

Kit Spires

District No. 96 - Aiken-Lexington
Counties
P. O. Box 396
Pelion, SC 29123



326-D Blatt Building
Columbia, SC 29211

Tel. (803) 734-3010
Cell (803) 606-5749
Fax (803) 734-3104

Committees:

Medical, Military, Public
and Municipal Affairs,
3rd Vice Chairman
Rules

House of Representatives

State of South Carolina

U.S. Sentencing Commission
Public Comment
One Columbus Circle, NE
Suite 2-500, South Lobby
Washington, DC 20002-8002

Dear Judge Saris and Commissioners,

I am writing to urge you to make the drug guidelines amendment retroactive without the exceptions, conditions or carve-outs proposed by the Department of Justice. However well-intentioned these exclusions are, they are a form of one-size-fits-all justice. They will sweep way too broadly and deny relief to truly deserving prisoners. Judges have demonstrated that they are in the best position to evaluate whether an individual poses a threat to public safety. It is their job. They are ready to do it. They have done it before and we ask that you let them do it again.

Thank you for voting to lower drug sentences. The reasons you cited for reducing drug sentences starting November 1 also support making this change retroactive. Justice should not depend on the date someone was sentenced. When the new drug guideline goes into effect on November 1, no one will be excluded based on enhancements or criminal history. Rather, you leave to judges the task of enhancing sentences for prisoners who deserve additional punishment. We ask you to treat prisoners already sentenced under the guidelines in the same way. Those who received enhancements will still be forced to serve them. The judge can only reduce the drug portion of the sentence and, no one will be able to leave prison unless a federal judge is satisfied that the prisoner poses no threat to public safety.

In fact, allowing judges, not categories, to decide who is released early will enhance public safety: Prison overcrowding threatens public safety when it takes scarce dollars away from the important crime fighting work of the DOJ. Retroactivity will reduce the costs of over-incarceration and the burden of prison overcrowding without harming public safety. Many people serving drug sentences could be eligible to leave prison nearly two years early, saving hundreds of millions of dollars and thousands of sentence years.

We know that retroactive guideline amendments don't mean more crime: people who benefited from your retroactive "crack minus two" guideline change in 2007 did not reoffend more often than those who served their full crack sentences.

Thank you for considering my views.

Kit Spires
SC House 96