

SENTENCING COMMISSION NEWS

October 1995 Issue 2

WELCOME TO SECOND EDITION OF NEWSLETTER

This is the second edition of the newsletter for the National Association of Sentencing Commissions. The purposes of the newsletter are to keep sentencing commission members, staff, and other interested parties updated on the progress of the Association; report developments in individual states; and present feature articles on issues relevant to sentencing and sentencing commissions.

REPORT FROM THE EXECUTIVE COMMITTEE

Initial Bylaws Adopted:

At the business meeting following the annual conference in Boston, the Association adopted a set of bylaws. Fifteen states and the United States Sentencing Commission were represented at the business meeting. Bylaws are required in order for the Association to proceed with incorporation. Copies of the bylaws may be obtained by calling Jane Haggerty of the Massachusetts Sentencing Commission at (508)-745-6610, extension 141.

The bylaws will be reviewed again at the next annual conference, resolving additional details as required. Please submit any suggested changes or additions to the bylaws to Jane Haggerty. As authorized by the bylaws, the Executive Committee is currently working on plans to establish a schedule and procedure for the assessment and collection of association dues.

ASSOCIATION MOVES FORWARD WITH INCORPORATION

The Executive Committee is proceeding with plans to incorporate the Association as a nonprofit entity and has enlisted the pro bono services of an attorney with incorporation law expertise. Once incorporation is accomplished, the Executive Committee will seek additional funding from the Bureau of Justice Assistance and/or other agencies. Additional suggestions or ideas concerning potential funding sources should be forwarded to Phyllis Newton of the United States Sentencing Commission at (202) 273-4510.

Next National Conference Planned

At the business meeting following the annual conference, it was decided to hold the next annual conference in Madison, Wisconsin. Madison was chosen to represent the Midwest region because the earlier two meetings had been held on the east and west coasts. Sandra Shane-DuBow (formerly with the Wisconsin Sentencing Commission) was selected to be the program chair and is responsible for the planning and organization of the conference. The conference will

be held from Sunday July 28 through Tuesday July 30, 1996. The conference will begin with a reception on Sunday hosted by the University of Wisconsin Law School. For those who find it convenient to arrive on Saturday, plans are being made to organize a visit to local sites including Frank Lloyd Wright's Taliesin. Further details will be provided early next year. In the meantime, if you have any questions or suggestions please call Sandra at (708)-866-8371.

Acting Officers Designated

In order to move forward with incorporation, it was necessary for the Association to have officers. Consistent with the bylaws, the Executive Committee has elected the following acting officers:

CHAIRMAN - Rob Lubitz (executive director of the North Carolina Sentencing and Policy Advisory Commission)

VICE CHAIRMAN - Phyllis Newton (staff director of the United States Sentencing Commission).

TREASURER - Sandra Shane-DuBow (former director of the Wisconsin Sentencing Commission and now a sentencing research consultant).

SECRETARY - Jane Haggerty (member of the Massachusetts Sentencing Commission).

Other members of the Executive Committee include John Kramer (Executive Director of the Pennsylvania Commission on Sentencing), David Factor (former Executive Director of the Oregon Sentencing Commission), and John Steiger (Research Director for the Washington Sentencing Guidelines Commission). In addition, John Steiger was given the responsibility of leading the Association's educational efforts.

The formal election of Association officers will take place at the next annual conference.

ASSOCIATION JOINS IN GRANT APPLICATION TO THE NATIONAL INSTITUTE OF JUSTICE: The Association has joined with the National Center for State Courts and the National Conference of State Court Administrators in submitting an application to the National Institute of Justice for funding under the "Research in Action Partnership Program."

The proposed Research in Action partnership is designed to serve three purposes:

- 1) Identify research issues most important and useful to policy makers;
- 2) summarize available research (including studies conducted by sentencing commissions) in a clear and concise manner directly geared to the needs of sentencing commissions, judges, and state legislators; and
- 3) prepare and disseminate a digest of relevant research by topic area.

If funded, the partnership will be administered by the National Center for State Courts with input from our Association and the National Conference of State Courts Administrators. For more information, contact Rob Lubitz at 919-733-9543.

