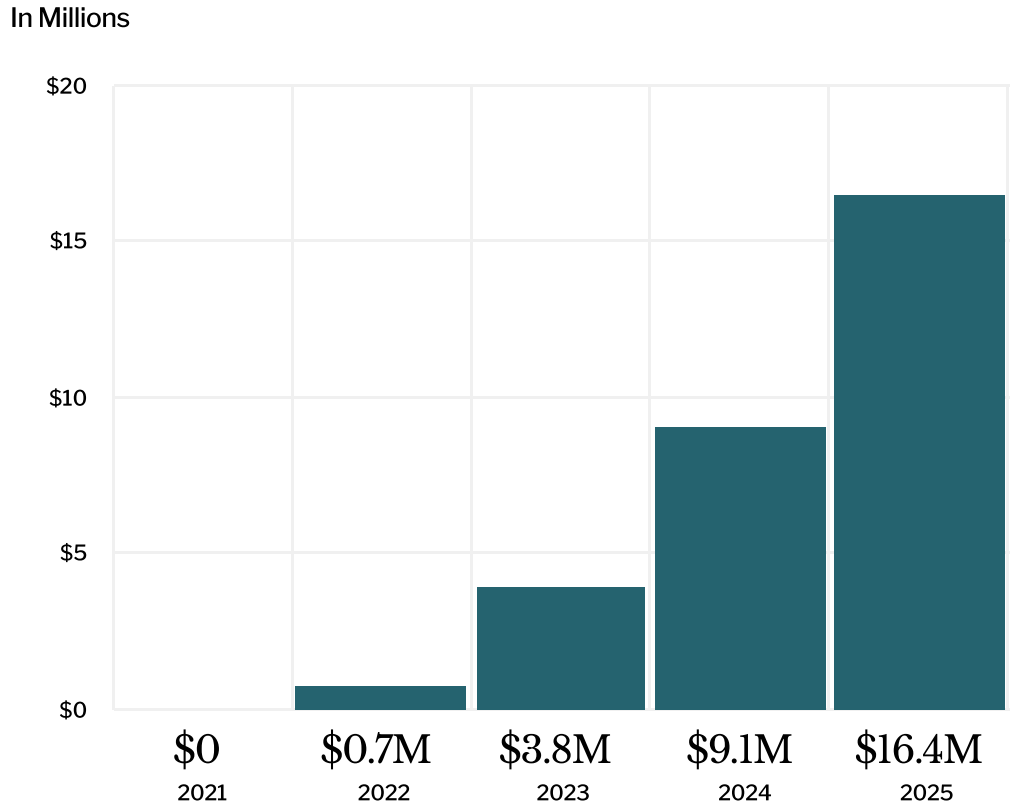
Amending Habitual Offender Laws in Louisiana

Louisiana / February, 2021

5-year impact in Louisiana

By restricting habitual offender sentencing to only individuals currently convicted of a violent or sex offense, Louisiana could save $16.4M, reduce the prison population by 342, and give 660+ life years back over the next 5 years. Cost avoidance is calculated using the average cost of incarceration of $24,615 per year.

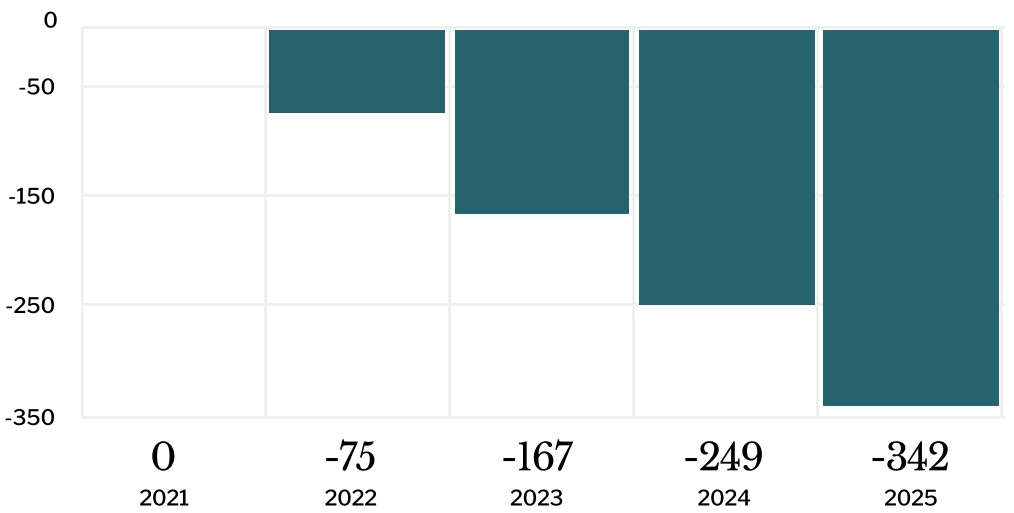
Incarceration cost avoidance (cumulative)



Projected population impact

-342
Fewer people in prison

660+
Life years back



The opportunity

Louisiana's habitual offender statute is one of many mandatory minimum policies adopted during the "tough on crime" era. As a result of these policies, Louisiana's prison population grew 152% between 1983 and 2015. Moreover, as of 2018, these policies have led Louisiana to have the second highest incarceration rate in the world and the ninth highest rate of adult African-American male imprisonment in the country. Amending habitual offender laws would help address these some of these racial disparities, and safely reduce Louisiana's prison population.

Currently, 5,000 individuals are serving sentences enhanced by the habitual offender statute, which costs the state $24K per capita, or $120M annually. People convicted under the statute are sentenced to an average term of 34.5 years; in contrast, the average sentence length of the total prison population is only 16.5 years. Additionally, 64% of "habitual offenders" are incarcerated for nonviolent crimes, with African-Americans representing nearly 80% of those sentenced.

While habitual sentencing leads to longer prison sentences, it fails to address the root cause of repeated offenses. 31% of individuals sentenced under this statute were incarcerated for drug offenses. Despite this, rehabilitation only accounts for 1% of the state's budget.

► Michigan

In 2002, Michigan enacted three Public Acts that eliminated mandatory minimum sentences for most drug offenses and placed these drug offenses within the state's sentencing guidelines. When applied retroactively, nearly 1,200 inmates were eligible for release. Two years after the reform, MI DOC deemed 82.8% of reform-related releases as "successful", a full 30% higher than the success rate for all other releases. It is estimated that these reforms saved Michigan more than $15M within two years.

► Kentucky

In 2011, HB 463 revised Kentucky's Penal Code and Controlled Substances Act to remove sentence enhancements for individuals convicted of a second or subsequent drug offense. This came in a broader package of reforms expected to save Kentucky $422 million over 10 years, allowing for reinvestment in mental health and drug rehabilitation programs.