

Minnesota Sentencing Guidelines Commission

Compilation of Abstracts of Literature Regarding Enhanced Sentences (Three Strikes) or Recidivism Rates for Repeat Violent Offenders

Abstracts

1. In a study done by BJS where prisoners were tracked for five years following release in 30 states, 67.8% of the 404,638 state prisoners released in 2005 in 30 states were arrested within 3 years of release, and 76.6% were arrested within 5 years of release (figure 1). Among prisoners released in 2005 in 23 states with available data on inmates returned to prison, 49.7% had either a parole or probation violation or an arrest for a new offense within 3 years that led to imprisonment, and 55.1% had a parole or probation violation or an arrest that led to imprisonment within 5 years. While prior Bureau of Justice Statistics (BJS) prisoner recidivism reports tracked inmates for 3 years following release, this report used a 5-year follow-up period. The longer window provides supplementary information for policymakers and practitioners on the officially recognized criminal behavior of released prisoners. While 20.5% of released prisoners not arrested within 2 years of release were arrested in the third year, the percentage fell to 13.3% among those who had not been arrested within 4 years. The longer recidivism period also provides a more complete assessment of the number and types of crimes committed by released persons in the years following their release.

Durose, Matthew R.; Cooper, Ph.D., Alexia D.; Snyder, Ph.D., Howard N.; *Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005-2010*; U.S. Department of Justice, Office of Justice Programs; Bureau of Justice Statistics; NCJ 244205; April 2014.
<http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>

2. In a 15 state study, over two-thirds of released prisoners were rearrested within three years. Overall, reconviction rates did not change significantly from 1983 to 1994. Among prisoners released in 1983, 46.8% were reconvicted within 3 years compared to 46.9% among those released in 1994. The reconviction rates for violent offenders reconvicted within 3 years was 41.9% for prisoners released in 1983 and 39.9% for prisoners released in 1994.

Reentry Trends in the U.S.; Bureau of Justice Statistics; September 8, 2016.
<http://www.bjs.gov/content/reentry/recidivism.cfm>

3. In November 2012, voters in California approved changes to the three strikes law, including the requirement that the third strike be a serious or violent felony, instead of any type of felony. In addition, a prisoner serving a third-strike sentence could petition the court to reduce the sentence to the equivalent of a second-strike sentence in some

instances. These changes contributed to the reduction of three-strike offenders in California state prisons by 10% between December 2012 (8,900 three-strike inmates) and June 2013 (8,000) (table 11). By June 2013, 26% of all inmates in California state prisons had their sentences doubled in length under the two-strike provision of the three-strikes law, and an additional 6% were serving three-strike sentences. Inmates serving the doubled sentence lengths of two strikes increased 4%, from 33,300 inmates in December 2012 to 34,700 in June 2013.⁴ This growth was mainly due to increased admissions of two-strike offenders, since many of the resentenced three-strike offenders had little time left to serve on their newly reduced sentences. The number and proportion of California state prisoners serving life sentences with and without parole increased from 25,100 inmates (14% of the total prison population) in June 2007 to 30,800 inmates (23%) in June 2013. In total, 55% of California inmates (74,200 prisoners) in June 2013 were serving sentences enhanced by either two strikes, three strikes, or life or death sentences, compared to 40% in June 2007 (69,900 prisoners).

Prisoners in 2013; U.S. Department of Justice, Office of Justice Programs; Bureau of Justice Statistics; NCJ 247282; September, 2014.

<http://www.bjs.gov/content/pub/pdf/p13.pdf>

4. Repeat offenders are perhaps the most difficult of criminal offenders for state and local criminal justice systems to manage. These offenders are considered unresponsive to incarceration as a means of behavior modification, and undeterred by the prospect of serving time in prison. For this reason, longer sentences for this group of offenders have a strong appeal to policy makers and the public. Supporters of Proposition 184 argued that imposing lengthy sentences on repeat offenders would reduce crime in two ways. First, extended sentences, also referred to as sentence enhancements, would remove repeat felons from society for longer periods of time, thereby restricting their ability to commit additional crimes. Second, the threat of such long sentences would discourage some offenders from committing new crimes.

