	23.2% (91/392)	Assault	12.6% (20/159)	Other	7.6% (14/185)
	Drugs	32.3% (106/328)	Drugs	15.0% (23/153)	Drugs	13.5% (21/155)
	Other	27.9% (69/247)	Other	10.5% (14/133)	Fraud Offenses	13.3% (15/113)
	Sex Offenses	30.0% (74/247)	Fraud Offenses	10.8% (14/130)	Firearms	6.3% (7/112)
Mean Passage Rate		23.9%		11.8%		10.1%
Decreases Criminal Law	Firearms	19.9% (54/271)	Drugs	19.6% (22/112)	Drugs	11.0% (9/82)
	Drugs	21.6% (54/250)	Firearms	7.9% (8/101)	Firearms	8.3% (5/60)
	Undifferentiated	21.6% (29/134)	Undifferentiated	17.8% (8/45)	Undifferentiated	13.9% (5/36)
	Other	42.2% (19/45)	Other	12.8% (5/39)	Other	60% (12/20)
	Non-Firearms Weapons	15.6% (7/45)	Regulatory	25.0% (8/32)	Non-Firearms Weapons	36.4% (4/11)
Mean Passage Rate		24.2%		16.6%		25.9%
Increases Punishment	Assault	19.6% (39/199)	Assault	9.4% (12/128)	Assault	9.6% (9/94)
	Undifferentiated	22.7% (39/172)	Undifferentiated	12.0% (10/83)	Sex Offenses	5.1% (4/78)
	Drugs	18.1% (30/166)	Traffic (non-DUI)	6.2% (5/81)	Homicide	2.4% (2/83)
	Sex Offenses	25.9% (30/116)	Drugs	6.8% (5/73)	Undifferentiated	7.1% (5/70)
	Firearms	15.8% (15/95)	Sex Offenses	16.9% (11/65)	Drugs	17.0% (9/53)
Mean Passage Rate		20.4%		10.3%		8.2%
Decreases Punishment	Undifferentiated	17.3% (47/272)	Undifferentiated	31.3% (25/80)	Undifferentiated	23.1% (15/65)
	Drugs	25.2% (35/139)	Drugs	12.3% (7/57)	Drugs	6.3% (3/48)
	Homicide	6.8% (3/44)	Larceny/Theft	6.3% (1/16)	Traffic (non-DUI)	0% (0/8)
	Firearms	19.2% (5/26)	Traffic (non-DUI)	36.4% (4/11)	Sex Offenses	0% (0/7)
	DUI	33.3% (5/15)	Trespass	0% (0/7)	Homicide	0% (0/6)
Mean Passage Rate		20.4%		17.2%		5.9%
Average Mean		22.2%		14.0%		12.5%

Appendix D – Defining Topics and Identifying Omitted Topics

Topic A: increases substantive law	Topic B: decreases substantive law	Topic C: increases punishment	Topic D: decreases punishment
creates entire offense	eliminates entire offense	reclassifies offense to a higher class or level	reclassifies offense to a lower class or level
creates alternate way to commit offense or violate act	eliminates alternate way to commit offense/violate act	increases penalty (e.g., length of confinement, fines, restitution)	decreases penalty (e.g., length of confinement, fines, restitution)
eliminates element of offense	creates element of offense	creates or expands aggravating factors	creates or expands mitigating factors
amends or modifies offense in expansive way	amends or modifies offense in contracting way	eliminates or contracts mitigating factors	eliminates or contracts aggravating factors
eliminates a defense, immunity, exception, exemption	creates a defense, immunity, exception, exemption	decreases eligibility for or use of diversion programs	increases eligibility for or use of diversion programs
amends or modifies a defense, immunity, exception, exemption in contracting way	amends or modifies a defense, immunity, exception, exemption in expansive way		
decreases burden on prosecutor	increases burden on prosecutor		

Topics Omitted from Study:
collateral consequences (including criminal forfeitures; see https://niccc.nationalreentryresourcecenter.org/ for more information
conditions of release (e.g., probation/parole)
fees imposed on defendant
juveniles adjudicated in the juvenile or adult system
pardons, availability of
procedural rights of prosecutors or other criminal justice actors (NEW)
solitary confinement, use of
statute of limitations, extend, eliminate, or lower
criminal forfeitures (write "collateral consequences/forfeiture" in notes)

Appendix E – Project Codebook

Codes for each entry/row
- the state of origin
    - use two letter postal abbreviation
- the legislative session
    - use calendar years of session
- the bill name (if any)
- the bill tracking number used by the state legislature
- the bill description **(this information is for the coder's reference only and may or may not be accurate; this information may be modified or corrected at the coder's discretion, but it does not need to be corrected)**
- Nature of Legislative Action (how far bill advanced)
    - 1 = Committee Hearing
    - 2 = Committee Vote
    - 3 = Floor Debate
    - 4 = Floor Vote
    - 5 = Conference Committee
    - 6 = Passed & signed into law
    - 99 = Other
- Issue(s) **(coder should verify that these codes are accurate & correct if necessary*)**
    - 1 = increased substantive law
    - 2 = decreased substantive law
    - 3 = increased punishment
    - 4 = decreased punishment
    - *May include multiple codes (e.g., 1,3,4); the same code does not need to appear twice even if a bill includes multiple actions for the same code (e.g., 2,2,4,4 should be 2,4)*
- Sponsor Type
    - 1 = single or primary sponsor
    - 2 = undifferentiated multiple sponsors
    - 3 = committee sponsorship
    - 4 = introduced at request of outside group (include name of group in "sponsor notes")
    - *Can include multiple codes (e.g., 1,3)*
- Sponsor ID **(coder should verify the data and correct if necessary)**
    - Name of single or primary sponsor (last, first)
    - Name of outside group
    - n/a – if inapplicable (undifferentiated multiple sponsors)
    - unknown
    - *do not include the names of "co-sponsors"*
- Topic A (inc sub): topic(s) of substantive law increased
    - 0 = bill did not increase substantive law
    - [USE MODIFIED NIBRS CODES BELOW]
    - *If more than one modified NIBRS code used, enter in Notes column whether bill made changes to lots of different laws or bill dealt with an issue that implicated multiple topics*
    - *Each modified NIBRS code should not appear more than once in this column*
- Topic B (dec sub): topic(s) of substantive law decreased
    - 0 = bill did not decrease substantive law
    - [USE MODIFIED NIBRS CODES BELOW]
    - *If more than one modified NIBRS code used, enter in Notes column whether bill made changes to lots of different laws or bill dealt with an issue that implicated multiple topics*

