

Assembly Joint Resolution

No. 47

Introduced by Assembly Member Donnelly

May 1, 2014

Assembly Joint Resolution No. 47—Relative to mandatory minimum sentencing.

LEGISLATIVE COUNSEL'S DIGEST

AJR 47, as introduced, Donnelly. Mandatory minimum sentencing. The measure would urge the Congress and the President of the United States to end mandatory minimum sentences for nonviolent drug offenses.

Fiscal committee: no.

1 WHEREAS, For most of the 19th and 20th centuries, federal
2 trial judges had broad, virtually unlimited sentencing discretion;
3 and
4 WHEREAS, The Sentencing Reform Act of 1984 established
5 the United States Sentencing Commission and directed it to
6 promulgate sentencing guidelines that would regulate and govern
7 a sentencing court's discretion. In some cases, the act eliminated
8 the court's discretion entirely by requiring a mandatory minimum
9 sentence for certain types of crimes; and
10 WHEREAS, These mandatory sentences have led to some harsh
11 results because they do not take into account the facts of the
12 individual case; and
13 WHEREAS, There is currently bipartisan support for the
14 removal of mandatory minimum sentences, at least in nonviolent
15 drug crime cases; and

1 WHEREAS, United States Senator Rand Paul of Kentucky
2 stated, “Our county’s mandatory minimum laws reflect a
3 Washington-knows-best, one-size-fits-all approach, which
4 undermines the Constitutional separation of powers, violates our
5 bedrock principle that people should be treated as individuals, and
6 costs the taxpayers money without making them any safer”; and

7 WHEREAS, Attorney General Eric Holder stated, “Too many
8 Americans go to too many prisons for far too long, and for no truly
9 good law enforcement reason”; and

10 WHEREAS, Grover Norquist of Americans for Tax Reform
11 stated, “the benefits, if any, of mandatory minimum sentences do
12 not justify this burden to taxpayers. Illegal drug use rates are
13 relatively stable, not shrinking. It appears that mandatory
14 minimums have become a sort of poor man’s Prohibition; a grossly
15 simplistic and ineffectual government response to a problem that
16 has been around longer than our government itself. Viewed through
17 the skeptical eye I train on all other government programs, I have
18 concluded that mandatory minimum sentencing policies are not
19 worth the high cost to America’s taxpayers”; and

20 WHEREAS, Former federal prosecutors have testified that
21 mandatory minimum sentences do not accomplish the purpose of
22 identification of high-level drug organization leaders by low-level
23 offenders; and

24 WHEREAS, In addition, the longer term incarceration of federal
25 criminals has led to one-third of the budget of the United States
26 Department of Justice being spent operating prisons; now,
27 therefore, be it

28 *Resolved by the Assembly and the Senate of the State of*
29 *California, jointly,* That the Legislature urges the President and
30 the Congress of the United States to end mandatory minimum
31 sentences for nonviolent drug offenses; and be it further

32 *Resolved,* That the Chief Clerk of the Assembly transmit copies
33 of this resolution to the President and the Vice President of the
34 United States, to the Speaker of the House of Representatives, to
35 the Majority Leader of the Senate, and to each Senator and
36 Representative from California in the Congress of the United
37 States, to the Governor of California, and to the author of this
38 resolution.

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