Legislative Analyst's Office: California's Nonpartisan Fiscal and Policy Advisor; *A Primer: Three Strikes – the Impact After More Than a Decade*; October, 2005;

http://www.lao.ca.gov/2005/3_strikes/3_strikes_102005.htm

5. Legislation seeking to punish violent felony offenders – called Three Strikes and You're Out, meaning commit three felonies and you will be incarcerated for a lengthy minimum period – was pioneered by the states of Washington and California. In 1993, the ballot of Washington State included a proposal mandating life imprisonment without parole for offenders convicted for a third time of specified violent or otherwise serious felonies. Voters in Washington and California passed their ballot proposals, and by 1997 twenty-four other states and the federal government has passed mandatory minimum penalties laws. The rationale for this kind of legislation was said to be deterrence. Its proponents

argue that deterrence will be shown to be effective if severe and certain punishment is imposed on habitual offenders.

Opponents of mandatory minimum penalties argue that it is unrealistic to expect a habitual criminal to be knowledgeable of the laws and to make a rational, conscious decision not to commit another crime, that is, it assumes that all offenders make calculated decision about their future actions. The measure also relies greatly on a high probability of arrest and conviction. Others argue that incapacitation is the correct approach to take with habitual criminals, but this assumes that they will always be criminals, whereas studies have shown that this is a difficult matter to predict. Also, it ignores the fact that criminal careers do not usually extend beyond a certain age.

Three strikes legislation commonly provides a list of offenses that carry minimum penalties, sets out the number of strikes that must be satisfied to invoke the minimum penalty, and sets out the actual ultimate penalties.

Fortunately for the prison system (California initially was predicted to have to double its capacity for inmates), courts, and prosecutors have mitigated the rigor of three strikes laws, thus avoiding a penal crisis in the state. For example, a California prosecutor has the power to decide whether a third strike offense should be charged as a felony or a misdemeanor. If the prosecutor chooses to prosecute for a misdemeanor, then three strikes is not invoked.

Banks, Cyndi; Punishment in America: A reference Handbook; ABC-CLIO, Inc.; Santa Barbara, California; pg. 149-151; 2005.

6. The first attempt to estimate the relative cost effectiveness of different types of intervention in a consistent manner was published by RAND in 1996. That study used a relatively simple model and outcome data (reported in the evaluation literature) to estimate the potential costs and crime reduction benefits that might result from scaling up four different types of interventions and applying them to the appropriate populations in California. The study found three of the four interventions analyzed (parent training, Quantum Opportunities, and community programs for young delinquents) to be more cost effective in reducing serious and violent crime than was increasing sentence severity for the type of offenders eligible for Three Strikes sentencing.

Wilson, James Q.; Petersilia, Joan; Crime: Public Policies for Crime Control; Institute for Contemporary Studies; Oakland, California; pg. 103; 2002.

7. The distinction between deterrence and incapacitation is of paramount importance because of the differing implications that these two channels have for the effectiveness of policies such as “three strikes and you’re out.” Under such policies, repeat offenders are sentenced to extremely long prison terms designed to keep them off the streets permanently. If incapacitation is the operative factor, “three strikes” is not an efficient use

of prison space. Eventually, prisons will be overflowing with aging inmates, most of whom no longer pose a threat to society as a result of the natural declining age crime profile. If deterrence works, then “three strikes” is an extremely attractive policy because the threat of punishment deters the potential criminal from committing the crimes in the first place. Since fewer crimes are committed, the prison population may actually decline when “three strikes” is implemented. Between 1994 and 1998, California’s prison population grew at a rate only slightly above the national average and California’s violent crime per capita fell 30 percent, compared to 20 percent for the rest of the nation.

Wilson, James Q.; Petersilia, Joan; *Crime: Public Policies for Crime Control*; Institute for Contemporary Studies; Oakland, California; pg. 444-445; 2002.

8. Three strike laws provide very long prison terms for certain criminals with prior convictions of serious violent crimes. It is likely that the laws increase homicides because a few criminals, fearing the enhanced penalties, murder victims and witnesses to limit resistance and identification. With a state-level multiple-time-series design, we find that the laws are associated with 10-12 percent more homicides in the short run and 23-29 percent in the long run. The impact occurs in almost all 24 states with three-strikes laws. Furthermore, there is little evidence that the laws have any compensating crime reduction impact through deterrence or incapacitation.

Marvel, Thomas B.; Moody, Carlisle E.; *The Lethal Effects of Three-Strikes Laws*; Journal of Legal Studies; Vol. 30; January 2001.