- o *Each modified NIBRS code should not appear more than once in this column*
- Topic C (inc pun): topic(s) of punishment increased
  - o 0 = bill did not increase punishment
  - o [USE MODIFIED NIBRS CODES BELOW]
  - o *If more than one modified NIBRS code used, enter in Notes column whether bill made changes to lots of different laws or bill dealt with an issue that implicated multiple topics*
  - o *Each modified NIBRS code should not appear more than once in this column*
- Topic D (dec pun): topic(s) of punishment decreased
  - o 0 = bill did not decrease punishment
  - o [USE MODIFIED NIBRS CODES BELOW]
  - o *If more than one modified NIBRS code used, enter in Notes column whether bill made changes to lots of different laws or bill dealt with an issue that implicated multiple topics*
  - o *Each modified NIBRS code should not appear more than once in this column*
- Notes
  - o Please include the name of the offense in the Notes if using Modified NIBRS code 90Z

*If an issue code is wrong, please correct the issue code column. If you believe that an issue code is wrong in that the bill does should not be included in our database, code as follows:

Issue(s)	Sponsor Type	Sponsor ID	Topic A (inc sub)	Topic B (dec sub)	Topic C (inc pun)	Topic D (dec pun)	Notes
0	1	Taylor	0	0	0	0	DELETE

Table 1. NIBRS CODES (Modified)
Topics that have been added by PPP begin with the letter "A"

A1	Abortion
720	Animal Cruelty
200	Arson
13	Assault Offenses
90K	Bond Default
510	Bribery
220	Burglary/Breaking & Entering
58	Commerce Violations
250	Counterfeiting/Forgery
90B	Curfew/Loitering/Vagrancy Violations
290	Destruction/Damage/Vandalism of Property
90C	Disorderly Conduct
A2	Domestic Violence
35	Drug/Narcotic Offenses
90D	DUI
270	Embezzlement
103	Espionage
210	Extortion/Blackmail
90F	Family Offenses, Nonviolent
90L	Federal Resource Violation
A3	Firearm Offenses
26	Fraud Offenses
49	Fugitive Offenses
39	Gambling Offenses
9	Homicide Offenses
64	Human Trafficking
30	Immigration Violations

100	Kidnapping/Abduction
23	Larceny/Theft Offenses
90G	Liquor Law Violations
240	Motor Vehicle Theft
90M	Perjury
370	Pornography/Obscene Material
40	Prostitution Offenses
A4	Regulatory Offenses
120	Robbery
A5	Sex Offender Registration or Restrictions
11	Sex Offenses
280	Stolen Property Offenses
A6	Traffic Offenses (Other Than DUI)
101	Treason
90J	Trespass of Real Property
A7	Weapons (Other Than Firearms)
90Z	All Other Offenses**
A8	Undifferentiated

**please include the name of the offense in the Notes

Appendix F – Offense Codebook

Offense Code	Offense Category	Crime Against Person, Property, or Society	NIBRS Examples	Study Additional Examples
A1	Abortion	Society[334]		
720	Animal Cruelty	Society	bestiality	harassing or causing death of a service dog
200	Arson	Property		
13	Assault Offenses	Person	aggravated or simple assault; intimidation; child abuse, violent; threatening	female genital mutilation; intentional exposure to diseases; corporal punishment; intentional dog attack; strangulation
90K	Bond Default	Society	failure to appear	
510	Bribery	Property		
220	Burglary / Breaking & Entering	Property		
58	Commerce Violations	Society	import/export violations; wildlife trafficking	sale of "X"; fireworks offenses
250	Counterfeiting / Forgery	Property	check fraud	selling forged instruments
90B	Curfew / Loitering / Vagrancy Violations	Society	unlawful assembly; begging	
290	Destruction / Damage / Vandalism of Property	Property	malicious mischief; conservation laws	critical infrastructure sabotage (see A10 Cyberterrorism and Terrorism); graffiti; dumping; tampering with objects
90C	Disorderly Conduct	Society	disturbing the peace; public nuisance	drag racing; drones
A2	Domestic Violence	Person		
35	Drug / Narcotic Offenses	Society	drug equipment violations; possession of drug equipment	e-cigarettes
90D	Driving Under the Influence (DUI)	Society		
270	Embezzlement	Property	misappropriation; conversion	
103	Espionage	Society		
210	Extortion / Blackmail	Property		
90F	Family Offenses, Nonviolent	Society[335]	child abuse, nonviolent; child cruelty, nonviolent; child neglect; desertion	child endangerment, nonviolent; drug addiction at birth; elder abuse, nonviolent
90L	Federal Resource Violation	Society	environmental law violations	state environmental law violations
A3	Firearm Offenses	Society		
26	Fraud Offenses	Property	false pretenses; swindle; confidence game; credit card/ATM fraud; impersonation; welfare fraud; identity theft; hacking; computer invasion; money laundering; false report	data fraud; swatting; misrepresentation

[334] The researchers acknowledge that abortion could also be considered a crime against the person.
[335] The NIBRS coding scheme categorizes nonviolent family offenses as a crime against society. Researchers in this study posit that a better characterization would be as a crime against the person.