SUMMARY OF SECOND NATIONAL CONFERENCE

(Submitted by Cynthia Kempinen of the Pennsylvania Commission on Sentencing)

The second National Conference of Sentencing Commissions was held July 24-25, 1995 in Boston, Massachusetts. There were eighty-four participants, representing twenty-five states, some of which were in the beginning stages of guideline development. In fact, the newly appointed director of the Michigan Commission spent his first day on the job at the conference!

Judge Robert Mulligan, Chair of the Massachusetts Sentencing Commission, provided the welcome and keynote address. Judge Mulligan noted the challenges ahead for their Commission, which was in the process of developing their sentencing guidelines.

Professor Michael Tonry started off the conference by moderating a panel session comprised of persons representing both a variety of states and a variety of perspectives. The format allowed Professor Tonry to ask the panelists questions concerning the challenges sentencing commissions face and how they deal with them. Issues such as the following were addressed: the various reasons states developed sentencing guidelines; the success of guidelines in controlling prison populations; how various states incorporated intermediate punishments into their guideline structure; and the presumptive vs. voluntary nature of guidelines. Because of Professor Tonry's vast experience and guideline knowledge, he kept the discussion focused, lively, and informative. Everyone agreed that such a session should be part of next year's conference.

The conference participants then broke into smaller sessions to allow for informal interaction and discussion. The topics addressed at this year's conference included: 1) truth in sentencing; 2) evaluation research; 3) commission mandates and writing sentencing guidelines; 4) judicial and prosecutorial discretion; 5) political challenges; 6) non-incarceration sentencing options; and 7) guideline training and implementation.

Professor Kevin Reitz, who co-authored with his father Professor Curtis Reitz the third edition of the American Bar Association Sentencing Standards, provided a very interesting educational luncheon speech for the conference attendees. Professor Reitz discussed the relative importance of various actors involved in the sentencing decision and how the influence of these individuals (e.g., judges, probation officers) and bodies (e.g., legislature; commissions) change depending upon the sentencing structure (e.g., mandatory sentencing; indeterminate sentencing).

The second day of the conference included a special federal plenary session, featuring Ms. Laurie Robinson, Assistant Attorney General and Director of the Office of Justice Programs, and Dr. Jan Chaiken, Director of the Bureau of Justice Statistics. Ms. Robinson reviewed the "truth in sentencing" aspect of the federal crime bill. The issue of interest to states with indeterminate sentencing, how to apply the 85% rule, was still undecided at that time and Ms. Robinson

indicated that input was still being solicited. Dr. Chaiken reviewed the National Criminal History Improvement Program and the expenditure of funds under the program. Dr. Chaiken also provided the Bureau's latest report on "Violent Offenders in State Prison: Sentences and Time Served."

The conference ended with the Business Session, which included a discussion of the Association's bylaws drafted by the Executive Committee. Some changes to bylaws were made as a result of the discussion. To provide continuity for the coming year, it was decided to maintain the current members of the Executive Committee.

Wisconsin was chosen as the site to host next year's conference, scheduled for July 28-30, 1996. Sandra Shane-DuBow is serving as program chair. Feedback from this year's conference indicated that most attendees would like to continue the informal format of the panel sessions with different topics being addressed at these sessions. Most people indicated that they would like next year's conference to include a panel providing an overview/update of where the various states stand with respect to their commissions/guidelines and an academic panel presenting research findings relevant to sentencing guidelines research. If there are any questions or comments concerning next year's conference, Sandra Shane-DuBow can be reach at (708) 866-8371.

FEDERAL SENTENCING REPORTER TO FEATURE STATE ISSUES

The November/December 1995 Issue of the Federal Sentencing Reporter will contain 10 to 12 articles discussing topics of interest to sentencing commissions across the country. Among the topics covered will be the informational needs of sentencing commissions; the exchange of information between states and the US Sentencing Commission; three strikes legislation and the role of sentencing commissions; political challenges to sentencing commissions; race and sentencing guidelines; the changing missions of sentencing commissions; and the creation of the NASC. Other articles will focus on recent amendments to Pennsylvania's guidelines and on Virginia's new "truth in sentencing" guideline system. Kevin Reitz, of the University of Colorado School of Law, will be the guest editor for the issue.