<http://heinonline.org/HOL/LandingPage?handle=hein.journals/legstud30&div=10&id=&page=>

9. Using monthly data drawn from the 10 largest cities in California and an interrupted time-series design with nonequivalent dependent variables, the authors assessed the impact of California’s “three strikes and you’re out” law on the serious crime rate and on a control series measured as the petty theft rate. Overall, maximum-likelihood results indicated that the three-strikes law did not decrease serious crime or petty theft rates below the level expected on the basis of preexisting trends. Policy implications of these findings are discussed, and explanations are given as to why the effect of California’s three-strikes law was inconsequential in 9 of the 10 cities examined.

Stolzenberg, Lisa; D’Alessio, Steward J.; *“Three Strikes and You’re Out”: The Impact of California’s New Mandatory Sentencing Law on Serious Crime Rates*; Crime and Delinquency; Vol. 43, No. 4; October 1997.

<http://cad.sagepub.com/content/43/4/457.short>

10. We take advantage of the fortuitous randomization of trial outcome to provide a novel strategy to identify the deterrent effect exclusive of incapacitation. We compare the post-sentencing criminal activity of criminals who were convicted of a strikeable offense with

those who were tried for a strikeable offense but convicted of a nonstrikeable offense. As a robustness check, we also make this comparison in states without three-strikes laws. The identification strategy lets us estimate the deterrent effect nonparametrically using data solely from the three-strikes era. We find that California's three-strike legislation significantly reduces felony arrest rates among the class of criminals with two strikes by 17–20 percent.

Helland, Eric; Tabarrok, Alexander; *Does Three Strikes Deter? A Nonparametric Estimation*; *The Journal of Human Resources*; Vol. XLII, No. 2; Spring 2007.

<http://jhr.uwpress.org/content/XLII/2/309.short>

11. During the 1990s, in response to public dissatisfaction over what were perceived as ineffective crime reduction policies, 25 states and Congress passed three strikes laws, designed to deter criminal offenders by mandating significant sentence enhancements for those with prior convictions. Few large-scale evaluations of the impact of these laws on crime rates, however, have been conducted. Our study used a multiple time series design and UCR data from 188 cities with populations of 100,000 or more for the two decades from 1980 to 2000. We found, first, that three strikes laws are positively associated with homicide rates in cities in three strikes states and, second, that cities in three strikes states witnessed no significant reduction in crime rates.

Kovandzic, Tomislav V.; Sloan III, John J.; Vieraitis, Lynne M.; *“Striking Out” as Crime Reduction Policy: The Impact of “Three Strikes” Laws on Crime Rates in U.S. Cities*; *Justice Quarterly*; Volume 21, Issue 2; 2004.

<http://www.tandfonline.com/doi/abs/10.1080/07418820400095791>

12. In Ohio, the prison term imposed on an offender may be extended beyond the basic range for prison terms if the offender is determined to be a repeat violent offender (RVO). When the offender is determined to be a RVO, the court may impose upon the offender an additional definite prison term of up to 10 years. Ohio's statutory provisions governing penalty enhancements for RVOs have been altered recently by the Ohio Supreme Court's decision in *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, and by legislative amendments in House Bill 95, effective Aug. 3, 2006. At the time of the *Foster* decision, a RVO was a person currently being sentenced for committing or attempting to commit one of the following: aggravated murder, murder, involuntary manslaughter, a felony of the first degree that is not a drug offense, a felony of the first degree that is a drug offense if it involved an attempt to cause or resulted in "serious physical harm:" or a felony of the second degree that involved an attempt to cause or resulted in "serious physical harm." Additionally, the person being sentenced for such crime must have previously served a prison term for one of the following: aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration (in certain circumstances), a felony of the first or second degree that resulted in the death of a person or physical harm to a person. If the court found the offender to be a RVO, the court was required to

impose the longest authorized prison term for the offense currently being considered. The court was allowed to impose an additional definite prison term of up to ten years if the court found that the maximum sentence was "inadequate to punish the offender and protect the public from future crime" and was "demeaning to the seriousness of the offense." In *Foster*, the Ohio Supreme Court struck down the statute requiring the court to make findings before imposing an additional prison term, as unconstitutional pursuant to the U.S. Supreme Court decisions in *Apprendi v. New Jersey* (2000), and *Blakely v. Washington* (2004). The result was that courts would no longer have to make any findings before imposing an additional sentence on a repeat violent offender. As stated by the court, "judicial factfinding is not required before imposition of additional penalties for repeat violent offender.

