Members

Rep. Ralph Foley, Chairperson
Rep. Greg Steuerwald
Rep. Linda Lawson
Rep. Matt Pierce
Sen. Richard Bray
Sen. Randall Head
Sen. Greg Taylor
Sen. Lindel Hume
Judge John Marnocha
Judge Lance D. Hamner
Professor Craig Bradley
Attorney General Greg Zoeller
Commissioner Bruce Lemmon
David Powell
Larry Landis
Chief Justice Brent Dickson

LSA Staff:

Sue Vansickle, Staff Person for the Commission
K.C. Norwalk, Attorney for the Commission
Andrew Hedges, Attorney for the Commission
Mark Goodpaster, Fiscal Analyst for the Commission

Authority: *P.L. 182-2009(ss)*

CRIMINAL CODE EVALUATION COMMISSION

Legislative Services Agency
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Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

MEETING MINUTES[1]

Meeting Date:	**October 31, 2012**
Meeting Time:	**10:30 A.M.**
Meeting Place:	**State House, 200 W. Washington St., Room 431**
Meeting City:	**Indianapolis, Indiana**
Meeting Number:	**7**

Members Present: **Rep. Ralph Foley, Chairperson; Rep. Greg Steuerwald; Rep. Linda Lawson; Rep. Matt Pierce; Sen. Richard Bray; Sen. Greg Taylor; Sen. Lindel Hume; Judge John Marnocha; Judge Lance D. Hamner; Attorney General Greg Zoeller; Commissioner Bruce Lemmon; David Powell; Larry Landis; Chief Justice Brent Dickson.**

Members Absent: **Sen. Randall Head; Professor Craig Bradley.**

Representative Ralph Foley, Chairperson, called the meeting to order at 10:40 a.m. and the members of the Commission introduced themselves.

I. Discussion of PD 3458

Habitual Offender

Legislative Services Attorney Andrew Hedges discussed the habitual offender statutes in PD 3458. Mr. Hedges explained that there are two changes to section 369 of the draft.

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[1] These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at http://www.in.gov/legislative Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of $0.15 per page and mailing costs will be charged for hard copies.

First, the provision concerning the jury not having to make a specific determination that a person is a habitual offender has been removed. Second, certain drug offenses can be considered for the habitual offender status.

Community Corrections
Chairperson Foley noted that the Judicial Center suggested language to be inserted in PD 3458 concerning community corrections. Specifically, the language would permit a court in a county with a community corrections program to operate a consolidated probation and community corrections program with the consent of the community corrections advisory board. It would also permit a court in a county without a community corrections program to establish a community corrections advisory board and, with the consent of the board, to operate a consolidated probation and community correction program.

Serious Bodily Injury
Chairperson Foley explained that the previous definition of "serious bodily injury" is being removed from the draft so the current statutory definition will not change.

Mandatory Supervision
The Commission next discussed section 385 of PD 3458 which was drafted to apply to all felonies. David Powell raised concerns over the application of this section and then Deborah Daniels explained that this language has been in various Commission drafts for the last couple of years. Chief Justice Dickson raised concerns whether the sentence suspension would occur at the beginning of a sentence or at the end, he wondered if a trial court's ability to suspend some sentences would be limited, and he questioned if the section would apply to a life without parole sentence. Rep. Pierce explained that this proposed language would provide a transition period for felons to have a better chance of returning to life outside prison without reoffending. After Commission discussion, the draft was amended to not apply to sex offenses, Level 1 felonies, and Level 2 felonies, but this section may need additional work after introduction.

Sexual Deviate Conduct
Chairperson Foley next discussed the name change of deviate sexual conduct to nonconsensual sexual conduct in PD 3458. After Commission discussion, the Commission agreed to work on finding a different name for the term in the upcoming session.

Criminal Gang Statutes
LSA Attorney K.C. Norwalk next discussed section 523, which changes the definition of "benefit, promote, or further the interests of a criminal gang" to apply to a person who commits a felony or misdemeanor.

