

Dear Legislators –

My son, Chandler Clark, is serving a fixed 4 plus 6 years as an inmate with the Idaho Department of Corrections; and has recently been transferred to Texas due to over-crowding. This is my son's first offense; he was not affiliated with any gangs, organized crime rings, nor was he a drug pusher. My son is a very intelligent, talented, athletic, and compassionate young man. He made some bad choices in high school, which led to a serious addiction to heroin.

When he was 19 years old he was arrested with 19 grams of heroin. At his level of addiction, using approximately 2 grams a day, it was the equivalent to approximately 9-10 days' worth. He was not arrested for selling. However, being in possession of only 2 grams automatically mandates a trafficking sentence under Idaho's drug laws. I had been working hard to get him the rehabilitation he needed, but the pull had been too strong up until that point. I felt a little relieved temporarily when he was arrested; as without the intervention I probably would have been burying him soon. Then I learned my addict son, in serious need of rehabilitation, was looking at spending 10 to life in prison. I was horrified knowing of cases involving murderers, pedophiles, and rapists getting out in only 2-5 years. With the mandatory minimums he would not be eligible for any diversion programs, such as drug court, or rehabilitation.

Once I could save enough money, I bailed him out. Chandler was out and clean for almost a year while we worked on his case. During that time he met his bond requirements, worked full-time, reestablished a relationship with his girlfriend from his football playing years. He found his own rehab by replacing his drug addiction with daily work-outs at the gym, and attended AA and NA meetings. Chandler had become a healthy, contributing member of society.

When Chandler's sentencing day arrived he had agreed to plead guilty for a reduced offer from prosecution. The fact that he was only 19 years old, charged with a non-violent, first offense drug charge didn't make any difference under Idaho law. The only thing that mattered was the volume of drug in his possession. After reviewing Chandler's case, reading letters from family and friends, and seeing what he had accomplished while being out for almost a year, the judge shared how distraught he was over this case; and had literally lost sleep over it. His hands were tied; he couldn't override the prosecutor's offer. He explained how he felt he should be able to provide sentences based on the individual and the crime versus the quantity of drug on him. With Idaho's mandatory minimums Chandler's Constitutional right to a fair trial was taken from him. Chandler would have more than likely received drug court or a rider for this first offense if the judge had any discretion. He could be out now living as a positive member of society.

Chandler had been doing as well as possible under the circumstances up until his recent transfer to the prison in Texas. Before that, he had worked his way into minimum security, got his GED, continued with his rehabilitating routine lifting weights; and was recommended to be moved to the Work Release Center. His family was visiting him daily. Now he spends 22 hours a day locked in a cell in Texas. No longer does he have access to gym equipment for his self-rehabilitation; and can no longer receive the support of his family through visits. The facility in

Texas is dilapidated and unsanitary. It was bad enough that my son was losing so many years of the prime of his life. Now he's having all his support taken away from him. I worry about prison ruining him. He's no longer positive with goals he was working towards while he was in Idaho. He won't be the same sensitive and compassionate human being with the hardening taking place from being surrounded by criminals 24 hours a day for many years.

This week I've heard terms like 'drug traffickers,' 'organized crime'; and statements that 'eliminating the mandatory minimums will increase drug activity and crime entering our state'. None of this pertains to Idaho's mandatory minimums. Major players in the illegal drug industry and organized crime would more than likely fall into Federal jurisdiction, not state anyway. Furthermore, eliminating mandatory minimums will not reduce sentences for these dangerous individuals, organizations, and true traffickers. Judges have always, and would continue to, be able to provide higher sentences when needed. Also, someone could find heroin within minutes in most cities and towns across our state. If our mandatory minimums were truly a deterrent, the current massive spike in heroin use would not be happening.

This bill is about giving judges back the authority they've earned and been voted in by our state to **impartially** review evidence, testimony, and other pertinent material provided by both prosecution and defense; and then rule on and sentence accordingly. Having all the power given to prosecution demonstrates a broken judicial system. The current laws aren't working; and almost always guarantee failure upon release of those serving these excessive sentences. Addiction is a serious illness requiring treatment and rehabilitation; and many years behind bars isn't going to help the situation for many. Idaho needs to start looking at rehabilitation for those that can be rehabilitated. HB581 would open up the opportunity for non-violent, first-time offenders to be sentenced to diversion programs like drug court for rehabilitation, or more reasonable sentences when deemed appropriate. This would also reduce the rate of recidivism for those capable of being rehabilitated; and reduce the major over-crowding issue Idaho currently has. In turn this will also save tax payers millions of dollars.

I ask that you please vote for HB-581 eliminating mandatory minimum drug sentences from our policies; and give the judges back the right to provide just sentences based on the individual and the crime committed, instead of a one size fits all sentence based solely on drug volume.

Thank you for your time and consideration.

LeeAnn Clark