



Statutory Definitions of Recidivism

Colorado Recidivism Interim
Committee
Aug. 2, 2023

Amanda Essex
Program Principal
Criminal and Civil Justice Program

National Conference of State Legislatures

- Non-profit, bi-partisan organization.
- Members are all 7,386 legislators and 30,000 legislative staff in 50 states, D.C. and U.S. territories.
- Offices in Denver and D.C.
- Among our goals - To provide legislatures with information and research about policy issues, both state and federal.
- NCSL tracks state policy developments in all public policy areas.



Defining Recidivism

Bureau of Justice Statistics



Starting Event

- Release from custody
- Program completion
- Placement on probation

Measure of Failure

- Arrest
- Arrest for a violent crime
- Conviction resulting from subsequent arrest
- Return to incarceration

Recidivism Window

- 6 months
- 1 year
- 3 years
- 5 years





“It is important to be cognizant of the pitfalls of comparison of recidivism rates among other states, as not all states have the same methodologies for analyzing recidivism, nor is there even a standard definition of recidivism. Some states use reconviction as their standard measure, others use recommitment. Some states only consider new charges recidivist events, not including violations of probation. Other states further require [people] to be originally incarcerated on a felony charge to be considered or resentenced to a specific minimum time for that [person] to be considered a recidivist.”

From [Recidivism in Delaware](#) report by Statistical Analysis Center, Delaware Criminal Justice Council (Dec. 2018)



Starting Event

Alaska

Release or the date of conviction, whichever is later

California

Release from custody or placement on supervision

Florida

Release from incarceration

Michigan

Release from incarceration, placement on probation, or conviction, whichever is later

Mississippi

Release from prison

Montana

Imposition of a sentence for a previous felony conviction

Oregon

Date of conviction (if not incarcerated) or release from incarceration

Tennessee

Released from incarceration

Utah

Released from prison

Vermont

Release from incarceration



Measure of Failure

Alaska	California	Florida	Michigan	Mississippi
Booked into or return to correctional facility	Conviction of a new felony or misdemeanor	Rearrest, reconviction, reincarceration, or probation revocation	Rearrest, reconviction, or reincarceration in prison or jail for a felony or misdemeanor offense or a probation or parole violation	Conviction of a new felony offense
Montana	Oregon	Tennessee	Utah	Vermont
Sentence for a new felony or violation of the terms of probation or parole, not including compliance violations	Arrest, conviction or incarceration for a new crime	Incarceration in a state or local facility	Returned to prison for a new conviction	Return to prison for a conviction for a new offense or a violation of supervision where sentence or time served on the violation is at least 90 days.



Three years

- Alaska
- Arkansas
- California
- Florida
- Georgia
- Mississippi
- Nebraska
- Oregon
- Tennessee
- Utah
- Vermont

Other windows

- Michigan – 2 windows
 - § 791.208a
 - “measured first after 3 years and again after 5 years”
- Montana – five years
- Nebraska – juveniles
 - one year





Defines recidivism as “a return to prison in Colorado for either new criminal activity or a technical violation of parole, probation or non-departmental community placement within three years of release.”

CO SB 23-157



Arkansas

Slight variation across code sections

Ark. Code § 12-1-101 (Title 12 – Law Enforcement, Emergency Management, and Military Affairs)

- (a) As used in this section, “recidivism” means a criminal act that results in the rearrest, reconviction, or return to incarceration of a person with or without a new sentence during a three-year period following the person's release from custody.
- (b) An entity that makes a recidivism report under this title shall use the definition of recidivism in this section for purposes of the recidivism report.



Arkansas

2023 Legislation

SB 495 (2023) amended § 5-4-101

Previously: (5) “Recidivism” means a criminal act that results in the rearrest, reconviction, or return to incarceration of a person with **or without** a new sentence during a three-year period following the person's release from custody...

Now: removed “or without” and added “or a revocation from parole or post-release supervision”



Adult and Juvenile Differences

Georgia

Juvenile

Ga. Code § 49-4A-1

(9) “Recidivism” means a conviction or adjudication of delinquency for an offense or crime committed within three years of being placed on probation or being discharged or released from a juvenile detention facility.

Adult

Ga. Code § 42-3-2

(g)(1) As used in this subsection, the term:

...

(B) “Recidivism” means returning to prison or jail within three years of being placed on probation or being discharged or released from a department or jail facility.



Adult and Juvenile Differences

Nebraska - NE R CT § 1-1001

Adult

“(A) Adults: As applied to adults, recidivism shall mean a final conviction of a Class I or II misdemeanor, a Class IV felony or above, or a Class W misdemeanor based on a violation of state law or an ordinance of any city or village enacted in conformance with state law, within 3 years of being successfully released.”

Juvenile

(B) Juveniles:

(1) As applied to juveniles, recidivism shall mean that within 1 year of being successfully released from a probation or problem-solving court program the juvenile has:

an adjudication for a violation, misdemeanor, or felony, for a traffic misdemeanor if over 14, a conviction as an adult for any of these offenses.



Washington State

- Not statutory
- Washington State Institute for Public Policy 2019 report on recidivism
- Glossary of terms includes:
 - Adjudication date/conviction date
 - At-risk date
 - Commitment
 - Confinement
 - Disposition date
 - Follow-up period
 - Incarceration
 - Recidivism event
- Image hyperlinks to report

March 2019

Washington State Adult and Juvenile Recidivism Trends: *FY 1995–FY 2014*

In 2011, the Washington State Institute for Public Policy (WSIPP) published a report analyzing trends in recidivism for adults released from prison in Washington State through the 1990s and early 2000s.¹ This report continues to be one of WSIPP's most frequently referenced and requested but has not been updated in the last eight years.

This report updates our 2011 findings. To maximize the use of this report for policy makers and justice system practitioners, we extended our analyses to include additional adult and juvenile populations and to include additional types of recidivism offenses. Our analyses include a review of statewide recidivism trends from fiscal year (FY) 1995–FY 2014.² In addition to presenting overall trends in recidivism, we present separate trends for different types of initial offenses and demographic characteristics.

The report is organized in three sections.

Section I provides an overview of the

Summary

Previous reports published by WSIPP have shown a gradual decline in recidivism for adults released from prison through the 1990s and early 2000s. This report updates our review of recidivism trends for adults released from prison and expands the scope of our report to include youth populations and additional adult populations.

This report provides a high-level overview of general changes in Washington State recidivism trends from FY 1995–FY 2014. The report analyzes recidivism for four samples of criminal justice-involved populations: adults convicted of a criminal offense, adults released from incarceration in prison, youth convicted of a criminal offense, and youth released from a commitment in a Juvenile Rehabilitation (JR) facility.

Consistent with our prior reports, our analyses found gradual declines in overall recidivism for all four populations from FY 1995–FY 2014. However, examination of recidivism trends by



Stay Connected

- [Learn](#) about NCSL training
- [Subscribe](#) to policy newsletters
- [Read](#) State Legislatures magazine
- [Listen](#) to an NCSL podcast
- [Watch](#) recorded policy webinars and training sessions
- [Attend](#) a meeting or training
- [Follow](#) @NCSLorg on social media





2023 Indy Legislative Summit



NCSL L E G I S L A T I V E
SUMMIT
INDY 2023



Aug. 14-16, 2023

Questions?



Amanda Essex

Program Principal

EMAIL

Amanda.Essex@ncsl.org

PHONE

303.856.1369

WEB

www.ncsl.org