NEWS FROM THE STATES

ALASKA: Alaska's Sentencing Commission completed its work in June, 1993, with recommendations for follow up work in several areas. Last year, the Alaska Judicial Council, which had staffed the Sentencing Commission and is carrying out some of the recommendations, trained judges, prosecutors, attorneys, probation officers, and service providers in alternative sanctions. During the past year, the Council wrote two manuals to help the public understand the criminal justice system, provided training for judges on domestic violence sentencing, served on the Alaska Supreme Court's Day Fines Committee, assisted the Department of Corrections in rewriting and updating its policies and procedures, and began service on the Domestic Violence Planning Implementation Committee, which is the statewide committee to plan the expenditure of Violence Against Women Act funds. The Council also worked with other state agencies to continue the process of coordinating criminal justice information systems and putting criminal histories in easily accessible databases.

The manuals written by Council staff may be of special interest to other states. The victim's manual, modeled after a pamphlet published by Parents of Murdered Children, incorporates information about victim's particular needs into a brief description of the criminal justice system. The "Guide to Alaska's Criminal Justice System" is an original document that uses tables, charts, a glossary of terms, flowcharts, and text to describe the criminal justice system for the public. The guide lays out the events that happen in a typical case, summarizes the different roles of police, prosecutors, defense attorneys, judges, and corrections, and sets out the sentencing structure. Data about convicted offenders, a description of the juvenile justice system, and a directory of resources for people involved in the justice system complete the guide. Please feel free to ask for copies from the Alaska Judicial Council, 1029 West Third Street, Suite 201, Anchorage, Alaska 99501 (Phone: 907- 279-2526, or fax: 907- 276-5046).

ARKANSAS: The Arkansas Sentencing Standards have been in effect since January 1, 1994. The Sentencing Commission is seeking input from criminal justice practitioners as to possible changes that need to be made in the standards grid. The Commission will meet October 20, 1995, to consider these possible changes. Some of these changes were brought about by a "two and three strikes" bill passed by the General Assembly this year.

The Commission staff has been conducting training sessions throughout the state. These sessions include representatives from all areas of the criminal justice system (law enforcement, court personnel, probation officers, judges, prosecutors, and defense attorneys). The purpose of these classes is to develop a more unified system by making each facet more knowledgeable of the system as a whole.

FLORIDA: Criminal justice legislation and funding for additional prison beds remained at the forefront of the legislative discussions throughout the 1995 legislative session in Florida, beginning with January committee meetings. With a 22-18 Republican majority in the Senate, and only a six-member Democrat majority in the House of Representatives, compromise on the "get tough on crime measures" was difficult, but necessary.

Revisions to Sentencing Guidelines: Senate Bill 172 (Ch. 95-184, Laws of Florida), by Senator Locke Burt (R-Ormond Beach) and the Senate Committee on Criminal Justice, passed on the last day of the 1995 Regular Legislative Session. The bill was amended by the House to include large portions of its counterpart, House Bill 2671, by Representative Elvin Martinez (D-Tampa). The compromise legislation, referred to as the "Crime Control Act of 1995," increases sentence points for some primary offenses, additional offenses at sentencing, prison record, and victim injuries. Other significant provisions are the creation of a life sentence at 363 sentence points and increased sanctions for violation of probation and community control which are now referred to as "community sanctions." The bill also includes some procedural changes such as a reduction from 15 days to seven days after sentencing to file reasons for departure and a requirement that the sentencing judge sign the score sheet in addition to his or her approval of same. All of these changes will no doubt be expensive. Legislative staff estimate that 60,000 additional prison beds will be required over the next 10 years in order to satisfy the provisions of the guidelines legislation alone.

Stop Turning Out Prisoners: Provides in pertinent part that no prisoner is eligible to earn any type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release prior to serving a minimum of 85 percent of the sentence imposed.

Lawful Prison Capacity: Redefines the term "lawful prison capacity" for purposes of determining state prison population. The effect of the legislation is to increase the lawful capacity of state prisons to 150 percent of capacity.