			or statement in furtherance of a criminal activity	
49	Fugitive Offenses	Society	harboring escapee / concealing from arrest; flight to avoid prosecution or deportation; aiding and abetting; escape; flight to avoid confinement, custody, giving testimony, or prosecution	escape
39	Gambling Offenses	Society	betting/wagering; operating/promoting/assisting gambling; gambling equipment violations; sports tampering	
9	Homicide Offenses	Person	murder; nonnegligent manslaughter; negligent manslaughter; justifiable homicide; hit and run, of a person;	assisted suicide; drug delivery resulting in death
64	Human Trafficking	Person	including commercial sex acts or involuntary servitude	
30	Immigration Violations	Society	illegal entry; false citizenship; smuggling aliens; re-entry after deportation	citizen document fraud
100	Kidnapping / Abduction	Person		
23	Larceny / Theft Offenses	Property	pocket-picking; purse-snatching; shoplifting	
90G	Liquor Law Violations	Society		
240	Motor Vehicle Theft	Property		
370	Pornography / Obscene Material	Society		obscene material of a minor; possession or dissemination of pornography
40	Prostitution Offenses	Society	assisting or promoting prostitution	
A4	Regulatory Offenses	Society		hemp; business and employment licenses; health and safety standards; administrative schemes with criminal penalties; acts by organizations during the ordinary course of business; price gouging
120	Robbery	Property	carjacking	
A5	Sex Offender Registration or Restrictions	Society		failure to register
11	Sex Offenses	Person	rape; sodomy; sexual assault with an object; fondling; incest; statutory rape; child molesting;	creation of pornography; enticement or luring of victim
280	Stolen Property Offenses	Property	possession, buying, or receiving stolen property	
A6	Traffic Offenses (Other Than DUI)	Society		leaving scene without reporting
101	Treason	Society		sedition
90J	Trespass of Real Property	Society		trespass on school bus

A7	Weapons (Other Than Firearms)	Society[336]	explosives	
90Z	All Other Offenses	Person, Property, or Society	criminal defamation; violation of protective order, not related to domestic violence; contraband; offenses related to gangs; conduct related to Good Samaritan/failing to report or assist; conduct relating to monitoring or disseminating private information; bullying/cyber bullying; hazing; harassment; menacing	
A8	Undifferentiated	Not Applicable		no specific offense/many unrelated offenses; sentencing range change; affecting length of confinement, generally; house arrest v. traditional confinement; "criminal conduct"
A9	Perjury and False Statements	Society		
A10	Cyberterrorism and Terrorism	Society		critical infrastructure sabotage (if motivated by terrorism or identified as terrorism by legislature)
A11	Obstruction of Justice	Society		
A12	Hate Crimes	Person		
A13	Drones	Society		
A14	Official Misconduct or Corruption	Society		
A15	Hunting and Fishing	Society		
A16	Voting, Elections, and Campaigns	Society		

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[336] The researchers acknowledge that weapons could also be considered crimes against the person.

Appendix G – NIBRS Offense Lookup Table

Offense	Group A or B[337]	Corresponding NIBRS crime category and notes:	NIBRS Offense Code
A			
Abandonment	B	Family Offenses, Nonviolent	90F
Abduction	A	Human Trafficking or Kidnapping/Abduction	64A, 64B, or 100
Abortion	B	All Other Offenses	90Z
Abuse, Nonviolent	B	Family Offenses, Nonviolent or All Other Offenses	90F or 90Z
Accessory After the Fact	A or B	Classify as 90Z if Group A offense is involved, as Group B offense if Group B offense is involved or 49A Harboring Escapee/Concealing from Arrest*	90Z or Other (Group B) Offense (Depends on circumstances) or 49A
Accessory Before the Fact	A or B	Classify as 90Z if Group A offense involved or as substantive offense if Group B offense involved	90Z or Other (Group B) Offense
Accosting	B	All Other Offenses	90Z
Adulterated Food, Drugs, or Cosmetics	A or B	All Other Offenses (Other offenses may have been committed, e.g., Homicide, Aggravated or Simple Assault, or Fraud)	90Z or Other (Group B) Offense (Depends on circumstances)
Adultery	B	All Other Offenses	90Z
Affray	A or B	Assault Offenses or Disorderly Conduct	13A, 13B, 13C, or 90C
Aiding and Abetting	A or B	Classify as 90Z if Group A offense is involved unless it is an integral component of the Group A offense such as Human Trafficking or as Group B offense is Group B offense is involved or 49A Harboring Escapee/Concealing from Arrest*	64A, 64B, 90Z, or Other (Group B) Offense (Depends on circumstances) or 49A
Aiding Prisoner to Escape	B	All Other Offenses	90Z
Air Piracy/Hijacking	A	Classify as substantive offense, e.g., Kidnapping/Abduction or Robbery	Depends on circumstances
Alcoholic Beverage Control (ABC) Laws	A or B	Liquor Law Violations or Commerce Violations*	90G, 61A
Antitrust Law Violations	B	All Other Offenses	90Z
Arson	A	Arson	200
Assault	A	Assault Offenses	13A, 13B, or 13C
Assault, Aggravated	A	Assault Offenses (Aggravated Assault)	13A
Assault and Battery	A	Assault Offenses (Aggravated Assault or Simple Assault)	13A or 13B
Assault, Minor	A	Assault Offenses (Simple Assault)	13B
Assault, Sexual	A	Rape, Sodomy, Fondling, Sexual Assault With An Object, or Statutory Rape	Depends on circumstances
Assault, Simple	A	Assault Offenses (Simple Assault)	13B
Assembly, Unlawful	B	All Other Offenses	90Z

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[337] "The Group A offenses are the more serious crimes such as Murder, Rape, and Robbery, etc. Group B offenses tend to be minor in nature, such as Curfew/Loitering/Vagrancy Violations, Disorderly Conduct, Driving Under the Influence, etc." CRIME STAT. MGMT. UNIT, FED. BUREAU OF INVESTIGATION, U.S. DEP'T OF JUST., 2021.1 NATIONAL INCIDENT-BASED REPORTING SYSTEM USER MANUAL 7 (2021).