Drug Protection Zones
K.C. Norwalk explained that the drug protection zones are changed from 200 feet in the previous draft to 500 feet in PD 3458.

Credit Time
Chairperson Foley discussed section 645 concerning credit time. He explained that in PD 3458, Class IV credit time is being eliminated and a person assigned to Class IV will be in Class II when the bill goes into effect. This new language also prohibits a person from earning credit time retroactively.

Mr. Landis voiced concerns over the proposed changes to credit time in the bill draft. He stated that Indiana does not provide judicial review of a decision to deprive a person of credit time.

Randy Koester of the Department of Correction responded to Mr. Landis by explaining that federal courts review the deprivation of credit time in habeas corpus petitions and the DOC uses the restoration of credit as an incentive for inmate good behavior. Mr. Koester also explained there is little subjectivity in the restoring credit time. Chairperson Foley asked the Commission to leave the provision in the PD and to have the General Assembly consider this issue during the legislative session.

Criminal Provisions in Title 7.1 and Title 9
Chairperson Foley also noted that the bill requests that the General Assembly assign a study committee to study and evaluate the criminal provisions in Title 7.1 and Title 9.

Fiscal Impact
Chairperson Foley next asked Mark Goodpaster, Fiscal Analyst for the Commission, to discuss the fiscal impact of PD 3458 and the statistics concerning commitments to DOC from 2008 to 2011. Mr. Goodpaster presented a report to the Commission (Exhibit 1) and stated the following:
•The report is based on information regarding commitments to DOC and inmates released from DOC from 2008 to 2011.
•Page 2 of Exhibit 1 details the potential effect on DOC if individuals are sentenced based on the new felony levels in PD 3458.
•Page 3 has examples of how the new sentences are calculated.
•Page 4 shows how many offenders would be affected by the new sentencing levels.
•In response to questions from Sen. Taylor and Mr. Landis, Mr. Goodpaster explained that his report considered credit time but not educational credit time.

Department of Correction Presentation
Randy Koester of DOC next gave a PowerPoint presentation (Exhibit 2). In response to questions from the Commission, Mr. Koester made the following points:
• It is inevitable that Indiana will need another prison.
•Commitments to DOC have been flat recently, but are starting to increase again.
•DOC has a goal to teach inmates skills that will lead to jobs and to teach sustaining life skills so they do not return to the DOC.
•Current prison population is just under 30,000.

Chairperson Foley also raised the point that the escalating cost of health care is affecting local jails and the DOC.

Chairperson Foley noted that the PD has funding provisions for probation and substance abuse. He also stated that Jill McKenny-Faqua, Director of Indiana Addictions Issues Coalition, suggested imposing a modest tax on alcohol to fund addiction services.

Cocaine
Chairperson Foley noted that "Facts About Cocaine" (Exhibit 3) had been distributed to the Commission.

Sentencing Issues
Chairperson Foley spoke about deadlock regarding an agreement on what the sentencing ranges should be for the new felony levels. Chairperson Foley expressed hope that an agreement can be reached by the next General Assembly.

Mr. Landis expressed his concern about the habitual offender proposal in section 639 of PD 3458. Mr. Landis explained that the current language in the bill draft sets a habitual offender sentence at 1 to 3 times the sentence imposed and the work group recommendation was 1 to 3 times the advisory sentence. The language also allows

multiple habitual offenses which current law does not allow, and subsection (j) should be removed because it violates U.S. Supreme Court rulings on this issue. Mr. Landis suggested removing the habitual offender language from the draft and suggested that this issue be worked on as an amendment once the bill is introduced. Deborah Daniels explained that the Work Group recommended that the habitual substance offender statute be repealed. After Commission discussion, Chairperson Foley requested that the habitual offender statute be removed, the habitual substance offender language be added back in the PD, and the Legislature work on these issues for next session.

The Commission also discussed the proposed sentencing ranges. After discussion, the Commission agreed that the bill draft approved by the Commission should not contain sentencing ranges and this issue can be dealt with in an amendment to the bill.

