

# Oklahoma Must Reject Attempts to Rollback the Progress of SQ 780

By 2016, Oklahoma had the country's highest incarceration rate. Prioritizing treatment over incarceration, Oklahomans passed State Question 780 by a large margin, which reclassified simple drug possession and low-level property offenses from a felony to a misdemeanor. SQ 780 has been instrumental in safely reducing Oklahoma's prison population while improving public safety and freeing up much-needed resources for mental health services and substance use treatment. Oklahoma voters from across the political spectrum continue to overwhelmingly support those policy changes today.

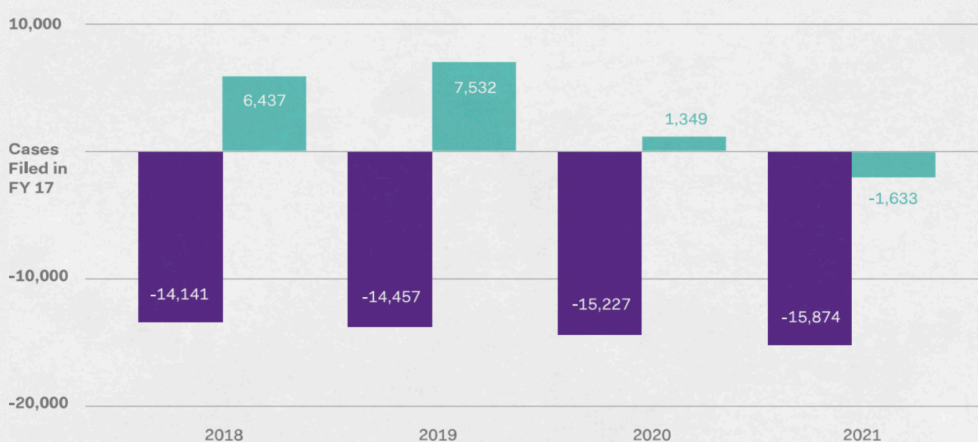
## SQ 780 addressed the sharp rise in felony convictions.

From 1978 to 2016, Oklahoma's prison population skyrocketed by 615%, from slightly over 4,000 people in prison to almost 30,000. Someone in Oklahoma was almost twice as likely to be in prison as someone in another state. Much of this growth was driven by a massive increase in felony filings. Even as the reported crime rate declined 14% between 2008 and 2016, the number of felonies filed in the state were at an all time high—rising 43%, from under 35,000 to almost 50,000.

Since SQ 780 went into effect, the number of felonies charged each year has declined by almost one-third, or over 15,000 cases.

**Since SQ 780 took effect, DAs have filed around 15,000 fewer felony cases each year, and are now filing fewer misdemeanor cases as well.**

Change in annual criminal cases filed in FY18 - FY21 compared to FY17



Source: Open Justice Oklahoma

● FELONY CASES ● MISDEMEANOR CASES

## SQ 780 has been a driving force in Oklahoma's prison population decline.

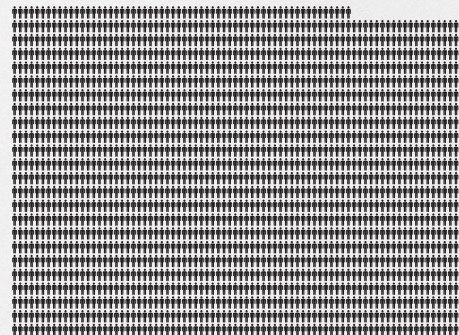
Prior to SQ 780, simple drug possession was the most common offense for people admitted to Oklahoma prisons. Because of the reform, 1,822 fewer people were admitted to prison for simple drug possession in FY 2021 than FY 2017. During this same period, annual admissions to prison for many of the most common property crimes declined by nearly half.

Overall, the number of people in prison for drug crimes declined by 62% in the last five years while the number of people in prison for property crimes declined 43%.

SQ 780 and the retroactive release of people in prison for eligible drug and property offenses through the passage of legislation (HB 1269) and commutations of old sentences played a critical role in safely reducing the prison population by more than 20%. The number of crimes reported to law enforcement in Oklahoma also continued to fall, declining 8.7% between FY 2017 and FY 2021.