Automated Teller Machine Fraud	A	Fraud Offenses (Credit Card/ Automated Teller Machine Fraud)	26B
B			
Battery	A	Assault Offenses (Aggravated Assault or Simple Assault)	13A or 13B
Begging	B	Curfew/Loitering/Vagrancy Violations	90B
Bestiality	A	Animal Cruelty	720
Betting, Unlawful	A	Gambling Offenses (Betting Wagering)	39A
Bigamy	B	All Other Offenses	90Z
Blackmail	A	Extortion/Blackmail or Robbery if during a demand for money, property, etc., the offender confronts the victim and threatens imminent violence	210 or 120
Blasphemy	B	Disorderly Conduct	90C
Blue Law Violations	B	All Other Offenses	90Z
Boating Law Violations	B	All Other Offenses	90Z
Bomb Threat	A	Assault Offenses (Intimidation)	13C
Bombing Offenses	A	Classify same as substantive offense, e.g., Homicide, Aggravated or Simple Assault, Destruction/ Damage/Vandalism of Property, or Weapon Law Violations	Depends on circumstances
Bookmaking	A	Gambling Offenses (Operating/ Promoting/Assisting Gambling)	39B
Breaking and Entering (B&E)	A	Burglary/Breaking and Entering	220
Bribery	A	Bribery	510
Bribery, Sports	A	Gambling Offenses (Sports Tampering)	39D
Burglary	A	Burglary/Breaking and Entering	220
Burglary Tools, Possessing	B	All Other Offenses	90Z
Buying Stolen Property	A	Stolen Property Offenses	280
C			
Canvassing, Illegal	B	All Other Offenses	90Z
Card Game, Unlawful	A	Gambling Offenses (Betting/ Wagering)	39A
Cargo Theft	A	Classify same as substantive offense e.g., Robbery, Motor Vehicle Theft, etc., then use Data Element 2A to indicate the offense was Cargo Theft	Depends on circumstances
Carjacking	A	Robbery	120
Carrying Concealed Weapon	A	Weapon Law Violations or Violation of National Firearms Act of 1934*	520 or 521
Checks, Fraudulent	A	Fraud Offenses (False Pretenses/ Swindle/Confidence Game or Other Offenses, e.g., Counterfeiting/ Forgery	26A, 250
Child Abuse, Nonviolent	B	Family Offenses, Nonviolent	90F
Child Abuse, Violent	A	Assault Offenses	13A, 13B, or 13C
Child Cruelty, Nonviolent	B	Family Offenses, Nonviolent	90F
Child Cruelty, Violent	A	Assault Offenses	13A, 13B, or 13C
Child Molesting	A	Sex Offenses (Fondling) or Human Trafficking (Commercial Sex Acts)	11D or 64A
Child Neglect	B	Family Offenses, Nonviolent	90F
Civil Rights Violations	A or B	Human Trafficking, All Other Offenses, or Other Group A Offenses (Report predicate offenses, e.g., Arson, Murder, Aggravated Assault)	64A, 64B, 90Z, or Other Offenses (Depends on circumstances)

Combinations in Restraint of Trade	B	All Other Offenses	90Z
Commercialized Sex	A or B	Human Trafficking, Prostitution Offenses, Pornography/Obscene Material, or All Other Offenses	64A, 40A, 40B, 40C, 370, or 90Z
Commercialized Vice	A or B	Human Trafficking, Prostitution Offenses, Gambling Offenses, Pornography/Obscene Material, or All Other Offenses	64A, 40A, 40B, 40C, 370, 39A, 39B, 39C, 39D, or 90Z
Compounding a Felony or Misdemeanor	B	All Other Offenses	90Z
Computer Crime	A or B	Classify same as substantive offense, e.g., Larceny/Theft, Embezzlement, or Fraud Offenses	Depends on circumstances
Concealed Weapon	A	Weapon Law Violations or Violation of National Firearm Act of 1934*	520 or 521
Conditional Release Violation	B	All Other Offenses	90Z
Confidence Game	A	Fraud Offenses (False Pretenses/ Swindle/Confidence Game)	26A
Conflict of Interest	B	All Other Offenses	90Z
Consensual Sodomy	A or B	All Other Offenses	90Z or 36B
Conservation (Environment or Ecology) Laws	A or B	Destruction/Damage/Vandalism of Property or All Other Offenses	290 or 90Z
Conspiracy to Commit	A or B	Classify as 90Z if Group A offense is involved or as Group B offense if Group B offense is involved	90Z or Other (Group B) Offense (Depends on circumstances)
Contempt of Court	B	All Other Offenses	90Z
Contract Fraud	A	Fraud Offenses (False Pretenses/ Swindle/Confidence Game) or Human Trafficking	26A, 64A, or 64B
Contributing to the Delinquency of a Minor	A or B	Human Trafficking or All Other Offenses (Other offenses may have been committed, e.g., Pornography/ Obscene Material, Prostitution, or Liquor Law Violations)	64A or 90Z (Depends on circumstances)
Conversion	A	Embezzlement	270
Corrupt Conduct by Juror	B	All Other Offenses (Other offenses may have been committed, e.g., Bribery or False Statement)	Depends on circumstances
Counterfeiting	A	Counterfeiting/Forgery	250
Credit Card Fraud	A	Fraud Offenses (Credit Card/ Automated Teller Machine Fraud)	26B
Criminal Defamation	B	All Other Offenses	90Z
Criminal Libel	B	All Other Offenses	90Z
Criminal Slander	B	All Other Offenses	90Z
Cruelty to Animal(s)	A	Animal Cruelty	720
Cruelty to Children, Nonviolent	A or B	Assault Offenses (Intimidation), Family Offenses, Nonviolent, or All Other Offenses	13C, 90F, or 90Z
Cruelty to Children, Violent	A	Assault Offenses	13A, 13B, or 13C
Curfew Violations	B	Curfew/Loitering/Vagrancy Violations	90B
D			
Damage Property	A	Destruction/Damage/Vandalism of Property	290
Deception	A	Fraud Offenses or Human Trafficking	26A, 26B, 26C, 26D, 26E, 26F, 26G,

