

STATE REPRESENTATIVE
36th DISTRICT
JEANNE KOHL
MAJORITY WHIP

State of
Washington
House of
Representatives



EDUCATION
ENVIRONMENTAL AFFAIRS
JUDICIARY
TRANSPORTATION

038

March 17, 1994

Judge William Wilkins, Jr.
United States Sentencing Commission
One Columbus Circle, N.E., Suite 2-500, South Lobby
Washington, D.C. 20002-8002

Re: U.S. Sentencing Commission Hearings on Adjustment of Sentencing
Guidelines on Marijuana Growing on Federal Lands.

Dear Judge Wilkins:

I am writing as a member of the Washington State House of Representatives Judiciary Committee. As I understand, the U.S. Sentencing Commission is receiving public comments through March 18 before conducting hearings beginning March 24.

Overall, I am very concerned about the present system of imposing mandatory minimum sentences of five years and ten years based on use of a cookbook list of x number of marijuana plants equaling x amount of weight determining x number of months in prison. This system seems particularly inequitable when contrasted with the penalties imposed for growing marijuana on state or private lands. Neither does it seem very practical to clog the correctional facilities with non-violent offenders, leaving insufficient space for violent offenders.

We in Washington state are currently facing this problem. Our legislature had passed the Omnibus Drug Act of 1989, requiring cookbook type of standards for sentencing. However, unlike the federal system, we do provide some discretion to the judge, an option of imposing sentences below the standard range on the basis of mitigating, case-specific factors (not because the judge believes the mandatory minimum sentence to be unfair). Even so, we now find our prisons brimming with inmates convicted of drug-related offenses, leaving insufficient room for those convicted of violent crimes.

Thus, I urge the Sentencing Commission as well as the Senate Judiciary Committee to make changes in the sentencing guidelines for drug-related offenses. The "War on Drugs" produced even more severe sentencing standards at the federal level than the already severe standards established at our state (and many other states) level. With the increasing rate of violent crimes being committed -- especially by our youth and of a random nature -- it is time to reshift our priorities and redirect our resources to deal with this deadly phenomenon.

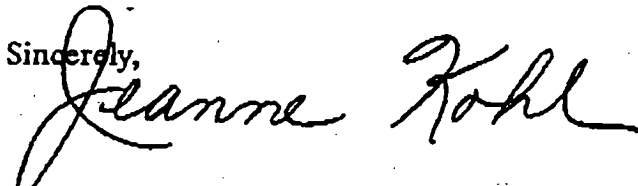
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Also, I urge the Commission to make the changes retroactive, as was done with the change in sentencing standards for LSD possession.

As both a state legislator serving on the House Judiciary Committee and as a sociologist on the faculty at the University of Washington, I strongly believe that five- and ten-year mandatory minimum sentences too frequently reap unintended consequences that are dysfunctional for convicted individuals and for protection of our citizens. Locking up someone for five years minimum may in effect be counterproductive for his or her rehabilitation and becoming a contributing citizen, as well as resulting in taking up space that could be used for incarcerating a violent offender who presently is likely to be let off due to lack of prison space. I believe that imposition of more equitable punishments accompanied by rehabilitation efforts make more sense fiscally, and in preventing recidivism.

I thank you for considering my input. I would be please to provide further comment if you wish.

Sincerely,



JEANNE KOHL
State Representative
36th District