



FACT SHEET: Treatment Higher, Incarceration Lower in Misdemeanor States

There is no evidence to suggest that longer sentences deter or limit drug abuse. Data shows that states (and the District of Columbia) that charge drug possession as a misdemeanorⁱ have higher rates of treatment admissions and slightly lower rates of illicit drug use than states charging it as a felony.

Misdemeanor States Have Higher Drug Treatment Admissions Rates

In a comparison of 2010 treatment admissions rates and incarceration rates by state, of the 13 states that make drug possession a misdemeanor, seven were among the 20 states with the highest admission rates per capita, with New York, Massachusetts, Vermont, Iowa, and Wyoming all within the top ten.ⁱⁱ Three were among the 20 states with the lowest admissions rates.ⁱⁱⁱ Misdemeanor states had an average admissions rate of 969 per 100,000 people, whereas felony states had an average admissions rate of 766. (Misdemeanor states are shaded in the below tables.)

20 States with Highest Drug Treatment Rates	Treatment Admissions, Age 12+ (per 100,000)	Incarceration Rate (per 100,000)
U.S. Total	691	500
South Dakota	2,151	416
New York	1,873	288
Colorado	1,860	445
Connecticut	1,700	376
Massachusetts	1,545	199
Vermont	1,468	265
Oregon	1,443	361
Iowa	1,287	309
Wyoming	1,272	385
Alaska	1,147	340
Minnesota	1,142	185
Rhode Island	1,122	197
Maine	1,086	148
Nebraska	1,035	247
Missouri	962	508
New Jersey	941	286
Montana	918	378
Delaware	877	443
Maryland	853	387
Ohio	801	448

20 States with Lowest Drug Treatment Rates	Treatment Admissions, Age 12+ (per 100,000)	Incarceration Rate (per 100,000)
U.S. Total	691	500
Kentucky	604	458
Arkansas	578	552
Illinois	578	373
Hawaii	570	302
New Hampshire	554	209
Pennsylvania	540	403
Alabama	536	648
California	528	439
Indiana	438	434
North Dakota	434	226
New Mexico	425	323
Oklahoma	402	654
Virginia	391	468
Nevada	385	472
Arizona	379	572
Florida	295	556
Tennessee	219	432
Texas	183	648
Idaho	172	474
West Virginia	136	363

Lower Rates of Illicit Drug Use in Misdemeanor States

Data from the Substance Abuse and Mental Health Services Administration show that felony states and misdemeanor states have similar drug use rates.^{iv} Misdemeanor states had an average illicit drug use rate, excluding marijuana, of 3.49%, whereas felony states had an average of 3.73%. Among felony states with more severe penalties than California, the average rate rose slightly to 3.75%. In states that allow the longest sentences for simple possession, with upper boundaries of seven or 10 years, the average illicit drug use rate increased to 3.83%.^v

Percent of Illicit Drug Use Excluding Marijuana in Past Month, Age 12+, Misdemeanor States														
CA	DE	DC	IA	ME	MA	MS	NY	PA	SC	TN	VT	WV	WI	WY
3.94	4.20	4.53	1.81	2.98	3.38	3.08	3.54	3.11	3.09	4.27	4.00	3.78	4.15	2.96

ⁱ Delaware, Iowa, Maine, Massachusetts, Mississippi, New York, Pennsylvania, South Carolina, Tennessee, Vermont, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

ⁱⁱ Substance Abuse and Mental Health Services Administration, Table 1.2. Admissions per 100,000 population aged 12 and older: 2000-2010, available at <http://www.samhsa.gov/data/2k13/TEDS2010/TEDS2010STbl1.2.htm>; U.S. Department of Justice, Bureau of Justice Statistics, Prisoners in 2010, Appendix Table 9. Imprisonment rates of sentenced prisoners under jurisdiction of state and federal correctional authorities, 2009 and 2010, available at <http://www.bjs.gov/content/pub/pdf/p10.pdf>.

ⁱⁱⁱ Mississippi and the District of Columbia were excluded from SAMHSA's 2010 data due to missing or incomplete information. South Carolina and Wisconsin had admissions rates close to the national average.

^{iv} Substance Abuse and Mental Health Services Administration, Table B.6 Illicit Drug Use Other Than Marijuana in Past Month, by Age Group and State: Percentages, Annual Averages Based on 2007 and 2008 NSDUHs, available at <http://www.samhsa.gov/data/2k8State/AppB.htm#TabB-1>.

^v States with the longest possible sentences (up to seven and 10 years) for simple possession are Arkansas, Connecticut, Missouri, New Hampshire, Oklahoma, and Virginia.