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3 Title: Address Disproportionate Sentencing for Drug Offenses
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5 Introduced by: Nicolas K. Fletcher MD, MHSA, for the Wayne County Delegation
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7 Original Author: Nicolas K. Fletcher, MD, MHSA
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9 Referred To: Reference Committee B
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11 House Action: **APPROVED**
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14 Whereas, crack cocaine is no more dangerous than powdered cocaine, it presents different
15 dangers because it is smoked or injected while powder cocaine is snorted, and
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17 Whereas, current sentencing disparities would land a powder-cocaine offender in prison for
18 one day and put a crack-cocaine offender behind bars for 18 days (1:18) for possession of the same
19 amount, and
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21 Whereas, five grams of crack cocaine is punished like 90 grams of powder cocaine, and
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23 Whereas, the crack and powder cocaine sentencing disparity has disproportionately
24 impacted people of color for the past three decades, a vestige of the War on Drugs, and
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26 Whereas, eighty-five percent of offenders convicted under the crack cocaine sentencing law
27 (Anti-Drug Abuse Act of 1986) are Black Americans, and
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29 Whereas, the War on Drugs continues to disproportionately consume human potential and
30 inflict trauma and suffering on communities of color despite wide-ranging evidence of its
31 misguided origins and devastating impacts, and
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33 Whereas, incarceration is linked to adverse health effects extending far beyond prison walls,
34 and
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36 Whereas, people who have been incarcerated face higher rates of mental illness, substance
37 use disorder, communicable diseases, and chronic diseases, and
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39 Whereas, individuals incarcerated have lower life expectancies, with each year in prison
40 taking two years of life, and
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42 Whereas, the majority of an estimated five hundred thousand people incarcerated for drug
43 offenses are arrested for simple possession, a nonviolent crime, and
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45 Whereas, 74 percent of the public (majorities across the political spectrum) support ending
46 the sentencing disparity between crack and powder cocaine offenses; therefore be it
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48 RESOLVED: That the Michigan Delegation to the American Medical Association (AMA) ask
49 our AMA to actively lobby for federal and state legislation aimed at eliminating the national crack

50 and powder cocaine sentencing disparity (from 18:1 to 1:1) and apply it retroactively to those
51 already convicted or sentenced; and be it further

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53 RESOLVED: That the Michigan Delegation to the American Medical Association (AMA) ask
54 our AMA to collaborate with appropriate stakeholders, including, but not limited to, courts,
55 government agencies, professional organizations, and criminal/social justice organizations to
56 advocate for addressing excessive legal punishments for low-level, nonviolent drug crimes at state
57 and federal levels.

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60 WAYS AND MEANS COMMITTEE FISCAL NOTE: \$1,000-\$2,000

Relevant MSMS Policy:

Resentencing for Individuals Convicted of Marijuana-Based Offenses

MSMS supports the expungement, destruction, or sealing of criminal records for marijuana offenses committed prior to Michigan's adult-use marijuana law adopted by ballot initiative in 2018 and now considered legal. Additionally, MSMS supports the elimination of violations or other penalties for persons under parole, probation, pre-trial, or criminal supervision for marijuana offenses committed prior to Michigan's adult use marijuana law adopted by ballot initiative in 2018 and now considered legal.

Relevant AMA Policy:

Expungement, Destruction, and Sealing of Criminal Records for Legal Offenses Related to Cannabis Use or Possession H-95.910

1. Our AMA supports automatic expungement, sealing, and similar efforts regarding an arrest or conviction for a cannabis-related offense for use or possession that would be legal or decriminalized under subsequent state legalization or decriminalization of adult use or medicinal cannabis.
2. Our AMA supports automatic expungement, sealing, and similar efforts regarding an arrest or conviction of a cannabis-related offense for use or possession for a minor upon the minor reaching the age of majority.
3. Our AMA will inquire to the Association of American Medical Colleges, Accreditation Council for Graduate Medical Education, Federation of State Medical Boards, and other relevant medical education and licensing authorities, as to the effects of disclosure of a cannabis related offense on a medical school, residency, or licensing application.
4. Our AMA supports ending conditions such as parole, probation, or other court-required supervision because of a cannabis-related offense for use or possession that would be legal or decriminalized under subsequent state legalization or decriminalization of adult use or medicinal cannabis.

Sources:

1. Data Show Racial Disparity in Crack Sentencing <https://www.usnews.com/news/articles/2010/08/03/data-show-racial-disparity-in-crack-sentencing>
2. Prison Policy Initiative <https://www.prisonpolicy.org/reports.html>
3. Booker and Durbin Announce Legislation to Eliminate Federal Crack and Powder Cocaine Sentencing Disparity <https://www.booker.senate.gov/news/press/booker-and-durbin-announce-legislation-to-eliminate-federal-crack-and-powder-cocaine-sentencing-disparity>

4. A bill that would have impacted racial disparity in cocaine crimes died in the Senate
<https://www.michiganradio.org/2023-01-09/a-bill-that-would-have-impacted-racial-disparity-in-cocaine-crimes-died-in-the-senate>
5. The Racist Roots of the War on Drugs and the Myth of Equal Protection for People of Color
<https://lawrepository.ualr.edu/cgi/viewcontent.cgi?article=2106&context=lawreview>