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Congress to impose 5 years for passing a joint

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The U.S. House Judiciary Committee will soon consider a bill that would create draconian mandatory minimum sentences for a variety of nonviolent drug offenses, including marijuana. If this bill becomes law, anyone convicted in federal court of the crime of "enticing" someone "who has previously been enrolled in a drug treatment program" to "possess" marijuana will receive a five-year mandatory minimum sentence.

In addition to the shocking joint-passing provision described above, the bill would also create a 10-year mandatory minimum sentence for a first-time conviction of distributing a small amount of marijuana to a person under 18 years of age ... and a 10-year sentence for a second offense of distributing marijuana to a person under 21. By comparison, the average time served by convicted rapists in this country is about seven years.

MPP does not condone the distribution of marijuana to minors, nor do we advocate the use of marijuana by people recovering from substance abuse problems. But we do believe that judges should have the discretion to determine whether or not offenders in these circumstances deserve to be imprisoned for sentences as long as five or 10 years. If these mandatory minimum sentences are enacted, judges' hands will be tied.

This bill has traction because it also contains a section that serves as the House Republican leadership's response to a recent U.S. Supreme Court ruling that made the Federal Sentencing Guidelines advisory, rather than mandatory.* The Republican leadership is highly motivated to pass this bill - and with it, the harsh new penalties related to marijuana.

The "Defending America's Most Vulnerable: Safe Access to Drug Treatment and Child Protection Act of 2005" (H.R. 1528) was introduced by House Judiciary Committee Chairman James Sensenbrenner (R-WI) on April 6, and it has already passed out of the House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security.

The bill will now be debated and voted on by the full House Judiciary Committee and - if the committee passes the bill - the full House will then vote on it.

Full Story [2].

Legal

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