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SENATE
CJS

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United States
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SENATE — CRACK
Guidelines

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

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Mtg w/ Gramms Staff 6/7 On Mand Min

- Ribbentrop
- Taylor
- Corwin

Det / Julie
Vicki
Grace
Dorothy

Julie Sent. Comm collects the data
only first quarter data is available

Vicki How guidelines operate w/ safety
valve & other mand minimums

Ribbentrop → questions about whether there is
a statutory min

The ~~absolute~~ ability of judges to
depart below guidelines when
utilizing safety valve.

2 level reduction proposed by
Commission in Crack Guidelines
new

Some guidelines give judges
discretion to give greater
sentences than the mand minimum

Courts can depart upward
Some cases guidelines direct Judge to do
this

Ribbentrop

Wonders how many cases are ^{well} above
the mand min ²

Vicki

They tend to clump on the guideline
grid
(the offense level)

Ribbentrop

Paul Martin at Sent. Comm. has
been helpful w/ stats

2 level reduction is before
Congress, now

also w/ Safety valve (cuz
Safety Valve was in already
only other emergency procedures by
Sent Comm after Crime Bill)

Quantity of drugs is not relevant
under the safety valve

Julie

5th Prong has been problematic to
the Dept.

1 case is on appeal in 10th C on this
issue

Where Dept. says Δ has not
been helpful but judge still
applies the safety valve

Judge "shall"
impose if finds
factors

3

Vicki

The safety ~~test~~ value is mandatory
(Ribbentrop very interested in this pt)

S. 3 → Hate Crime Bill
rewrites safety valve w/
additional prongs needed
to have it apply
Gramm will have his own
version