

Minutes of the March 8, 1994,
Telephone Conference of the United States Sentencing Commission

Richard P. Conaboy convened the telephone conference at 3:33 p.m. in the Commissioners' conference room. Chairman Richard P. Conaboy, Vice Chairman Michael S. Gelacak, as well as Commissioners Wayne A. Budd, Julie E. Carnes, Michael Goldsmith, and Deanell R. Tacha participated via telephone. Landya McCafferty, representing Vice Chairman A. David Mazzone, Mary Frances Harkenrider, representing Ex Officio Commissioner Jo Ann Harris, and Commissioner Michael Gaines, representing Ex Officio Commissioner Edward F. Reilly, Jr., participated via telephone. Staff Director Phyllis J. Newton, Deputy Staff Director Paul K. Martin, General Counsel John R. Steer, and Paul Hofer, Special Projects Director, participated at the Commission.

The purpose of the telephone conference was to address publication in the Federal Register of proposed amendments addressing possible factors relating to the sentencing of crack offenses that are not currently within the scope of the pending notice/request for comments.

Crack Report Implementation Amendments

The Commission agreed to publish in the Federal Register, with a 30-day comment period, issues for comment generally regarding (1) the appropriateness of adding specific offense characteristics to §2D1.1 to enhance sentences for violence and other harms associated with some crack and powder cocaine offenses as well as some other drug offenses; (2) whether and how to amend §2D1.1 for offenses involving the simple possession of crack cocaine; and (3) whether current sentencing enhancements for drug offenses involving underage or pregnant individuals should be made applicable to all drug defendants whose relevant conduct involved juveniles or pregnant individuals (see attached memorandum).

§4B1.1 Career Offender

The Department of Justice requested that the circuit conflict regarding career offender be published for comment. This amendment inserts additional background commentary explaining the Commission's rationale and authority for §4B1.1 (Career Offender). The Commission agreed to publish for comment the amendment in the Federal Register.

Chairman Conaboy adjourned the telephone conference at 4:14 p.m.