**1,900**

Admissions to prison for simple drug possession in FY 2017



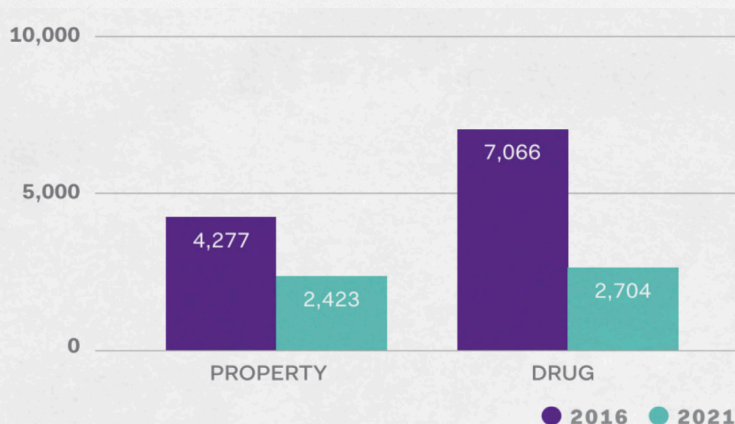
**78**

Admissions to prison for simple drug possession in FY 2021



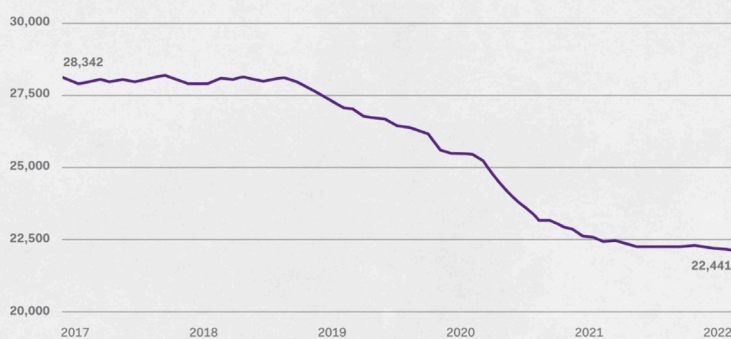
### The number of people in prison for drug crimes declined 62% and for property crimes declined 43% in five years.

People in prison by controlling type, FY16 vs. FY21



### Oklahoma's prison population declined 21% in five years.

Department of Corrections prison population, 2017-2022



Source: Oklahoma Department of Corrections, Weekly Counts, January 2017 to May 2022

## **SQ 780 has saved Oklahoma taxpayers millions by avoiding unnecessary incarceration.**

Prison savings from SQ 780 were estimated to be \$10.6 million in FY 2020, \$16.6 million in FY 2021, and \$19.9 million in FY 2022. These calculations do not factor in the savings to thousands of individuals each year from avoiding felony records, the tax gains from having thousands of people working instead of in prison, or the impact on their families.

These savings were intended to be reinvested into treatment and services, recognizing that incarcerating people struggling with substance use disorder, mental health conditions, and poverty does not make communities safer and wastes taxpayer dollars without addressing the root causes of crime.

## **SQ 780 is even more popular today yet attempts to rollback the reform have been introduced each year since.**

Voters approved SQ 780 by a margin of 58% to 42% in 2016. Recent [public opinion research from Public Opinion Strategies](#) shows that three-fourths (75%) of Oklahoma voters still support SQ 780, including 69% of Republican voters. Additionally, 79% support releasing people from prison who were convicted before drug possession became a misdemeanor.

Despite the overwhelming support, bills have been introduced that would rollback SQ 780 in every legislative session since its passage by making some types of simple drug possession a felony again, decreasing the felony theft threshold back to what it was before SQ 780, or creating significant carve outs or enhancements in the law to send more people to prison for low-level crimes. These bills have been consistently rejected by the legislature in the past and should be again this legislative session.

SQ 780 has resulted in significant and safe reductions in the prison population in Oklahoma and the state should not go backwards by passing legislation that would limit its impact.

**It is time for the Oklahoma legislature to once again reject attempts to rollback SQ 780 by refusing to pass legislation that would increase punishment for simple drug possession and low-level property offenses.**