



U.S. Sentencing Commission
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NEWS RELEASE

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**U.S. SENTENCING COMMISSION SEEKS COMMENT ON POTENTIAL
REDUCTION TO DRUG TRAFFICKING SENTENCES**
Requests Feedback on Proposed Amendments for 2013-14 Amendments Cycle

WASHINGTON, D.C. (January 9, 2014)— The United States Sentencing Commission voted today to publish proposed guideline amendments, including possible reductions to the sentencing guidelines levels for federal drug trafficking offenses. Another proposed amendment addressed implementation of the Violence Against Women Reauthorization Act of 2013.

The bipartisan Commission voted to seek comment on a proposed amendment to lower by two levels the base offense levels in the Drug Quantity Table across drug types in guideline §2D1.1, which governs drug trafficking cases. Commission analysis indicates that such a change in the guidelines would result in a reduction of approximately 11 months for those drug trafficking offenders who would benefit, resulting in a reduction in the federal prison population of approximately 6,550 inmates by the fifth year after the change.

With this reduction, the sentencing guideline penalties for drug traffickers would remain consistent with pertinent drug trafficking statutes, including existing 5 and 10 year statutory mandatory minimum penalties, by structuring the Drug Quantity Table based on levels 24 and 30 (which correspond to a guideline range of 51 to 63 months and 97 to 121 months, respectively), rather than the existing levels of 26 and 32 (which correspond to 63 to 78 months and 121 to 151 months, respectively).

“The Commission’s proposal reflects its priority of reducing costs of incarceration and overcapacity of prisons, without endangering public safety,” said Judge Patti B. Saris, Chair of the Commission.

A Commission study of offenders who received a reduced sentence pursuant to a similar two-level decrease in guideline levels for crack cocaine offenders in 2007 found no difference in recidivism rates for those offenders released early compared to those who served their full sentence.

“Like many in Congress and in the executive and judicial branches, the Commission is concerned about the growing crisis in federal prison populations and budgets, and believes it is

appropriate at this time to carefully consider the sentences for drug traffickers, who make up about half of the federal prison population,” Saris said.

“Our proposed approach is modest,” Saris said. “The real solution rests with Congress, and we continue to support efforts there to reduce mandatory minimum penalties, consistent with our recent report finding that mandatory minimum penalties are often too severe and sweep too broadly in the drug context, often capturing lower-level players.”

Consistent with its responsibility to respond to major legislation affecting federal crimes, the Commission voted to publish a proposed amendment responding to the Violence Against Women Reauthorization Act of 2013 (Pub. L. No. 113–4). The proposed amendment adds and modifies sentencing enhancements to address newly created offenses, aimed in part to address domestic violence against Native American women, for assault resulting in substantial bodily injury to a spouse, intimate partner, or dating partner and domestic assault by strangling or suffocating.

The Commission also asked for comment on whether the guidelines adequately address the environmental and other harms of drug production operations, in particular the cultivation of marijuana, and requested comments on issues related to the alien smuggling guideline and on resolving circuit court conflicts regarding the sentencing guidelines, among other matters.

The proposed amendments and issues for comment will be subject to a 60-day public comment period running through mid-March. A public hearing on the proposed amendments will be scheduled in Washington, D.C., on March 13, and a hearing concerning issues related to the reauthorization of the Violence Against Women Act will be held February 13. More information about these hearings will be available on the Commission’s web site at www.ussc.gov.

The proposed amendments are drawn from the final policy priorities the Commission unanimously approved in August 2013 (FR 78 FR 51820). A “reader-friendly” version of the proposed changes to the sentencing guidelines and issues for comment is available on the Commission’s web site, and the official text will be published in a forthcoming edition of the *Federal Register*.

The United States Sentencing Commission, a bipartisan independent agency in the judicial branch of the federal government, was organized in 1985 to develop a national sentencing policy for the federal courts. The resulting sentencing guidelines structure the courts’ sentencing discretion to help ensure that similar offenders who commit similar offenses receive similar sentences.

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