



Criminal Legal System Policy Priority Brief

Criminal Justice Reform

What is Criminal Justice Reform?

Criminal Justice Reform involves changing the criminal justice system to ensure that it is equitable in preventing crime, providing public safety to all communities, and assessing penalties. It also includes finding alternatives to prison for nonviolent offenders and providing more support and resources for people to reintegrate into society after they have been incarcerated. Criminal justice reform aims to create a system that promotes justice, fairness, and safety for everyone involved.

Criminal Justice Disparities in the South

According to [SPLC Action](#), Southern states have increased their prison population by 127% from 1990 to 2019. The [Southern Center for Human Rights](#) reported that Georgia has over 525,000 individuals either incarcerated, on probation, or parole, resulting in one out of every eighteen adults being under some form of correctional supervision.

South Carolina maintains an incarceration rate of 678 per 100,000 individuals, meaning that it incarcerates a more significant proportion of its population than any other democratic country worldwide.^[iii] Southern states make up ten out of the top twenty states that have the highest incarceration rates in the country. Louisiana, “the incarceration capital of the world,” holds the most inmates locked up for life without parole. According to the [Prison Policy Initiative](#), “every single U.S. state incarcerates more people per capita than virtually any independent democracy on earth.”

There have been significant efforts at reform in prior years that bear mentioning for purposes of this brief. For example, in 2021, Alabama enacted the [Clean Slate Act](#) which expunges certain misdemeanor convictions after a certain period without re-offending. In 2023, Louisiana created new juvenile education [programs](#) that will help justice-involved children develop skills and

opportunities for educational development. In that same year, Louisiana also enacted the Mental Healing Justice for Incarcerated People Act, which aims to improve mental health treatment for incarcerated individuals in Louisiana and requires the provision of mental health screenings upon intake, referring those suspected of mental health for evaluation, offering mental health first aid training to employees, and facilitating the continuity of care for inmates with serious mental health issues upon release. In Texas, lawmakers voted in 2023 to allow the assessment of eligibility of certain inmates for supplemental nutrition assistance program (SNAP) benefits upon their discharge or release from incarceration.

While the above-referenced measures positively improve reforms related to the criminal system, there have also been efforts that have been regressive and imposed additional restrictions and laws that will negatively impact the progress made in these areas. For example, Florida lawmakers voted in 2023 to make it easier for defendants to be sentenced to death in that state, now requiring a determination of a specified number of jurors, rather than jury unanimity, for a sentencing recommendation of death. In 2023, Alabama added a host of mandatory minimum sentences for drug offenses in 2023. Mississippi also increased the minimum sentences for fleeing a law enforcement officer and carjacking in 2023. Virginia included petit larceny in its RICO and racketeering statute, which will lead to long prison terms for potentially non-violent crimes, while also expanding the definition and penalty for gang activity.

How Criminal Justice Reform Can Advance Equity in the South

Criminal justice reform improves equity in the South because African Americans often carry the burden of the high incarceration rates in the South. African Americans in the South historically have faced harsher treatment within the criminal justice system, including higher arrest rates, longer sentences, and limited access to resources for rehabilitation and reintegration. Reforming the criminal justice system is essential to dismantling these inequities and ensuring that all individuals are treated equitably under the law.

Legislative Efforts Related to Criminal Justice Reform

Of great significance during the 2024 legislative cycle was Louisiana's special session at the beginning of the year focused strictly on its criminal legal system. Newly-elected governor Jeff Landry made a campaign promise to be "tough on crime" and made good on his promises by convening the legislature to address violent crime, but effectively undid many of the progressive criminal legal system reforms enacted during the previous gubernatorial administration. House Bill 10 focused on increasing prison sentences; adding nitrogen gas to lethal injection as a method for execution and resurrected the use of the electric chair; rolled back the "Raise the

Age” law, now treating all 17-year olds charged with crimes, including misdemeanors, as adults; and eliminated parole for most people moving forward, with very few exceptions. As noted by the [Vera Institute](#) in a press release at the conclusion of the legislative session, the legislation enacted is very unlikely to do anything to increase public safety or reduce crime, but will “simply expand incarceration at great cost to the people of Louisiana.”

Other states have followed a similar path with other regressive measures enacted in the 2024 legislative sessions. A few examples have been provided below:

1. **Georgia:** [Senate Bill 63](#) added 30 charges to the list of crimes that require judges to impose a cash bail to release a person from jail before trial, including many minor and nonviolent offenses like shoplifting, forgery, etc. The new law also effectively bans charitable bail funds in the state, which many have seen as a direct attack on the “Stop Cop City” protest movement which has relied on bail funds to get arrested activists out of jail.
2. **Tennessee:** [House Bill 1931/Senate Bill 2572](#) prohibits local governments from altering police traffic stop policies, which effectuated the overturning of a Memphis ordinance that banned traffic stops for things like broken tail lights, often used as “pretext” for more extensive searches.