Vote on PD 3458
The Commission voted on PD 3458 as amended, without the penalty ranges, with the new community corrections language, with the probation language in section 385 going back to the version in PD 3245, with the consistency changes to the criminal gang activity statute, with the new changes to section 586, and with the restorative credit time language removed. A roll call vote was taken and the Commission approved the draft 13-1.

Final Report
The Commission made the following findings of fact:

> While the Commission believes that the legislation it has prepared represents the best approach to deal with the charges assigned to the Commission, the Commission recognizes the draft is a work in progress and the Commission's work may be improved through the legislative process.

The Commission made the following recommendations:

> (1) That the General Assembly determine appropriate sentencing ranges for the new felony classifications set forth in PD 3458.
> (2) That the General Assembly consider amending the habitual offender and habitual substance offender statutes.
> (3) That the General Assembly consider amending the Indiana Code regarding the restorative good time process in the DOC.

The Commission approved the Final Report 14-0 in a roll call vote.

Rep. Foley then recognized the members of the Commission for the work on the Commission.

Rep. Foley adjourned the meeting at 12:55 P.M.

Exhibit 1
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10/31/12

Proposed Changes in Sentencing Levels

Felony Class	Low	Advisory	High	Felony Level	Low	Advisory	High
Murder	45	55	75	Murder	45	55	75
Felony A	20	30	50	1	30	40	55
Felony A	20	30	50	2	20	30	40
Felony B	6	10	20	3	12	15	20
Felony B	6	10	20	4	6	10	12
Felony C	2	4	8	5	2	4	8
Felony D	6 months	1.5	3	6	6 months	1.5	3

Potential Effect From Reassigning Felony Classes to Levels Based on Advisory Sentences			
		Felony Class Advisory	Felony Level Advisory
FA to 1	increase in beds	30	40
FA to 2	no change	30	30
FA to 3	reduction in beds	30	15
FA to 4	reduction in beds	30	10
FB to 2	increase in beds	10	30
FB to 3	increase in beds	10	15
FB to 4	no change	10	10
FB to 5	reduction in beds	10	4
FC to 3	increase in beds	4	15
FC to 4	increase in beds	4	10
FC to 5	no change	4	4
FC to 6	reduction in beds	4	1.5
FD to 4	increase in beds	1.5	10
FD to 5	increase in beds	1.5	4
FD to 6	no change	1.5	1.5
FD to misdemeanor	reduction in beds	1.5	no prison time
Grand Total	reduction in beds		

Examples of How New Sentences were Calculated

Example of an Increase in Sentencing								
Felony A Child Molesting Being Reclassified as a Level 1 Felony								
current sentence		current advisory		% of current advisory		new advisory		new sentence
38	÷	30	=	127%	x	40	=	51

Example of No Change in Sentencing								
Felony B Meth Dealing Being Reclassified as a Level 4 Felony								
current sentence		current advisory		% of current advisory		new advisory		new sentence
8	÷	10	=	80%	x	10	=	8

Example of a Reduction in Sentencing								
Felony C Forgery Being Reclassified as a Level 6 Felony								
current sentence		current advisory		% of current advisory		new advisory		new sentence
3	÷	4	=	75%	x	1.5	=	1

Potential Effect of Reassigning Offenses from Felony Classes to Felony Levels Based on Commitments to DOC Facilities for New Crimes CY 2008 - 2011