It is anticipated that much of the debate during the 1996 Legislative Session will center on how to pay for the increase in prison beds.

KANSAS: The Kansas Sentencing Commission, working cooperatively with the Department of Corrections, is in the final stages of implementing the Prophet prison population projection model. The model will enable the Commission to perform population projections for the state and evaluate the fiscal impact of proposed sentencing legislation. The Sentencing Commission is currently examining various intermediate sanctions as an alternative to incarceration for a significant number of probation and parole violators. The 17 member Commission is chaired by the state's Attorney General, Carla J. Stovall. Barbara Tombs replaced Lisa Moots in June as Commission Director.

MASSACHUSETTS: The Massachusetts Sentencing Commission submitted its Interim Report to the Legislature in September 1995. This report summarizes the work of the Sentencing Commission since its inception in June 1994, including a statement of the principles guiding the deliberations of the Commission and a copy of the sentencing model adopted by the Commission. A separate Interim Report on Intermediate Sanctions has also been prepared for submission to the Legislature in October. Copies of the Interim Reports are available upon request.

MICHIGAN: Michigan's 19 member Sentencing Commission is in the process of developing guidelines that will be presented to the State Legislature for approval in July of 1996. The membership of the Commission includes 4 State Senators, 4 State Representatives and 2 Circuit Court (felony trial) judges. The remainder of the Commission includes 2 members of the general public, one prosecuting attorney, one criminal defense attorney, a member representing law enforcement, an advocate of alternatives to incarceration, a representative of crime victims, a representative from the Department of Corrections and from the Department of Management and Budget.

The Commission will develop and recommend a system of comprehensive sentencing guidelines that will minimize the potential for disparate sentencing across the state while at the same time provide for the most efficient use of the state's finite prison space. Above all, the Commission will develop a system of sentencing guidelines that will have as its main objective protection of the public from violent and repeat offenders.

MINNESOTA: The Commission forwarded a major proposal to the state legislature in the 1995 session to modify the guidelines to better ensure that state prison resources are reserved for violent offenders and to preserve truth in sentencing. While there was significant discussion and consideration by the legislature, it was determined that the proposal needed more study. The Commission has been working with a wide range of interested groups and organizations to further develop the proposal and gain broader support. These efforts have been encouraging and it is likely the Commission will advance a revised proposal to the 1996 legislative session.

MONTANA: The Montana Legislature created a Commission on Sentencing to study sentencing policies and practices in Montana, sentencing guidelines in other jurisdictions, and the advisability of adopting sentencing guidelines in Montana. The Commission has 16 members representing all participants in the criminal justice system. Mike Salavagni, Gallatin County Attorney, serves as the chair, and the Commission hired Tammy Plubell to serve as the Administrative Officer.

The Commission is in the process of adopting a work plan, drafting a public survey about the criminal justice system, and collecting statewide data reflecting the current sentencing and release practices. The Commission hopes to make a threshold decision about whether or not sentencing guidelines are advisable in Montana by May 15, 1996. The Commission also will study the impact of legislation that eliminates good time effective January 1, 1997 and creates two and three strikes penalties.

NORTH CAROLINA: During 1995, legislation was enacted to extend the Sentencing Commission for two years and to revise certain aspect of the new Structured Sentencing Law. These revisions enhanced penalties for certain violent offenses and provided additional sentencing options to judges when sentencing certain less serious offenses. At the same time, the General Assembly also funded additional expansion of prison capacity necessary to support these changes.

The Commission's Structured Sentencing Monitoring System is now operational. Under this system, information is reported and analyzed for every felon and misdemeanor sentenced in the

state. The Commission will issue bi-annual statistical sentencing reports (the first report covering the first six months of 1995 is scheduled for distribution in December).

Over the next year, the Sentencing Commission will be reviewing additional issues related to the structured sentencing law and will be developing recommendations for possible further revisions to the law. The Commission will continue to project future prison and probation populations and provide impact assessments for all proposed corrections-related legislation.

The Commission's chairman, Judge Thomas Ross, received an award from the Foundation for the Improvement of Justice related to his leadership of the Sentencing Commission.

