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Dear Representative,

We are reaching out to you in response to HB 1091, which could come up for a vote in the House as early as today. Decarcerate PA strongly opposes HB 1091, which would expand the five year mandatory minimum sentences for possession of a firearm. It is disheartening—at a time when a large body of evidence and a growing national consensus is emerging against mandatory minimums—that the Pennsylvania Legislature appears to be headed in the opposite direction. Below are just some of the reasons why this legislation is ill-advised and should be actively opposed.

- **Mandatory minimums do not deter crime.** Numerous studies have shown that mandatory minimums are costly and counterproductive. For example, a [2013 study from Northwestern Law School](#) concluded that “decades of empirical research, including a recent meta-analysis reviewing over 29 separate studies of the effectiveness of policies and programs that attempt to reduce firearm violence, have established that ‘policies [like enhanced prison terms] rooted in the deterrence theory framework...have been shown to have little empirical support.” The study also found that mandatory minimums had no detectable effect on violent crime rates in Florida, Massachusetts, Michigan, and Virginia.
- **The Pennsylvania Commission on Sentencing warns against the use of mandatory minimums.** In their [2007 report](#), they found that “neither the length of sentence, nor the imposition of the mandatory sentence per se, was a predictor of recidivism,” and recommend rolling back some of the state’s mandatory legislation.
- **Mandatory minimums limit the discretion of judges, and eliminate their ability to consider any mitigating circumstances.** Pennsylvania’s Superior Court has deemed certain mandatory minimum sentences unconstitutional, removing some discretionary powers from district attorneys’ offices and restoring it to judges.
- **Even law enforcement leaders have come to see that mandatory minimums are overly punitive.** The organization Law Enforcement Leaders to Reduce Crime and Incarceration, a group of Police Chiefs and other members of law enforcement from across the nation, recently called on congress to “[reduce](#)

[mandatory minimum sentences set by law.](#)” According to their website, “Research has shown that increasing time served does not help keep the public safe. Studies show that longer sentences have minimal or no benefit on future crime. Even worse, research shows a strong correlation between increased prison time and repeat offenses.”

- **Mandatory minimums increase the prison population and add to corrections costs.** At a time when the state is already under pressure to decrease its prison population and rein in a \$2 billion corrections budget, this type of legislation only makes the problem worse.
- **HB 1091 is legally questionable, and possibly unconstitutional.** As it is written, the bill redefines firearm possession as a “crime of violence,” but only for people with previous felony convictions. This creates a two-tiered legal system where the nature of a crime can change depending on who is accused of committing it.

More mandatory sentencing laws will not make us safer. They will, however, add thousands of people to our already out-of-control prison population at a time when Pennsylvania cannot afford to build more prisons. Over the past 30 years, Pennsylvania's incarceration rate has increased by more than 500 percent, largely because of this kind of short-sighted, ineffective legislation.

Gun violence is a deep-rooted problem with tragic consequences. Like too many of our criminal-justice policies, this bill allows politicians to appear tough on gun violence without taking any real steps to address its root causes. If legislators are serious about stopping the violence plaguing our communities, they need to stop using failed approaches that keep prisons overcrowded and do not make our streets any safer.

We need legislators to invest in the things that we know create safe, sustainable communities—such as high quality schools, decent jobs, and accessible social services. **We hope that you will vote no on HB 1091 and encourage your colleagues to do the same.**

Sincerely,

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Decarcerate PA is a grassroots campaign working to end mass incarceration in Pennsylvania. We demand that PA stop building prisons, reduce the prison population, and reinvest money in our communities.