

“Truth in Sentencing” in Georgia

“Truth in Sentencing” (TIS) is a variegated collection of state and federal laws and policies whose purpose is to make clear, at the time of sentencing, how long a sentenced offender will spend in prison – or at least that the offender will spend “a long time” in prison. “Truth in Sentencing” encompasses a wide variety of measures around the country, including:

- Mandatory minimum sentences
- Abolition of parole
- Curtailment of parole
- “Three Strikes” laws
- Recidivist statutes
- Sentencing guidelines

It should be noted that there is no jurisdiction in the United States where every offender serves 100% of the sentence imposed by the court.

The Truth in Sentencing movement began in 1984 during the extreme overcrowding crises that plagued America during the 1980s and 1990s. TIS sought to redress the discrepancy between (a) sentences handed down by the Judicial branch of government, and (b) the time actually served in prison, determined by the Executive branch through parole and time off for good behavior.

It was commonplace throughout the country during that time for inmates to serve only a small percentage of their sentence. In Georgia between 1989 and 1993, for example, the average inmate served less than one-third of the sentence handed down by the court – because anything longer than one-third simply would not fit in the available prison space.

The federal government entered the truth-in-sentencing arena in 1995, with the Violent Offender Incarceration / Truth In Sentencing (VOITIS) program, to reward states for passing tough sentencing laws, and to partially offset the costs of building and operating the additional prison space required to accommodate the new, longer sentences. VOITIS was in effect from FY1996 through FY2001. Georgia qualified for, and received, VOITIS funds every year of the program, for a total of \$82,211,036, as shown in the table below. Only eight states received more VOITIS funds than Georgia. Funding ranged from a high of \$402,804,586 (California) to a low of \$404,745 (Guam).

Violent Offender Incarceration / Truth In Sentencing (VOITIS) expenditures

Fiscal Year	VOITIS Funding (All recipients)	VOITIS Funding (Georgia)	Georgia's percent of VOITIS
FY1996	\$65,252,476	\$1,248,453	1.91%
FY1997	\$795,183,344	\$23,946,367	3.01%
FY1998	\$509,139,430	\$15,228,219	2.99%
FY1999	\$489,544,618	\$14,704,207	3.00%
FY2000	\$413,131,369	\$13,296,419	3.22%
FY2001	\$435,273,543	\$13,787,371	3.17%
Total	\$2,707,524,780	\$82,211,036	3.04%

Source: <http://www.ojp.usdoj.gov/BJA/pdf/VOITISreport.pdf>

The table below summarizes Georgia laws and policies related to Truth in Sentencing.

Measure	Definition	Georgia
Mandatory minimum sentences	Automatic sentences for certain crimes regardless of extenuating circumstances	Georgia's "Seven deadly sins" law was passed in 1995. It mandates, for a first offense, a non-parolable sentence of at least ten years for kidnapping, armed robbery, rape, aggravated sodomy, aggravated sexual battery, and aggravated child molestation. Minimum sentence for first offense of murder is life, with no parole eligibility for 25 years. Second offense of any of the "seven deadly sins" gets life without possibility of parole.
Abolition of parole	Outright abolition of any kind of executive clemency except in cases of proven innocence.	Parole was abolished in 1996 for the six non-murder "deadly sins" listed above. Anyone convicted of those crimes must serve 100% of sentence, with no parole or good time.
Curtailment of parole	By legislative act or executive branch policy, reducing the number of inmates eligible for parole, or increasing the time they must spend in prison	Starting in the late 1990's, on its own volition, the Georgia Parole Board, has sharply curtailed its use of clemency, especially for violent and sex crimes.
"Three-strikes" laws	Mandatory long prison sentences for offenders convicted of serious felonies on three or more separate occasions.	Georgia's "Seven Deadly Sins" law, for those seven crimes, <i>is the toughest in the nation</i> . Not three strikes, but two – and the second strike results in life without possibility of parole.
Recidivist statutes	Enhanced penalties for repeat prison convictions	Georgia's recidivist statute applies to all felonies except the "Seven Deadly Sins". It has escalating penalties, as follows: ⇒ On the second prison conviction, the offender must be given the maximum possible sentence for that crime (although he is still eligible to be considered for parole). ⇒ On the fourth prison conviction, the offender must serve 100% of the maximum possible sentence for that crime, without possibility of parole.
Sentencing guidelines	Rules intended to ensure uniformity of sentencing. Sentences are prescribed for each crime – longer with aggravating circumstances, and shorter with mitigating circumstances. Judges usually have discretion to differ from guidelines	The federal system and about half the states have sentencing guidelines. Several sentencing guidelines initiatives have been launched in Georgia, but none has ever been implemented. Time served in Georgia's prisons is determined by the interaction between the General Assembly's laws and the Parole Board's policies.