OHIO: The Ohio Criminal Sentencing Commission's felony plan was signed into law on August 10, effective July 1, 1996. The Commission has been working on implementation of the new law, particularly assisting in local planning and the expansion of Ohio's continuum of sanctions. The Commission also has been working with statewide professional organizations (such as the Ohio Bar association and others) to train officials on the new law. The next tasks for the Commission is an overhaul of Ohio's misdemeanor system with an eye toward balancing jail space with sentencing policy. The recommendations will include a new scheme for suspending driver's licenses and a review of Ohio's drunken driving law.

OKLAHOMA: In 1994, the Oklahoma legislature established the Truth in Sentencing Policy Advisory Commission. Its purposes were to develop sentencing guidelines for felonies and misdemeanors under existing or possibly recodified law, to provide minimum mandatory percentages of sentence served for all offenses, to recommend alternative sentences under community sanction systems, and to create a data collection and analysis system for effective sentencing policy recommendations.

The Commission began effective operation in January 1995. It met frequently throughout the 1995 legislative session and produced interim legislation to be carried over into 1996 for final approval. Among its initial recommendations are an emphasis on imprisonment of violent and/or habitual offenders and an 80% minimum mandatory sentence served for all crimes, with post-release supervision and no parole. The current parole board will be phased out as current offenders leave the system, and the Oklahoma Prisons Emergency Powers Act will be repealed.

The Commission also is recommending adoption of sentencing matrices with given sentence ranges and types (including imprisonment, community incarceration, or straight probation). One "axis" of the matrix will focus on offenses and the other on prior record and offender characteristics. Separate matrices are being devised for drug, DWI, sex offenses as well as one for the remaining offenses. Offense/offender characteristics will involve the offender's prior record and elements of the particular offense, such as use of a firearm or vulnerability of the victim. Depending on applicability of these characters, offenders committing certain offenses will receive the sentences recommended in the matrix under most circumstances. Completion of the matrices is expected by September-October.

The Commission also is working with state legislators to create a revised and expanded state community corrections system. In addition, it is developing sentencing data collection forms for

future use and evaluation of sentencing policy and impact. The Commission is working with the state District Attorneys Council to establish a base-line data system for analysis of present sentencing practices. It also is working with the state Department of Corrections to ensure accurate prison population projections for legislative use in the coming session.

This coming legislative session, the legislature will need to address three critical issues; truth in sentencing, community corrections and recodification. All three issues are important to the criminal justice reform effort and as a result, the next legislative session will prove to be an exciting one. The Truth in Sentencing Commission stands as a full partner ready to assist the state in this reform effort.

OREGON: Oregon's 1995 Legislative Assembly abolished the Criminal Justice Council. The Council was the independent agency created in 1985, representing all three branches of government, responsible for the development, implementation, monitoring and amending of Oregon's sentencing guidelines. The Legislature replaced the Council with a new Criminal Justice Commission composed of seven citizen members appointed by the Governor, subject to Senate approval. The prison population forecast function of the Council was transferred to the same office in the Executive Department responsible for economic and revenue forecasting.

The Commission is charged with improving the effectiveness and efficiency of the criminal justice system through development of a long-range plan that encompasses public safety, offender accountability, crime reduction and prevention, and treatment and rehabilitation. The enabling legislation, House Bill 2704, specifies the minimum contents of the plan.

Other duties of the Commission are to conduct joint studies with other state agencies; to provide analytical and statistical information on state and local sentencing policies; provide technical assistance to the newly created local public safety coordinating councils; and continue the responsibilities of the Sentencing Guidelines Board.

An organizational meeting of the Commission is scheduled for October 17, 1995. The Executive Director of the Commission is Phil Lemman and the address and phone number is shown on the Commission Contact list included in this newsletter.

The other significant piece of legislation from the 1995 session is Senate Bill 1145. This measure creates public safety coordinating councils in every county with membership representing all participants in the local criminal justice system. The bill transfers responsibility for offenders previously sentenced to state prison for 12 months or less to the counties. These public safety coordinating councils are to establish local sentencing policy and capacity necessary to keep these offenders in the county of conviction.