Grendell, Judge Diane V.; *Repeat Violent Offenders Beware!*; Cleveland Bar Journal; Issue 76; pg. 6-7; November 2006.

13. To ascertain which considerations are properly relevant to the determination of how much to punish, we need to go back to the rationale for punishing in the first place. The negative consequences of punishment, consisting essentially of the pain experienced by offenders and the distress that this may cause to their friends or relatives, are outweighed by the benefits stemming from the imposition of criminal sanctions. Traditional utilitarian punishment theory stipulates that the positive effects of punishment come in three different forms: incapacitation, rehabilitation and deterrence. However, there is insufficient evidence to support the efficacy of punishment to achieve the goals of marginal general deterrence or incapacitation. The same applies in relation to specific deterrence. The available evidence supports the view that the recidivism rate of offenders does not vary significantly regardless of the form of punishment or treatment to which they are subjected. In particular, there is no evidence to show that the 'threat of a bigger whack next time around' will act as an effective specific deterrent - the recidivism rate of offenders does not vary significantly, regardless of the form of punishment or treatment to which they are subjected. On a more theoretical level, punishing recidivists more severely is repugnant because it violates the proscription against punishing twice for the one offense and involves punishing people for their character rather than their acts. In a system governed by the rule of law it is unacceptable to invoke such an arbitrary and nebulous notion as character to provide a criterion for criminal punishment.

Bagaric, Mirko; *What Sort of Mandatory Penalties Should We Have?*; Adelaide Law Review, University of Adelaide Press; South Australia; Vol. 23; pg. 113-140; 2002.

14. The "three-strikes" reverse-onus law is a measure that betrays Charter principles and would likely do very little to protect Canadians from violent crime any more than the current Dangerous Offender law already does. The "three-strikes" reform seems to bear a remarkable resemblance to Canada's first "three-strikes" habitual offender law. Those laws were eventually replaced with the current dangerous offender and long-term

offender regime because they faced many of the same criticisms and contained similar deficiencies of the "three-strikes" reform. Like those laws, the "three-strikes" reform indiscriminately targets a broad class of sexual and violent offenders for indeterminate detention without requiring the Crown to provide reasoned, empirically based proof that would indicate the offenders are in fact "dangerous."

Laplante, Jayson; *Playing Hardball with Repeat Offenders: Some Thoughts on the "Three-Strikes" Reverse Onus Dangerous Offender Law*; Manitoba Law Journal, University of Manitoba; Manitoba, Canada; Vol. 32, No. 2; pg. 65-112; 2008.

15. There are diverse opinions on both the Three Strikes principle and on the form of the law as was adopted in California. As has been shown, outcomes of its implementation aren't often unequivocal. The Three Strikes principle can certainly be one of the valuable instruments that can support the fight against crime. Recidivism has long been recognized as a legitimate basis for increased punishment. However, the Three Strikes Law as implemented in California has shown a good deal of evidence demonstrating that its application often produces disproportionate sentencing. Broad imposition of long-term imprisonment sentences will bring wasteful expenses that could be spent on crime prevention and rehabilitation, rather than retribution. To be a helpful measure of effective crime policy, it is necessary to reserve this extreme punishment only to the most consistent repeat offenders who are a real never-ending threat to the society and therefore need to be segregated. It is a hard task for the legislature to set a functioning definition that will be able to point at such a person. In contrast to the Three Strikes Law, it should probably be less general, based on precise, more detailed statutory rules reflecting more factors in respect of both the crime and the personality of the offender. It should obviously also reflect the length of time between the individual crimes and it should definitely be reserved only to serious or violent offences. Nevertheless, legal rules are not able to predict all possible situations, so certain discretion must be given to the judges in order to prevent cruelty and injustice.

Flidrova, Adela; *Three Strikes and You're Out*; Common Law Review; Vol. 7; pg. 5-7; 2006.

