

2009 Crack Cocaine Sentencing Legislation - Comparison of House Bills

Provision	Description	Current Law	Bartlett (H.R. 18)	Jackson-Lee (H.R. 265)	Scott (H.R. 1459)	Waters (H.R. 1466)	Rangel (H.R. 2178)	Scott (H.R. 3245)
Title		Anti-Drug Abuse Act of 1986	Powder-Crack Cocaine Penalty Equalization Act of 2009	Drug Sentencing Reform and Cocaine Kingpin Trafficking Act of 2009	Fairness in Cocaine Sentencing Act of 2009	Major Drug Trafficking Prosecution Act of 2009	Crack-Cocaine Equitable Sentencing Act of 2009	Fairness in Cocaine Sentencing Act of 2009
Drug Quantity Triggers	Changes mandatory minimums for powder and crack cocaine sentencing as they exist in both the Controlled Substance Act and the Controlled Substances Export and Import Act.							
<i>Crack Cocaine</i>		<i>10 Year Minimum</i> 50 Grams (100:1)	unchanged	5000 grams (1:1)			5000 grams (1:1)	5000 grams (1:1)
		<i>5 year Minimum</i> 5 Grams (100:1)	unchanged	500 grams (1:1)	Eliminates mandatory minimum sentences for any cocaine offense	Eliminates mandatory minimum sentences for drug offenses under 21 U.S.C. 841(b)(1)(A)	500 grams (1:1)	500 grams (1:1)
<i>Powder Cocaine</i>		<i>10 Year Minimum</i> 5000 Grams	50 grams (1:1)	unchanged			unchanged	unchanged
		<i>5 year Minimum</i> 500 Grams	5 grams (1:1)	unchanged			unchanged	unchanged
Simple Possession	Changes mandatory minimum for simple possession of Crack Cocaine under Section 404(a) of the Controlled Substance Act 21 U.S.C.844(a)	5 year mandatory minimum for at least 5 grams of crack cocaine	5 year mandatory minimum for at least 50 grams of cocaine, any form	Eliminates mandatory minimum	Eliminates all mandatory minimums for cocaine	Eliminates all mandatory minimums for drug offenses under 21 U.S.C. 844(a)	Eliminates the mandatory minimum for simple possession of cocaine base	Eliminates the mandatory minimum for simple possession of cocaine base
Prosecutorial Decision Making	Sets Attorney General's authority in prosecution of federal drug cases	Not Included	Not Included	Not Included	Not Included	Requires that any federal prosecution under the Controlled Substances Import and Export Act, or conspiracy to commit a crime under either; that involves low level amounts require the prior written approval of the AG	Not Included	Not Included
Enhancements: Aggravating Factors	Directs the United States Sentencing Commission to amend sentencing guidelines	Establishes role of commission to consider multiple factors in creating sentencing levels	Not Included	Mandates review; recommends provision of enhancements for offenses that involve dangerous weapons or violence and/or leadership role of defendant, and other factors	Not Included	Not Included	Not Included	Not Included
Adjustments	Directs the United States Sentencing Commission to amend sentencing guidelines	Establishes role of commission to consider multiple factors in creating sentencing levels	Not Included	Recommends consideration of mitigating roles in Sentencing Guidelines and directs compliance of Guidelines with new mandatory sentences	Not Included	Not Included	Instructs the Commission to amend the Guidelines to conform to the Act.	Not Included
Probationary Sentences	Changes the prohibition on sentences of probation for cocaine offenses	Probation not a possibility for cocaine offenses	Not Included	Not Included	Reestablishes possibility of probationary sentence for cocaine offenses	Reestablishes possibility of probationary sentence for cocaine offenses	Not Included	Not Included
Grants								
<i>Funding for Drug Treatment Programs</i>	Provides money to support programs aimed at the treatment of substance abuse within correctional facilities through grants, drug courts, and / or rehabilitative services	Not Included	Not Included	Establishes grant program to provide drug treatment and rehabilitative services within prisons, jails, and juvenile facilities. Authorizes \$10 million for each fiscal year from 2009 - 2010	Not Included	Not Included	Not Included	Not Included
<i>Grants for Demonstration Programs to Reduce Drug Use Substance Abusers</i>		Not Included	Not Included	Authorizes \$5 million for each of the fiscal years of 2009 - 2010 to establish grants to develop demonstration programs finding best practices for treating substance abusers within correctional facilities.	Not Included	Not Included	Not Included	Not Included
Fines	Increases maximum monetary penalties under the Controlled Substance Act and the Controlled Substances Export and Import Act		Not Included		Not Included	Not Included	Not Included	Not Included
<i>50 grams of Crack Cocaine</i>		<i>(individual, group)</i> <i>without prior conviction</i> \$4 mil., \$10 mil. <i>with prior conviction</i> \$8 mil., \$20 mil.		<i>(individual, group)</i> \$10 mil., \$50 mil. \$20 mil., \$75 mil.				
<i>5 grams of Crack Cocaine</i>		<i>without prior conviction</i> \$2 mil., \$5 mil. <i>with prior conviction</i> \$4 mil., \$10 mil.		\$5 mil., \$25 mil. \$8 mil., \$50 mil.				
Effective Date			Not Included	No earlier than 180 days after passage; no retroactive application	Not Included		Not Included	Not Included
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