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			64A, or 64B
Defamation, Criminal	B	All Other Offenses	90Z
Desecrating the Flag	–	(Not a criminal offense)	
Desertion (familial)	B	Family Offenses, Nonviolent	90F
Destroying Evidence	B	All Other Offenses	90Z
Detention, Forcible	A	Human Trafficking or Kidnapping/Abduction	64A, 64B, or 100
Detention, Unlawful	A	Human Trafficking or Kidnapping/Abduction	64A, 64B, or 100
Dice Game, Unlawful	A	Gambling Offenses (Betting/ Wagering)	39A
Disinterment, Unlawful	A or B	All Other Offenses	90Z, 13B, or 13C
Disorderly Conduct	B	Disorderly Conduct	90C
Disturbing the Peace	B	Disorderly Conduct	90C
Driving Under the Influence (DUI)	B	Driving Under the Influence	09B or 90D
Driving While Intoxicated (DWI)	B	Driving Under the Influence	09B or 90D
Drug Equipment Violations	A	Drug/Narcotic Offenses (Drug Equipment Violations)	35B
Drug Offenses	A	Drug/Narcotic Offenses (Drug/Narcotic Violations)	35A
Drug Paraphernalia Offenses	A	Drug/Narcotic Offenses (Drug Equipment Violations)	35B
E			
Eavesdropping	B	All Other Offenses	90Z
Ecology Law Violations	B	All Other Offenses	90Z
Election Law Violations	B	All Other Offenses	90Z
Embezzlement	A	Embezzlement	270
Enticement	A or B	Classify as 90Z if Group A offense is involved unless it is an integral component of the Group A offense such as Human Trafficking or as Group B offense is Group B offense is involved	100, 64A, 64B, 90Z, or Other (Group B) Offense (Depends on circumstances)
Entry, Forcible	A or B	Burglary/Breaking and Entering	220 or 90J
Entry, Non-Forcible	A or B	Burglary/Breaking and Entering	220 or 90J
Entry, Unlawful	A or B	Burglary/Breaking and Entering	220 or 90J
Environment Law Violations	B	All Other Offenses	90Z or 90L
Equipment, Drug	A	Drug/Narcotic Offenses (Drug Equipment Violations)	35B
Equipment, Gambling	A	Gambling Offenses (Gambling Equipment Violations)	39C
Escape (Flight)	A or B	All Other Offenses or Fugitive Offenses*	90Z, 49B, 49C
Espionage*	A	All Other Offenses (Other offenses may have been committed, e.g., Burglary or Larceny/Theft) or Espionage Offenses*	103
Explosives*	A	Classify same as substantive offense, e.g., Homicide, Aggravated or Simple Assault, Destruction/ Damage/Vandalism of Property, Explosives*, Weapon Law Violations	Depends on circumstances
Extortion	A	Human Trafficking or Extortion/Blackmail	64A, 64B, or 210
F			
Facilitation of	A or B	Classify as 90Z if Group A offense is involved unless it is an integral component of the Group A offense such as Human Trafficking or as Group B offense is Group B offense is involved	64A, 64B, 90Z, or Other (Group B) Offense (Depends on circumstances)
Failure to Appear*	B	All Other Offenses or Failure to Appear*	90Z or 90K

False Arrest	B	All Other Offenses	90Z
False Citizenship*	A or B	All Other Offenses or False Citizenship*	90Z or 30B
False Fire Alarm	B	All Other Offenses	90Z
False Pretenses	A	Fraud Offenses (False Pretenses/ Swindle/Confidence Game) or Human Trafficking	26A, 64A, or 64B
False Report or Statement (furtherance of a criminal activity)	A	Fraud Offenses (False Pretenses/ Swindle/Confidence Game, Impersonation, Welfare Fraud)	26A, 26C, 26D, 26F, 26G
False Report or Statement (lying about something; e.g., misrepresenting something on a form)	B	All Other Offenses	30B or 90Z
Family Offenses, Nonviolent	B	Family Offenses, Nonviolent	90F
Family Offenses, Violent	A	Classify same as substantive offense, e.g., Assault Offenses, Homicide Offenses, Sex Offenses	Depends on circumstances
Firearms Violations	A	Weapon Law Violations (Other offenses may have been committed, e.g., Aggravated Assault, Robbery, Disorderly Conduct)	Depends on circumstances
Fish and Game Law Violations	B	All Other Offenses	90Z
Flight to Avoid Confinement, Custody, Giving Testimony, or Prosecution	B	All Other Offenses	90Z or 49B
Fondling	A	Sex Offenses (Fondling)	11D or 13B
Forcible Detention	A	Human Trafficking or Kidnapping/Abduction	64A, 64B, or 100
Forcible Entry	A or B	Burglary/Breaking and Entering	220 or 90J
Forgery	A	Counterfeiting/Forgery	250
Fornication (Consensual)	A or B	All Other Offenses	36B or 90Z
Fraud	A	Fraud Offenses or Human Trafficking	26A–26G, 64A, or 64B
Fraud, Automated Teller Machine (ATM)	A	Fraud Offenses (Credit Card/ Automated Teller Machine Fraud)	26B
Fraud, Contract	A	Fraud Offenses (False Pretenses/ Swindle/Confidence Game)	26A
Fraud, Credit Card	A	Fraud Offenses (Credit Card/ Automated Teller Machine Fraud)	26B
Fraud, Hacking/Computer Invasion	A	Fraud Offenses (Hacking/Computer Invasion	26G
Fraud, Identity Theft	A	Fraud Offenses	26F
Fraud, Mail	A	Fraud Offenses (False Pretenses/ Swindle/Confidence Game)	26A
Fraud, Procurement	A	Fraud Offenses (False Pretenses/ Swindle/Confidence Game)	26A
Fraud, Telephone	A	Fraud Offenses (Wire Fraud)	26E
Fraud, Welfare	A	Fraud Offenses (Welfare Fraud)	26D
Frequenting a House of Prostitution	A	Prostitution Offenses (Purchasing Prostitution) or Human Trafficking (Commercial Sex Acts)	40C or 64A
Fugitive	A or B	All Other Offenses, Harboring Escapee/Concealing from Arrest*, Flight to Avoid Prosecution*, Flight to Avoid Deportation*	90Z, 49A, 49B, or 49C
G			

Gambling	A	Gambling Offenses	39A–39D
Gambling Devices Offenses	A	Gambling Offenses (Gambling Equipment Violations)	39C
Gambling Equipment Offenses	A	Gambling Offenses (Gambling Equipment Violations)	39C
Gambling Goods, Possession of	A	Gambling Offenses (Gambling Equipment Violations)	39C
Gambling Paraphernalia, Possession of	A	Gambling Offenses (Gambling Equipment Violations)	39C
Gaming Offenses	A	Gambling Offenses (Betting/ Wagering, Operating/Promoting/ Assisting Gambling, Gambling Equipment Violations)	39A–39C