16. Offender Alex Delgado refused to plead guilty when a prosecutor offered a three-year sentence for three counts of armed robbery. Delgado refused the deal because of the consequences associated with California's "Three Strikes" law. In this case, the offered agreement from the Los Angeles prosecutor was a three-year sentence in return for two guilty pleas of armed robbery. Delgado refused, and instead made a counter offer where he would plead guilty to one count of armed robbery and serve a six-year prison sentence. Surprisingly, the prosecutor rejected Delgado's counter offer. Delgado was prepared to remain incarcerated for an additional three years in order to receive one less strike. California's "Three Strikes" law results in disparate treatment of criminal defendants because it allows first strike defendants to plea bargain without requiring rehabilitation, but then severely punishes them if they commit a new offense. The "Three

Strikes" law yields disproportionate results to all defendants that plea bargain, but particularly to first strike offenders.

Olson, Tina M.; *Strike One, Ready for More?: The Consequences of Plea Bargaining "First Strike" Offenders Under California's "Three Strikes" Law*; California Western Law Review; California Western School of Law; Vol. 36; pg. 545-570; 2000.

17. One might attempt to justify offense history as a mechanism to sort those offenders for whom incapacitation is socially beneficial in itself (apart from its deterrence effects) from those for whom it is not. That is, a history of repeated offenses may demonstrate that an offender has such an overwhelming propensity to recommit offenses and such an obliviousness to incentives to comply with law that the optimal option for society is simply to lock him or her up. This incapacitation rationale for penalty escalation may help explain the escalation from moderate prison sentences for a first or second offense to extraordinarily severe, draconian sentences for a next offense, as in the three-strikes-and-you're out model. The compliance benefits of penalty escalation may not be uniform for all categories of offenses. Notably, many people probably would regard "traditional" violent crimes such as assault as wrong even if the penalty regime did not reinforce that message of wrongfulness by means of penalty escalation. The existence of penalty escalation for such offenses may reinforce, and in that sense strengthen, the general perception that such violent offenses are wrongful. But given the many non-escalation-related reasons for the general perception that violent crime is wrongful, it is likely that penalty escalation plays only a modest role and, again, only as a reinforcement. To state the point differently, few people need three-strikes laws to know that murder or rape or assault is wrong.

Dana, David A.; *Rethinking the Puzzle of Escalating Penalties for Repeat Offenders*; The Yale Law Journal; Vol. 110; pg. 733- 783; 2001.

18. California is about to mark a decade of experience with its Three Strikes law. According to the law's proponents, it would result in "spectacular savings" for California and would keep "career criminals, who rape women, molest innocent children and commit murder, behind bars where they belong." An increasing body of empirical data suggests that those claims are wrong and that Three Strikes adds a significant number of inmates who are not especially dangerous, whose age indicates that they represent a low risk of violence, and who are increasingly expensive to maintain in prison-an expense that cannot be justified by additional social protection.

Vitiello, Michael; *Reforming Three Strikes' Excesses*; Washing University Law Quarterly; Vol. 82, No. 1; pg. 1-42; 2004.

19. Except for Kansas, all of the states that enacted strikes laws had preexisting statutes that targeted repeat violent offenders; the breadth of those earlier statutes will largely determine the effect of the new laws in each state. All of the statutes either increase the period of incarceration for violent crime, expand the number of crimes that are included in the violent crime category, or both. In some instances the period of incarceration has simply been changed from a range available to the sentencing judge for a particular crime to a fixed, mandated number of years. In the majority of states, the new legislation has reduced judicial sentencing discretion. The rapid expansion of three-strikes laws reflects the perception that existing laws did not adequately protect public safety in their application or outcome, that exceptional incidents had occurred that the new laws would address, or that the intent of current laws was being frustrated by other factors, such as prison crowding. It is unclear whether these perceptions were accurate and what impact the new laws would have. Early evidence, however, suggests that most of these laws will have minimal effects on their respective state prison systems. States have drafted these laws so that they would be applied to only the most violent repeat offenders. In most states, these offenders were already receiving lengthy prison terms under existing statutes. Only broadly defined two-strikes provisions such as California's have the potential to radically alter existing sentencing practices. Even in that state, judicial interpretations of the law recently supported by a state supreme court decision—as well as prosecutorial discretion in how the law is applied may blunt the anticipated increases.

Clark, John; Austin, James; Henry, D. Alan; *Three Strikes and You're Out: Are Repeat Offender Laws Having Their Anticipated Effects?*; *Judicature*; Vol. 81, No. 4; pg.144-149; January-February, 1998.

