

**Testimony: State of Michigan  
House Judiciary Committee**

**RE: HB4497**

**By: Linda Clark and Wesley Clark**

**Date: February 24, 2010**

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I want to thank you for your time, consideration and attention today. I strongly feel we should not pass legislation that would nullify Truth in Sentencing laws. Sixteen years ago, in 1993, my beloved husband, Kevin Clark, was murdered in a store robbery. Kevin was the father of our two young children, Wesley and Kasey, who were only 6 and 4 years old. As difficult as Kevin's death was, and is, and no criminal sentence for the perpetrators of this crime could diminish our impacts from the crime, we do take some consolations in the fact that our justice system convicted and sentenced these criminals to a certain number of years in Michigan's correctional facilities for their horrendous crime. That fact is at debate here, should we take that away from crime victims too, should we state one thing in our court of law and do another, is that not falsehood, or the perception of falsehood? Should we destroy the creditability that Truth in Sentencing bought to our justice system and replace it with deception?

Any violent individual that has committed, been convicted and sentenced for a violent crime needs to serve the entire minimum sentence for their crime against the victims and society as a whole. That is the reason Truth in Sentencing was enacted in 1998. I know because I spent five years spearheading the citizens' grassroots movement for these laws along with tens of thousands of other Michigan citizens that signed and supported the petition for Truth in Sentencing.

We, the citizens of Michigan including Michigan legislators understood then the importance of protecting our safety and having creditability in our justice system. We knew then and we know now that a high recidivism rate of 60% in Michigan is too high and we know that people should be the first priority in our government and their lives and their safety is paramount. We know that today too. And we still knew that victims of crime and society deserve no less than the truth in sentencing.

We should not panic and enact these bills (HB4497, 4498, 4999) because of the economic crisis and the challenge to balance the state budget. We are faced with tough decisions, although we never should make touch decisions at the cost to citizen's safety or weakening our justice system. "Justice is the principle of moral or ideal rightness; conformity to the law, the abstract principle by which right and wrong are defined", (Webster's Dictionary 1994). Justice is not only for the crime victims but for all rightful citizens.

To consider passing these bills would be an unforgivable travesty to crime victims, our community's safety and to our justice system. Truth in Sentencing laws should be keep alive in Michigan. Yes, crime rates are down some in the last decade from the rampant violence in the 90's, indicators that Truth in Sentencing laws are effective and working. In our need for a balanced budget we should not consider releasing violent prisoners early again. This would take us too many steps backwards in our fight to a sound, stable and

safe Michigan. We can not allow our justice system to be a tiger without teeth again, and we should not enact laws that depict deception, it is unjust.

The bills would have extreme impact on crime victims and citizens alike and that is why I would like to give my son, Wesley Clark, now at age 23, the last few minutes of my remarks because he knows the potential impacts and the implications these bills would cause.

(Wesley Clark's Testimony)

Good morning ladies and gentlemen of the committee on the judiciary. I have read the entirety of HB 4497, HB 4498, and HB 4499 and let me say I do not envy the jobs you and your staff have of reading those thrilling documents. However in reading the bills and gathering all of the opinions I possibly could about the proposed good time amendments to repeal truth in sentencing, I realized this is a decision only motivated by finances.

Financially, this decision is the epitome of a quick fix. It is a bad loan, much like the kind that put us into economic turmoil. We may save some money early on by not housing prisoners, but with some statistics as high as a 60% recidivism rate, we will again be housing them, with the added cost of an arrest, trial, public defenders, and the other judicial system costs.

When looking to balance our personal budgets, we often have to take out a mortgage for big purchases, homes, cars, and college. These bills we are discussing today seek to take out a mortgage to help balance our state budget, but the collateral is our public safety. Ladies and gentlemen, there truly is no monetary value we can put on public safety. No amount of money will ever allow me to see my dad at my college graduation, no amount of money will let him pick up the phone when I just want to talk to him, and no amount of money will ever bring him back to walk my little sister down the aisle on her wedding day.

Now I submit to this committee that we cannot allow any amount of money justify another family from feeling the grief of a tragic loss, like ours. The budget is a serious concern, and one I can appreciate, but we put our trust in you, the legislature, to make the tough decisions. This, is not a tough decision, this decision seems incredibly easy. If you are elected from a constituency which values the safety and well being of it's citizens, if you are from a district which finds violence and those who commit it to be unacceptable, then these bills are not a compromise we can agree to.

As a political follower, I cannot think of an issue more bi-partisan and universal than public safety. Let all of us remember here today, that the first right the founders gave us in the Declaration of Independence was to life. Please, reject these bills, protect truth in sentencing, and stand up for the rights of our communities to be free from violence. It won't bring my dad back, but it can help keep all of our loved ones safe. I would like to thank you for this opportunity and your time.