A special legislative session is scheduled tentatively for January 1996. The purpose of this special session is to review the county plans and distribute the resources required to implement these plans. These resources include monies previously allocated for the state Community Corrections Act and dollars set aside to leverage the sale of certificates for participation in the construction of new local facilities.

PENNSYLVANIA: In August 1994, the Pennsylvania Sentencing Commission implemented revised sentencing guidelines that were the result of a comprehensive assessment. These guidelines incorporated major changes including refining the concept of intermediate punishment based upon program restrictiveness and expanding the recommendations for offenders eligible for such programs. The Commission continues to work to secure the estimated \$26.5 million needed to help counties successfully implement intermediate punishment programs, particularly drug treatment options. The new governor called for a special legislative session on crime last spring which resulted in the passage of 23 new crime bills with a 3 strikes bill imminently close to passing. The governor also has created a committee to develop a comprehensive corrections plan over the next 18 months to address the continuing problem of escalating prison populations.

John Kramer, the Sentencing Commission's Executive Director, will be dividing his time between Pennsylvania and Washington, D.C. over the next two years. He is directing a project at the United States Sentencing Commission that addresses evaluation of their sentencing guidelines.

Judge John L. Braxton, Chair of the Sentencing Commission, resigned from his judicial position, and thus the Commission, in order to run for Congress.

SOUTH CAROLINA: Under the leadership of the Speaker of the House and Chairman of the Sentencing Guidelines Commission, David Wilkins, the South Carolina Legislature passed Truth in Sentencing (requiring service of 85% of the sentence) for all offenses that carry maximum penalties of twenty years or more effective January 1, 1996. The original proposal called for Truth in Sentencing for all offenses that carry maximum penalties of one year or more sparking renewed debate over the need for sentencing guidelines. The concept of truth in sentencing was embraced enthusiastically by policy-makers, victims advocates, and the public in general; however, the Legislature recognized that moving from a system in which offenders sentenced to prison served about 25% to 33% of their sentences on average to serving 85% of their sentences without some mechanism to control or predict prison growth would be costly.

The Commission is working to develop advisory sentencing guidelines to complement Truth in Sentencing for all offenses with maximum penalties of one year or more. Although the Commission is still grossly under-funded by the state, a private grant from the Edna McConnell Clark Foundation has made it possible to proceed with the development of the database for use in constructing the guidelines and we remain hopeful that the renewed interest in guidelines over the past year will result in a healthier budget for the 1996-97 fiscal year. The Commission plans to file the guidelines legislation in January.

UTAH: The Utah Sentencing Commission has conducted an extensive study of the state's current mandatory minimum sentencing for sex offenders in order to make recommendations during the 1996 legislative session. The study has included nearly 50 public hearings and meetings all over the state to receive general public input and to meet with targeting organizations and experts. The Commission also has developed and is endorsing revolutionary changes to the juvenile sentencing and release guidelines and has endorsed minimum sentencing authority for juvenile court judges.

VIRGINIA: During the spring and early summer, the Commission staff conducted 55 training sessions in 12 locations around the Commonwealth. Approximately 2,000 judges, prosecutors, public defenders, probation officers, defense attorneys and other criminal justice system professionals attended the seminars.

The Virginia Legislature has directed the Commission to develop an offender risk assessment instrument, integrate it within the sentencing guidelines structure, and evaluate whether it can be an effective tool to guide judicial use of intermediate sanction programs designed for non-violent felons. The Commission recently received a grant under the Justice Department's Edward Byrne Assistance Program to support research on the development and application of the offender risk assessment instrument. Commission staff is in the final stages of developing and validating a computer simulation program that specifically models the guidelines and estimates required correctional resources. The Commission is charged statutorily with the responsibility to estimate the impact of any introduced legislation that might require additional correctional resources. The Commission will issue its first annual report in December 1995.

WASHINGTON: Governor Mike Lowry appointed Hubert G. Locke to chair the Sentencing Guidelines Commission. Dr. Locke is a faculty member and former dean of the University of Washington's Graduate School of Public Affairs, and served on the Detroit Police Commission during the 1960s.