20. Laws providing guaranteed lengthy prison terms for violent career criminals, if properly written and applied, would materially increase public safety and improve our citizens' confidence in the criminal justice system. First, however, let me suggest a few conditions that should govern such measures: A "three strikes and you're out" statute is not a panacea and will not solve all the problems that face our law enforcement and criminal justice institutions. This type of measure does not substitute for expanded and better-utilized police resources, reform of the juvenile justice system, better management of prisons, revision of criminal evidence laws or common-sense attention to the root causes of crime. Those drafting three strikes legislation should remember the purpose of the concept: to keep repeat violent criminals out of circulation until they no longer are a danger to society. Therefore, it should apply to three violent offenses only and not to just any three felonies. Since many violent criminals "burn out" in middle or advanced age, the term for three-time violent offenders should be near 25 years to life, with provisions for release of those who have served 25 or more years if correctional officials certify they no longer are dangerous. Three-strikes measures can be complementary to, and do not conflict with, other sentencing reforms that are under consideration, such as requiring violent criminals to complete 85 percent of the sentence meted out by the judge before they could be released from prison. Such a provision actually could result in fewer offenders becoming subject to three-strikes prerequisites: Well-structured sentences for

early offenses, and an 85 percent serving requirement, reduce the opportunity for multiple-felony careers. The three-strikes law then serves as a "safety gate" to stop those offenders whose repeated criminality has not been ended by sound judicial sentences or appropriate lengths of imprisonment.

Meese III, Edwin; *Three-Strikes Laws Punish and Protect*, Federal Sentencing Reporter; Vol. 7, No. 2; pg. 58-60 ; September-October 1994.

21. "Three-strikes" provisions impose a mandatory life sentence without parole on offenders convicted of a third violent offense. In many instances such measures are constitutionally suspect, impose automatic life imprisonment for relatively minor crimes that may not warrant so harsh a penalty, and have the potential to disproportionately impact African Americans and other people of color. These proposals constitute bad public policy. They are unnecessary due to existing state habitual offender laws and federal sentencing guidelines for repeat or "career" criminals. They expensively retain low-risk geriatric prisoners without a corresponding benefit to society. They fail to effectively curb the crime rate, and, in some instances, may actually increase violent crime in America.

Taifa, Nkechi; "*Three-Strikes-And-You're-Out*" – *Mandatory Life Imprisonment for Third Time Felons*; University of Dayton Law Review; University of Dayton Law School; Vol. 20, No. 2; pg. 717-725; 1995.

22. The most important study to date forms the central part of Frank Zimring, Gordon Hawkins, and Sam Kamin's recently published book *Punishment and Democracy: Three Strikes and You're Out in California*. Their empirical findings shed significant light upon the debate about Three Strikes. While their findings suggest that Three Strikes probably provides limited deterrent effect, the authors ultimately conclude that it is probably not responsible for most of the decline in the crime rate in California between 1993 and 1999. Although the authors review several key concerns about the law, including the lack of transparency in the law's scope during its drafting, the long-term impact on the prison population, and the questionable effect that the initiative process has on policy relating to terms of imprisonment, the book also reminds us of the need for a supermajority to repeal or modify the law's provisions.

Vitiello, Michael; Review of *Punishment and Democracy: A Hard Look at Three Strikes' Overblown Promises*; California Law Review; University of California, Berkeley School of Law; Vol. 90; pg. 257-290; 2002.

23. This research pathfinder is a comprehensive guide of the recent trend in criminal law for enhanced sentences for repeat offenders-popularly called "three strike laws." Particular attention is given to California law because it is the most often cited example of this type

of law. The purpose of this pathfinder is to explain methodologies for research and to gather the most relevant and helpful sources for understanding the three strikes laws. This is an area where a lot has been published, and it can be difficult to pin point the best resources. An attempt has been made to provide sources on three strikes laws across the nation. However, because most sources focus on California, this pathfinder will pay special attention to that state's recidivist law and will begin by analyzing the particulars of the law. This pathfinder can also be a useful tool to aid in understanding the constitutionality of three strikes laws and the Supreme Court's most recent ruling in Andrade and Ewing. Understanding recidivist-sentencing schemes is important now that California's law has come under scrutiny by the Supreme Court. Although California's three strikes law passed judicial scrutiny, the Court's decision may have an impact on the recidivist statutes of other states.

Eaton, Lisa; *Three Strikes and You're Out: Enhanced Sentences for Repeat Offenders Research Pathfinder*, Legal References Services Quarterly; Vol. 22(4) 2003; The Haworth Press, Inc.