

Comparison of House Crack Cocaine Bills 110th Congress

<p>Rangel (H.R. 460) Crack-Cocaine Equitable Sentencing Act of 2007 22 co-sponsors</p>	<p>Jackson Lee (H.R. 4545) Drug Sentencing Reform and Kingpin Trafficking Act of 2007 32 co-sponsors</p>	<p>Scott (H.R. 5035) Fairness in Cocaine Sentencing Act of 2008 25 co-sponsors</p>
<p>Raises quantities that trigger mandatory minimums for crack cocaine offenses involving manufacture, distribution, or possession (21 U.S.C. § 841); or importation or exportation (21 U.S.C. § 960); equalizes crack and powder penalties</p> <ul style="list-style-type: none"> • 10 years: 5kg from 50g • 5 years: 500g from 5g 	<p>Raises quantities that trigger mandatory minimums for crack cocaine offenses involving manufacture, distribution, or possession (21 U.S.C. § 841); or importation or exportation (21 U.S.C. § 960); equalizes crack and powder penalties</p> <ul style="list-style-type: none"> • 10 years: 5kg from 50g • 5 years: 500g from 5g 	<p>No comparable provision</p>
<p>No corresponding provision</p>	<p>No corresponding provision</p>	<p>Amends 21 U.S.C. § 841(b) and 960(b) to eliminate the five and ten year mandatory minimum penalties for crack and powder cocaine</p>
<p>No corresponding provision</p>	<p>No corresponding provision</p>	<p>Amends 21 U.S.C. § (b)(1)(A) and (b)(1)(B) to reinstate probation and parole for crack and powder cocaine offenses</p>
<p>Amends 21 U.S.C. § 844(a) to eliminate the 5 year mandatory minimum sentence for simple possession of 5 grams of crack cocaine, equalizing crack and powder</p>	<p>Same as Rangel</p>	<p>Same as Rangel</p>
<p>Sentencing Commission shall promulgate conforming amendments.</p>	<p>Sentencing Commission shall review and amend, if appropriate, sentencing guidelines for an offense involving trafficking of a controlled substance including:</p>	<p>No corresponding provision</p>

	<ul style="list-style-type: none"> • Increasing enhancement for possession of a dangerous weapon • creating an enhancement for the use or brandishment of a dangerous weapon • creating an enhancement for the use, or threatened use, of violence 	
<p>No corresponding provision</p>	<p>Sentencing Commission shall review and amend, if appropriate, sentencing guidelines to take into account the culpability and role of the defendant</p> <p>For <i>aggravating</i> roles –U.S. Sentencing Commission shall consider whether:</p> <ul style="list-style-type: none"> • offense was part of pattern of criminal livelihood • the defendant is an organizer or leader of drug trafficking activities involving 5 or more persons • defendant maintained establishment • distributed to someone under 21 or pregnant • defendant involved someone under 18 or pregnant in offense • offense occurred in protected location • defendant bribed (or attempt) law enforcement • defendant imported • bodily injury or death occurred in connection with the offense • offense took place after 	<p>No corresponding provision</p>

	<p>previous felony drug conviction, or</p> <ul style="list-style-type: none"> • Any other factor <p>For <i>mitigating</i> roles whether:</p> <ul style="list-style-type: none"> • defendant had little knowledge of illegal action • defendant received little or no compensation • defendant motivated by impulse, fear, friendship, affection; otherwise unlikely • any maximum base offense level should be established for a defendant who qualifies for a mitigating role adjustment <p>Emergency authority to U.S. Sentencing Commission which may in its discretion promulgate amendments to conform with act and should do so that any amendments take effect simultaneously with effective date of the Act.</p>	
No corresponding provision	Offender Drug Treatment Incentive Grants authorizations	No corresponding provision
No corresponding provision	Grants for Demonstration Programs to Reduce Drug Use Substance Abusers authorizations	No corresponding provision
No corresponding provision	<p>Increased fines for major drug traffickers under 21 U.S.C. 841(b) and 960(b)</p> <p>Base offense levels: 1kg heroin; 5kg powder/crack cocaine; 100g PCP or 1kg PCP mixture; 10g LSD;</p>	No corresponding provision

	<p>400g N-phenyl-N-propanimide or 100g analogue; 1,000kg marijuana or 1,000 plants; 50g meth or 500g meth mixture</p> <ul style="list-style-type: none"> • First offense: to \$10 million from \$4 million for an individual; to \$50 million from \$10 million if defendant is other than an individual or both • If prior conviction for felony drug offense: to \$20 million from \$8 million for an individual; to \$75 million from \$20 million if defendant is other than an individual or both <p>Base offense levels: 100g heroin; 500g powder/crack cocaine; 10g PCP or 100g PCP mixture; 1g LSD; 40g N-phenyl-N-propanamide or 10g analogue; 100kg marijuana or 100 plants; 5g meth or 50g meth mixture</p> <ul style="list-style-type: none"> • First offense: to \$5 million from \$2 million for an individual; to \$25 million from \$5 million if defendant is other than an individual or both • If prior conviction for felony drug offense: to \$8 million from \$4 million for an individual; to \$50 million from \$10 million if defendant is other than an individual 	
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	or both	
No corresponding provisions	Authorization of appropriations to Departments of Justice, Treasury, and Homeland Security for prosecution of high-level drug offenses	No corresponding provision
No corresponding provision	Authorizes funds for DOJ for prosecution and report on prosecution of high level drug offenses	No corresponding provision
No corresponding provision	Prohibits retroactive application	No corresponding provision
No corresponding provision	No corresponding provision	Authorizes \$10,000,000 appropriation for each Fiscal Year 2009 through 2013 to provide pretrial diversion and post conviction drug courts at the federal level for drug offenders
No corresponding provision	No corresponding provision	Reauthorizes Drug Courts Grant program at \$50,000,000 appropriation for each Fiscal Year 2009 through 2013