H			
Harassment	B	All Other Offenses	90Z
Harboring	A or B	All Other Offenses or Harboring Escapee/Concealing from Arrest*	90Z or 49A
Hate Crime	A	Classify same as substantive offense, e.g., Assault, Murder, Destruction/Damage/Vandalism of Property then use Data Element 8A to specify bias motivation	Depends on circumstances
Health and Safety Laws (Adulterated Food, Drugs, or Cosmetics)	B	All Other Offenses (Other offenses may have been committed, e.g., Homicide, Aggravated or Simple Assault, or Fraud)	90Z
Hijacking-Air Piracy	A	Classify as substantive offense, e.g., Kidnapping/Abduction or Robbery	Depends on circumstances
Hit and Run (Of a Person)	A or B	Assault Offenses (Aggravated Assault) or Homicide Offenses (Murder and Nonnegligent Manslaughter), if not accidental, or All Other Offenses, if accidental	13A, 09A, or 90Z
Homicide	A	Homicide Offenses (Murder and Nonnegligent Manslaughter or Negligent Manslaughter)	09A or 09B
Homicide, Justifiable	A	Homicide Offenses (Justifiable Homicide)	09C
Hostage-Taking	A	Kidnapping/Abduction	100
House of Prostitution, Frequenting a	A	Prostitution Offenses (Purchasing Prostitution) or Human Trafficking (Commercial Sex Acts)	40C or 64A
House of Prostitution, Operating a	A	Prostitution Offenses (Assisting or Promoting Prostitution) or Human Trafficking (Commercial Sex Acts)	40B or 64A
Human Trafficking, Commercial Sex Acts	A	Human Trafficking (Commercial Sex Acts)	64A
Human Trafficking, Involuntary Servitude	A	Human Trafficking (Involuntary Servitude)	64B

I			
Immigration Law Violations (Illegal Alien Entry, False Citizenship, Smuggling Alien, etc.)	A or B	Human Trafficking, All Other Offenses, or Immigration Violations*	64A, 64B, 90Z, 30A, 30B, 30C, 30D
Impersonation	A	Fraud Offenses (Impersonation) or Human Trafficking	26C, 26F, 64A, or 64B
Incendiary Device Offenses	A	Classify same as substantive offenses committed, e.g., Arson, Homicide, Aggravated or Simple Assault, Weapon Law Violations, or Destruction/Damage/Vandalism of Property	Depends on circumstances
Incest	A	Sex Offenses	36A
Indecent Exposure	B	Disorderly Conduct	90C
Indecent Liberties	A	Sex Offenses (Fondling)	11D
Influence Peddling	A	Bribery	510
Intimidation	A	Assault Offenses (Intimidation)	13C
Invasion of Privacy	B	All Other Offenses	90Z

Involuntary Manslaughter	A	Homicide Offenses (Negligent Manslaughter)	09B
J			
Joyriding	A	Motor Vehicle Theft	240
Jury Tampering	B	All Other Offenses (Other offenses may have been committed, e.g., Bribery, Extortion/Blackmail, or Intimidation)	90Z
Justifiable Homicide (not a crime)	A	Homicide Offenses (Justifiable Homicide)	09C
K			
Kickback	A	Bribery	510
Kidnapping	A	Human Trafficking or Kidnapping/Abduction	64A, 64B, or 100
Kidnapping, Parental	A	Kidnapping/Abduction	100
Killing	A	Homicide Offenses (Murder and Nonnegligent Manslaughter)	09A, 09B, 09C
L			
Larceny	A	Larceny/Theft Offenses	23A–23H
Libel, Criminal	B	All Other Offenses	90Z
Liquor Law Violations	A or B	Liquor Law Violations or Commerce Violations*	90G, 61A
Littering	B	All Other Offenses	90Z
Loitering	B	Curfew/Loitering/Vagrancy Violations	90B
Looting	A	Burglary/Breaking and Entering or Larceny/Theft Offenses, as appropriate	Depends on circumstances
Lottery, Unlawful	A	Gambling Offenses (Betting/ Wagering)	39A
M			
Mail Fraud	A	Fraud Offenses (False Pretenses/ Swindle/Confidence Game)	26A
Malicious Mischief	A	Destruction/Damage/Vandalism of Property	290
Mandatory Release Violation	B	All Other Offenses	90Z
Manslaughter, Negligent	A	Homicide Offenses	09B
Manslaughter, Nonnegligent	A	Homicide Offenses (Murder and Nonnegligent Manslaughter)	09A
Manslaughter, Vehicular	A or B	Homicide Offenses (Murder and Nonnegligent Manslaughter), if intentional, or All Other Offenses, if not intentional	09A or 90Z
Military Law Violations (AWOL, Desertion, etc.)	B	All Other Offenses	90Z
Minor Assault	A	Assault Offenses (Simple Assault) or Human Trafficking	13B, 64A, or 64B
Misappropriation	A	Embezzlement	270
Missing Person	–	(Not a criminal offense)	
Molesting, Child	A	Sex Offenses (Fondling) or Human Trafficking (Commercial Sex Acts)	11D or 64A
Monopoly in Restraint of Trade	B	All Other Offenses	90Z
Moonshining	A or B	Liquor Law Violations or Commerce Violations*	90G, 61A
Motor Vehicle Theft	A	Motor Vehicle Theft	240
Murder	A	Homicide Offenses (Murder and Nonnegligent Manslaughter)	09A
N			
Narcotic Offenses	A	Drug/Narcotic Offenses (Drug/Narcotic Violations)	35A
Neglect of Family	B	Family Offenses, Nonviolent	90F
Negligent Manslaughter	A	Homicide Offenses (Negligent Manslaughter)	09B