The Washington Legislature enacted a citizen initiative expanding sentence enhancements for use of a firearm or other weapon in any felony. The initiative also requires the Sentencing Guidelines Commission to publish an annual report on the sentencing practices of individual judges.

The Washington Legislature enacted a law permitting judges to reduce the prison terms of first-time, small-scale drug sellers on condition that they receive treatment in prison and subsequently in the community. The new law was the product of four years of effort by the Sentencing Guidelines Commission. As of September 1, Washington courts have sentenced 30 people to life imprisonment without possibility of release under the nation's first "Three Strikes" law, a citizen initiative enacted in 1993. The average "persistent offender" is 37 years old; 47 percent are African Americans, compared to 18 percent of all those sentenced for felonies.

Washington's "Sexually Violent Predator" law has been declared unconstitutional in federal court. The 1990 law provides for involuntary commitment of certain sex offenders after their prison term, if a court finds they are likely to reoffend. The state is appealing the decision and the judge has declined to release any of the 31 people now confined under the law.

The Washington Sentencing Guidelines Commission has published a report on the costs of criminal justice in the state, and produced a 35-minute video featuring highlights of the findings. Both are available from the Commission (P.O. Box 40927, Olympia, WA 98504).

WISCONSIN: The Wisconsin Sentencing Commission, along with all other non-revenue producing commissions, boards, and councils, was eliminated with the passage of the state's biennial budget for 1995-97. The passage of the budget bill also eliminated the statutory

requirement that sentencing judges consult the Wisconsin sentencing guidelines when they pronounce sentence. Effective at the end of July 1995, sentencing guidelines are no longer in use in Wisconsin. Contact the former executive director, Sandra Shane-DuBow, for further information.

U. S. SENTENCING COMMISSION: On February 28, the Sentencing Commission issued its congressionally mandated report, Cocaine and Federal Sentencing Policy, that examined the differing penalties for powder and crack cocaine offenses. In March, the Commission submitted to Congress reports on fraud against the elderly, penalties for federal rape offenses, and willful exposure to HIV. In May, the Commission presented to Congress 27 amendments to the federal sentencing guidelines, including a recommendation to eliminate the 100-to-1 distinction between powder and crack cocaine (in October, the Congress disallowed this proposed amendment). The Commission's 1994 Annual Report, which provides extensive information on federal criminal cases sentenced under the guidelines, was distributed in May. In September, 425 people attended the Commission's symposium on corporate crime and the organizational sentencing guidelines.

The Commission is deeply involved in an assessment of the success of the guidelines in meeting their statutory objective and a comprehensive program to simplify guideline application. To that end, the Commission has contracted with two experienced state guideline experts: John Kramer (Pennsylvania) and Sandra Shane-DuBow (Wisconsin).

Wanted: Newsletter Articles

If you would like to submit an article for the newsletter, please call Rob Lubitz at 919-733-9543. Short articles relating to sentencing commissions, sentencing guidelines, or sentencing policy are encouraged.

NASC MOVES INTO THE ELECTRONIC AGE

(Submitted by Phyllis Newton, staff director of the United States Sentencing Commission)

Thanks to the goodwill of the Washington State Sentencing Commission, the National Association of Sentencing Commissions has been introduced to the electronic age through their bulletin board connection. Now, the bulletin board is moving, and will be housed at the U.S. Sentencing Commission. It can be accessed by dialing (202) 273-4709.

The bulletin board can succeed only if individual states will send their information to the following address:

NASC Bulletin Board

c/o U.S. Sentencing Commission
Thurgood Marshall Judiciary Building
One Columbus Circle, N.E., Suite 2-500
Washington, DC 20002-8002

This bulletin board provides the first step in establishing a central clearinghouse of information on structured sentencing that has been so desperately needed. Taking a thoughtful moment each month to consider which documents from your state would be useful to other states (with or without guidelines) will be a valuable asset to each of us.

And the good news is that this is just the first step. By January 1, 1996 the NASC will have its own folder on the U.S. Sentencing Commission's Internet connection.

To make these important efforts a success, we need your support. Think of the questions your program asked when it was starting and the questions it is asking now. Those are the kinds of information that can be helpful to guideline states, states thinking about guidelines or other structured sentencing programs, and states struggling to resolve legislative or research issues. Pitch in and help make this a valuable tool for everyone interested in structured sentencing.

