

AMENDMENT NO. _____ Calendar No. _____

Purpose: To eliminate the increased penalties for cocaine offenses where the cocaine involved is cocaine base.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 1917

To reform sentencing laws and correctional institutions, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by _____

Viz:

1 At the end of title I, add the following:

2 **SEC. 110. ELIMINATION OF INCREASED PENALTIES FOR CO-**
 3 **CAINE OFFENSES WHERE THE COCAINE IN-**
 4 **VOLVED IS COCAINE BASE.**

5 (a) CONTROLLED SUBSTANCES ACT.—Section
 6 401(b)(1) of the Controlled Substances Act (21 U.S.C.
 7 841(b)(1)) is amended—

8 (1) in subparagraph (A)(iii), by striking “280
 9 grams” and inserting “5 kilograms”; and

10 (2) in subparagraph (B)(iii), by striking “28
 11 grams” and inserting “500 grams”.

1 (b) IMPORT AND EXPORT ACT.—Section 1010(b) of
2 the Controlled Substances Import and Export Act (21
3 U.S.C. 960(b)) is amended—

4 (1) in paragraph (1)(C), by striking “280
5 grams” and inserting “5 kilograms”; and

6 (2) in paragraph (2)(C), by striking “28
7 grams” and inserting “500 grams”.

8 (c) APPLICABILITY TO PENDING AND PAST CASES.—

9 (1) PENDING CASES.—This section, and the
10 amendments made by this section, shall apply to any
11 offense that was committed before the date of enact-
12 ment of this Act, if a sentence for the offense has
13 not been imposed as of such date of enactment.

14 (2) PAST CASES.—

15 (A) SENTENCE REDUCTION.—

16 (i) IN GENERAL.—In the case of a de-
17 fendant who, before the date of enactment
18 of this Act, was convicted of an offense for
19 which the penalty is amended by this sec-
20 tion and was sentenced to a term of im-
21 prisonment for the offense, a term of im-
22 prisonment may be reduced only if—

23 (I) the defendant has not been
24 convicted of any serious violent felony;
25 and

1 (II) the sentencing court, on mo-
2 tion of the defendant or the Director
3 of the Bureau of Prisons, or on its
4 own motion, upon prior notice to the
5 Government, after considering the fac-
6 tors set forth in section 3553(a) of
7 title 18, United States Code, the na-
8 ture and seriousness of the danger to
9 any person, the community, or any
10 crime victims, and the post-sentencing
11 conduct of the defendant, finds a re-
12 duction is consistent with this section
13 and the amendments made by this
14 section.

15 (ii) REQUIREMENT.—Any proceeding
16 under this subparagraph shall be subject to
17 section 3771 of title 18, United States
18 Code (commonly known as the “Crime Vic-
19 tims Rights Act”).

20 (B) REQUIREMENT.—For each motion
21 filed under subparagraph (A), the Government
22 shall conduct a particularized inquiry of the
23 facts and circumstances of the original sen-
24 tencing of the defendant in order to assess
25 whether a reduction in sentence would be con-

1 sistent with this section and the amendments
2 made by this section, including a review of any
3 prior criminal conduct or any other relevant in-
4 formation from Federal, State, and local au-
5 thorities.