Nonpayment of Alimony	B	Family Offenses, Nonviolent (includes Contempt of Court for Nonpayment of Alimony)	90F
Nonsupport	B	Family Offenses, Nonviolent	90F
Numbers	A	Gambling Offenses (Betting/ Wagering)	39A
O			
Obscene Communication	B	All Other Offenses	90Z
Obscene Language, Use of	B	Disorderly Conduct	90C
Obscene Material	A	Pornography/Obscene Material	370
Obscene Telephone Call	B	All Other Offenses	90Z
Obstructing Criminal Investigation	B	All Other Offenses	90Z
Obstructing Justice	B	All Other Offenses	90Z
Obstructing Police Officer(s)	B	All Other Offenses	90Z
Operating a House of Prostitution	A	Prostitution Offenses (Assisting or Promoting Prostitution) or Human Trafficking (Commercial Sex Acts)	40B or 64A
P			
Pandering	A	Prostitution Offenses or Human Trafficking (Commercial Sex Acts)	40B or 64A
Paraphernalia Offenses, Drug	A	Drug/Narcotic Offenses	35B
Paraphernalia Offenses, Gambling	A	Gambling Offenses (Gambling Equipment Violations)	39C
Parental Kidnapping	A	Kidnapping/Abduction	100
Parole Violation	B	All Other Offenses	90Z
Patronizing a House of Prostitution	A	Prostitution Offenses (Purchasing Prostitution) or Human Trafficking (Commercial Sex Acts)	40C or 64A
Patronizing a Prostitute	A	Prostitution Offenses (Purchasing Prostitution) or Human Trafficking (Commercial Sex Acts)	40C or 64A
Perjury	B	All Other Offenses (Other offenses may have been committed, e.g., Bribery) or Perjury*	90Z or 90M
Perjury, Subornation of	B	All Other Offenses (Other offenses may have been committed, e.g., Bribery, Extortion/Blackmail, or Intimidation)	90Z
Pickpocket	A	Larceny/Theft Offenses (Pocket- picking)	23A
Pimping	A	Prostitution Offenses (Assisting or Promoting Prostitution) or Human Trafficking (Commercial Sex Acts)	40B or 64A
Pocket-picking	A	Larceny/Theft Offenses (Pocket- picking)	23A
Polygamy	B	All Other Offenses	90Z
Pornography	A	Human Trafficking (Commercial Sex Acts) or Pornography/Obscene Material	64A or 370
Possession of Burglary Tools	B	All Other Offenses	90Z
Possession of Drug Equipment	A	Drug/Narcotic Offenses (Drug Equipment Violations)	35B
Possession of Gambling Equipment	A	Gambling Offenses (Gambling Equipment Violations)	39C
Possession of Stolen Property	A	Stolen Property Offenses	280
Privacy, Invasion of	B	All Other Offenses	90Z
Probation Violation	B	All Other Offenses	90Z
Procurement Fraud	A	Fraud Offenses (False Pretenses/ Swindle/Confidence Game)	26A

Procuring for Prostitution	A	Prostitution Offenses (Assisting or Promoting Prostitution) or Human Trafficking (Commercial Sex Acts)	40B or 64A
Profanity	B	Disorderly Conduct	90C
Prostitution	A	Prostitution Offenses (Prostitution) or Human Trafficking (Commercial Sex Acts)	40A or 64A
Prostitution, Soliciting for	A	Prostitution Offenses (Assisting or Promoting Prostitution or Purchasing Prostitution) or Human Trafficking (Commercial Sex Acts)	40B, 40C, or 64A
Prostitution, Transporting Persons for	A	Prostitution Offenses (Assisting or Promoting Prostitution) or Human Trafficking (Commercial Sex Acts)	40B or 64A
Prowler	B	All Other Offenses	90Z
Public Nuisance	B	Disorderly Conduct	90C
Purse-snatching	A	Larceny/Theft Offenses (Purse- snatching)	23B
Q			
Quarantine, Violation of	B	All Other Offenses	90Z
R			
Racketeering Influenced and Corrupt Organizations (RICO)	A or B	(Report predicate offenses, e.g., Arson, Aggravated Assault, Extortion/Blackmail, or Human Trafficking)	Depends on circumstances
Racketeering	A or B	(Classify same as substantive offenses, e.g., Bribery, Extortion/Blackmail, Human Trafficking, or Larceny/Theft Offenses)	Depends on circumstances
Rape	A	Sex Offenses (Rape)	11A
Rape By Instrumentation	A	Sex Offenses (Sexual Assault With An Object)	11C
Rape, Statutory	A	Sex Offenses (Statutory Rape)	36B
Receiving Stolen Property	A	Stolen Property Offenses	280
Reckless Endangerment	B	All Other Offenses	90Z
Reckless Manslaughter (Non- Vehicular)	A	Homicide Offenses (Negligent Manslaughter)	09B
Reckless Operation of Aircraft	B	All Other Offenses	90Z
Release Violation, Conditional	B	All Other Offenses	90Z
Release Violation, Mandatory	B	All Other Offenses	90Z
Resisting Officer	A	Assault Offenses (Aggravated Assault or Simple Assault)	13A or 13B
Restraint, Unlawful	A	Human Trafficking or Kidnapping/ Abduction	64A, 64B, or 100
Revenue Law Violations	B	All Other Offenses	90Z
Riot	B	Curfew/Loitering/Vagrancy Violations (Other offenses may have been committed, e.g., Arson or Destruction/Damage/Vandalism of Property)	90Z
Robbery	A	Robbery	120
Rout	B	All Other Offenses (Other offenses may have been committed)	90Z
S			
Sabotage	B	All Other Offenses (Other offenses may have been committed, e.g., Arson or Destruction/Damage/ Vandalism of Property.)	90Z
Sanitation Law Violations	B	All Other Offenses	90Z
Scalping, Ticket(s)	B	All Other Offenses	90Z
Sedition	B	All Other Offenses	90Z
Seduction	A or B	Human Trafficking (Commercial Sex Acts), All Other Offenses	64A, 90Z

