



U.S. Sentencing Commission
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NEWS RELEASE

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**U.S. SENTENCING COMMISSION VOTES
TO REDUCE DRUG TRAFFICKING SENTENCES**
*Commission Sends Amendments to Congress Including Provisions to
Implement the Violence Against Women Reauthorization Act*

WASHINGTON, D.C. (April 10, 2014) — The United States Sentencing Commission voted today at a public meeting to reduce the sentencing guideline levels applicable to most federal drug trafficking offenders. The Commission also voted to add new sentencing enhancements to implement provisions of the Violence Against Women Reauthorization Act of 2013.

The Commission voted unanimously to amend the guidelines to lower the base offense levels in the Drug Quantity Table across drug types. The drug guidelines under the amendment would remain linked to statutory mandatory minimum penalties. The Commission estimates that approximately 70 percent of federal drug trafficking defendants would qualify for the change, with their sentences decreasing an average of 11 months, or 17 percent, from 62 to 51 months on average.

The Commission this year has prioritized addressing federal prison costs and capacity with a continued commitment to public safety. The Commission estimates that the amendment reducing drug guidelines would reduce the federal prison population by more than 6,500 over five years, with a significantly greater long-term impact.

“This modest reduction in drug penalties is an important step toward reducing the problem of prison overcrowding at the federal level in a proportionate and fair manner,” said Judge Patti B. Saris, chair of the Commission. “Reducing the federal prison population has become urgent, with that population almost three times where it was in 1991.”

The Drug Quantity Table amendment would:

- Generally reduce by two levels the base offense levels for all drug types in the Drug Quantity Table in guideline §2D1.1, which governs drug trafficking cases;
- Ensure the guideline penalties remain consistent with existing five- and ten-year statutory mandatory minimum drug penalties by structuring the Drug Quantity Table so that offenders eligible for the five- and ten-year mandatory minimum penalties would receive base offense 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, respectively);

- Maintain 38 as the highest base offense level in the drug quantity table for the highest quantities of drugs;

“We have given careful consideration to public safety in making this decision today and will continue to monitor drug sentences to determine whether any additional modifications are needed,” Saris said. “Existing guideline and statutory enhancements increase guidelines sentences for career offenders and drug offenders who use firearms or violence.”

The amendment drew more than 20,000 letters during a public comment period, including letters from members of Congress, judges, advocacy organizations, and individuals. The Commission also voted today to prepare a study of the impact of making the drug amendment retroactive and will consider the issue as required by statute.

The Commission voted to amend the federal sentencing guidelines in response to the Violence Against Women Reauthorization Act of 2013 (Pub. L. No. 113–4). The amendment adds and modifies sentencing enhancements to address newly created offenses of assault resulting in substantial bodily injury to a spouse, intimate partner, or dating partner and domestic assault by strangling or suffocating.

“The Commission heard compelling testimony about the need for new sentencing enhancements to address escalating patterns of domestic violence, particularly in tribal communities,” Saris said.

The Commission also voted to include a new enhancement for high-level offenders involved in marijuana cultivation when it involves trespassing on public or private lands.

“Law enforcement officers and community leaders emphasized to us the harms to the environment and public safety resulting from marijuana cultivation on public and private lands,” Saris said. “For example, marijuana cultivation outdoors spreads chemicals like herbicides, pesticides, and rodenticides which can cause damage to land, enter the water table, and poison wildlife.”

The amendments will be transmitted to Congress by May 1, 2014. If Congress does not act to disapprove some or all of the amendments, they will go into effect November 1, 2014. More information about this process and the amendments approved today will be available on the Commission’s web site at www.ussc.gov.

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The United States Sentencing Commission, an 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.