COMMISSION CONTACT LIST

Alaska Judicial Council	Teri Carns 907-279-2526, Fax: 907-279-5046	1029 W. Third Avenue, Suite 201 Anchorage, AK 99501
Arkansas Sentencing Commission	Leslie M. Powell, Executive Director 501-682-5001, Fax: 501-682-5018	101 East Capitol, Suite 206 Little Rock, AR 72201
Delaware Sentencing Accountability Commission	Richard S. Gebelein, Chair 302-577-2400, Fax: 302-577-3440	820 N. French St., 4th Floor Wilmington, DE 19801
Florida Sentencing Commission	John N. Hogenmuller, Director 904-922-5085, Fax: 904-922-9185	Supreme Court Building Tallahassee, FL 32399
Kansas Sentencing Commission	Barbara Tombs, Executive Director 913-296-0923, Fax: 913-296-0927	Jayhawk Tower, 700 S.W. Jackson, Suite 501, Topeka, KS 66603
Louisiana Sentencing Commission	Carle Jackson, Director 504-925-4484, Fax: 504-925-1998	1885 Wooddale Blvd., Room 708 Baton Rouge, LA 70806
Massachusetts Sentencing Commission	Francis J. Carney, Jr., Executive Director 617-742-6867, Fax: 617-973-4562	Saltonstall Office Building, Room 902, 100 Cambridge Street, Boston, MA 02202
Michigan State Sentencing Guidelines Commission	Carlo P. Ginotti, Counsel/Administrator 517-373-0170; Fax: 517-373-0171	P.O. Box 30036 Lansing, MI 48909
Minnesota Sentencing Commission	Debra Dailey, Executive Director 612-296-0144, Fax: 612-297-5757	205 Aurora Avenue, Suite 205 St. Paul, MN 55103
Missouri Sentencing Advisory Commission	Tracy Knutson, Executive Director 314-721-5674	7463 Delmar, #1W University City, MO 63130
Montana Sentencing Commission	Tammy Plubell, Administrative Officer 406-444-3910, Fax 406-444-4920	P.O. Box 201301 Helena, MT 59620
North Carolina Sentencing & Policy Advisory Commission	Robin Lubitz, Executive Director 919-733-9543, Fax: 919-733-2991	P.O. Box 2472 Raleigh, NC 27602
Ohio Criminal Sentencing Commission	David Diroll, Executive Director 614-466-1833, Fax: 614-728-4703	513 E. Rich St., Suite 100 Columbus, OH 43215
Oklahoma Truth in Sentencing Advisory Commission	Paul O'Connell, Jr., Executive Director 405-858-7027 Fax: 405-858-7040	5500 N. Western, Suite 245 Oklahoma City, OK 73118

Oregon Criminal Justice Commission	Phil Lemman, Executive Director 503-378-2053	155 Cottage Street, NE Salem, OR 97310
Pennsylvania Commission on Sentencing	John Kramer, Executive Director 814-863-2797, Fax: 814-863-2129	P.O. Box 1200 State College, PA 16804
South Carolina Sentencing Guidelines Commission	Ashley Harwell-Beach, Director 803-734-1051, Fax: 803-734-1867	1015 Sumter St., P.O. Box 11643 Columbia, SC 29211
Utah Sentencing Commission	Edward S. McConkie, Director 801-538-1645, Fax: 801-538-9609	101 State Capitol Salt Lake City, UT 84114
Virginia Criminal Sentencing Commission	Richard Kern, Director 804-225-4565, Fax: 804-786-3934	100 N. 9th St Richmond, VA 23219
Washington Sentencing Guidelines Commission	Dick Van Wagenen, Executive Officer 360-753-3085, Fax: 360-753-6620	421 S. Capitol Way, Suite 203 Olympia, WA 98504
United States Sentencing Commission	Phyllis Newton, Staff Director 202-273-4510, Fax: 202-273-4529	One Columbus Circle, NE, Suite 2-500, South Lobby, Washington , DC 20002