Sex, Commercialized	A or B	Human Trafficking (Commercial Sex Acts), Prostitution Offenses, Pornography/Obscene Material, or All Other Offenses	64A, 40A, 370, or 90Z (Depends on circumstances)
Sex Offenses	A	Sex Offenses (Rape, Sodomy, Sexual Assault With An Object, or Fondling)	11A–11D
Sex Offenses	A	Sex Offenses (Incest or Statutory Rape)	36A or 36B
Sexual Assault With An Object	A	Sex Offenses (Sexual Assault With An Object)	11C
Shoplifting	A	Larceny/Theft Offenses (Shoplifting)	23C
Simple Assault	A	Assault Offenses (Simple Assault)	13B
Slander, Criminal	B	All Other Offenses	90Z
Smuggling, Alien	A or B	Human Trafficking, All Other Offenses or Immigration Violations*	64A, 64B, 90Z. 30A, 30B, 30C, 30D
Smuggling, Contraband	B	All Other Offenses (Other offenses may have been committed, e.g., Drug/Narcotic Offenses)	90Z
Sodomy	A	Sex Offenses (Sodomy)	11B
Solicitation to Commit Felony	A or B	Classify as 90Z if Group A offense is involved unless it is an integral component of the Group A offense such as Human Trafficking or as Group B offense if Group B offense is involved	64A, 64B, 90Z, or Other (Group B) Offense (Depends on circumstances)
Stalking	A	Assault Offenses (Intimidation)	13C
Stolen Property— Buying, Receiving, or Possessing	A	Stolen Property Offenses	280
Stripping Motor Vehicle	A	Larceny/Theft Offenses (Theft of Motor Vehicle Parts or Accessories)	23G
Strong-arm Robbery	A	Robbery	120
Subornation of Perjury	B	All Other Offenses (Other offenses may have been committed, e.g., Bribery, Extortion/Blackmail, or Intimidation)	90Z
Suicide	−	(Not a criminal offense)	
Suspicion	−	(Not a criminal offense)	
Swindle	A	Fraud Offenses or Human Trafficking	26A, 64A, or 64B
T			
Tax Law Violations	A or B	All Other Offenses or Federal Liquor Offenses*, or Federal Tobacco Offenses*	61A, 61B, or 90Z
Telephone Call, Threatening	A	Assault Offenses (Intimidation)	13C
Telephone Fraud	A	Fraud Offenses (Wire Fraud)	26E
Terrorism	A	Classify as substantive offense, e.g., Assault, Destruction/Damage/ Vandalism of Property, or Murder	Depends on circumstances
Theft	A	Larceny/Theft Offenses	23A–23H
Theft From a Building	A	Larceny/Theft Offenses (Theft From Building)	23D
Theft From a Coin-Operated Machine or Device	A	Larceny/Theft Offenses (Theft From Coin-Operated Machine or Device)	23E
Theft From a Motor Vehicle	A	Larceny/Theft Offenses (Theft From Motor Vehicle)	23F
Theft of a Motor Vehicle	A	Motor Vehicle Theft	240
Theft of Motor Vehicle Parts or Accessories	A	Larceny/Theft Offenses (Theft of Motor Vehicle Parts or Accessories)	23G

Theft of Vehicles or Equipment Other than Motor Vehicles	A	Larceny/Theft Offenses (All Other Larceny)	23H
Threat to Commit	A or B	Classify as 90Z if Group A offense is involved or as Group B offense if Group B offense is involved	90Z or Other (Group B) Offense (Depends on circumstances)
Threatening Behavior	A	Assault Offenses (Intimidation)	13C
Threatening Conduct	A	Assault Offenses (Intimidation)	13C
Threatening Gesture	A	Assault Offenses (Intimidation)	13C
Threatening Telephone Call	A	Assault Offenses (Intimidation)	13C
Threatening Words or Statement	A	Assault Offenses (Intimidation)	13C
Threats	A	Assault Offenses (Intimidation)	13C
Traffic Violations	A or B	Do not report except for DUI, DWI, Hit and Run, or Vehicular Manslaughter	09A, 13A, 90D, or 90Z (Depends on circumstances)
Transmitting Wagering Information	A	Gambling Offenses (Operating/ Promoting/Assisting Gambling)	39B
Transporting Persons for Prostitution	A	Prostitution Offenses (Assisting or Promoting Prostitution) or Human Trafficking	40B, 64A, or 64B
Treason	A	Treason Offense*	101
Trespass of Personal Property	B	All Other Offenses	90Z
Trespass of Real Property	B	Trespass of Real Property	90J
U			
Unauthorized Use of a Motor Vehicle (no lawful access)	A	Motor Vehicle Theft	240
Unauthorized Use of a Motor Vehicle	A or B	Embezzlement (lawful access but the entrusted vehicle is misappropriated) or All Other Offenses (The unlawful taking of a vehicle for temporary use when prior authority has been granted)	270 or 90Z
Unlawful Assembly	B	Curfew/Loitering/Vagrancy Violations	90B
Unlawful Entry	A	Burglary/Breaking and Entering	220
Unlawful Restraint	A	Human Trafficking or Kidnapping/ Abduction	64A, 64B, or 100
Unlicensed Weapon	A	Weapon Law Violations	520, 521, 522, 526
Unregistered Weapon	A	Weapon Law Violations	520, 521, 522, 526
Uttering	A or B	Fraud Offenses (False Pretenses Swindle/Confidence Game, Impersonation, or Welfare Fraud), or Counterfeiting/Forgery	26A, 26B, 26D, 26F, or 250 (Depends on circumstances)
V			
Vagabondage	B	Curfew/Loitering/Vagrancy Violations	90B
Vagrancy	B	Curfew/Loitering/Vagrancy Violations	90B
Vandalism	A	Destruction/Damage/Vandalism of Property	290
Vehicular Manslaughter	A or B	Murder and Nonnegligent Manslaughter (if not accidental) or All Other Offenses (if accidental)	09A or 90Z
Vice, Commercialized	A or B	Human Trafficking, Prostitution Offenses (Prostitution or Assisting or Promoting Prostitution), Gambling Offenses, Pornography/ Obscene Material, or All Other Offenses	64A, 40A, 40B, 370, 39A, 39B, 39C, 39D, or 90Z
Violation of Quarantine	B	All Other Offenses	90Z

Violation of Restraining Order	B	All Other Offenses	90Z
W			
Wagering, Unlawful	A	Gambling Offenses (Betting/ Wagering)	39A
Weapon, Concealed	A	Weapon Law Violations or Violation of National Firearm Act of 1934*	520 or 521
Weapon, Unlicensed	A	Weapon Law Violations	520, 521, 522, 526
Weapon, Unregistered	A	Weapon Law Violations	520, 521, 522, 526
Weapon Law Violations	A	Weapon Law Violations	520, 521, 522, 526
Welfare Fraud	A	Fraud Offenses (Welfare Fraud)	26D
Wire Fraud	A	Fraud Offenses (Wire Fraud)	26E
Wiretapping, Illegal	B	All Other Offenses	90Z
*Denotes offenses for federal and tribal LEA reporting only			

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