Change from Class to Level	Effect	Offenders Affected	Offenders Not Affected	Offenses
FA to 1	Increase	88		Murder Assisting & Conspiracy Rape and Attempted Rape; Battery Resulting in Death of Child; Child Molesting and Conspiracy; Conspiracy -- Burglary Criminal Deviate Conduct; Neglect of Dep/death
FA to 2	No Change		295	Aiding in Burglary or Dealing in Meth; Coke/ Robbery/ Voluntary Manslaughter / Arson; Att. Felony -- Battery; Burglary; Child Molesting; Dealing in Meth; Robbery; Voluntary Manslaughter; Attempted Murder / Battery / Burglary / Child Molesting / Conspiracy -- Arson; Dealing in Meth; Dealing-coke; Kidnapping; Robbery Dealing in Meth or coke/narcotic or sched 1,2,3 / Kidnapping / Possession of Meth / Robbery / Voluntary Manslaughter
FA to 3	Reduction	(151)		Burglary; Conspiracy -- Dealing-coke/narcotics; Dealing in Meth or coke/narcotic or Schedule 1,2,3; Possession of coke/narcotic
FA to 4	Reduction	(6)		Possession of Coke / Narcotic
FB to 2	Increase	6		Voluntary Manslaughter
FB to 3	Increase	1,141		Aid in Felony: Aggravated Battery; Arson; Illegal Possession of Schedule IV; Poss-Coke/Narcotic; Rape; Robbery; Sex Misconduct-minor Attempted Felony: Aggravated Battery; Arson; Battery; Burglary; Child Molesting; Crim Deviate Conduct; Criminal Confinement; Dealing In Meth; Dealing-Coke/Narcotic; Dealing-Schedule 1,2,3; Rape; Robbery; Conspiracy: Aggravated Battery; Burglary; Illegal Poss Schedule IV; Possession Of Meth; Robbery; Criminal Deviate Conduct; Criminal Confinement; Dealing in Meth; Dealing-coke/narcotic; Dealing-schedule 4; Dealing-schedule 5; Human Sexual Traffic; Neglect of Dependent; Possession of Meth; Rape; Resist Law; Enforcement; Robbery; Sex Misconduct-minor; Vicarious Sex Gratification; Causing Suicide
FB to 4	No Change		1,194	Aid in Felony Burglary; Carjacking; Dealing In Meth; Dealing-Coke/Narcotc; Dealing-Sched 1,2,3; Attempted Felony; Carjacking; Dealing In Meth; Escape; Incest; Sex Misconduct-Minor; Conspiracy: Arson; Dealing In Meth; Coke/Narcotc or Sched 1,2,3; Arson; Burglary; Carjacking; Dealing in Meth coke/narcotic; sched 1,2,3 or Schedule 4; Escape; Felon Firearm; Poss Ill. Schedule IV; Incest; Misappropiating Insurance Fund; Poss-coke/narcotic or Meth; Promoting prostitution under 18; Service Provider Misconduct
FB to 5	Reduction	(499)		Aiding or Conspiracy: Dealing in Meth, Coke/ Narcotic, Schedule 1,2,3 drugs; Meth or Coke dealing of certain weight; Possession of Coke or Meth of Certain Weight
FC to 3	Increase	1		Feticide
FC to 4	Increase	280		Child Molesting Dealing-schedule 4; Poss-coke/narcotics; Sexual Battery; Vicarious Sex Gratification
FC to 5	No Change		1,950	Batt. Bodily Waste; Battery; Bribery; Burglary; Car Theft,rec St Prt; Carry Handgun W/oli; Check Fraud; Child Exploitation; Child Solicitation; Commodity Rule Viol; Conspiracy; Contrib Delinquency; Contrld Subst Regist; Corrupt Business Influence; Criminal
FC to 6	Reduction	(583)		Dealing-marij/hash; Forgery; Poss-controlled Substance; Possession of Marijuana; Welfare

FD to 5	Increase	16		Child Seduction; Child Solicitation; Sale of Legend Drug; Vicarious Sex Gratification
FD to 6	No Change		4,092	Aid in Certain Felonies ; Animal Fight Contest ; Arson; Assisting a Criminal; Attempted Felony; Batt. Bodily Waste; Battery; Battery on Law Enf; Bigamy; Car Theft,rec St Prt; Cheating at Gambling; Check Deception; Check Fraud; Child Seduction; Consmr Prod Tamper; Conspiracy; Contrld Subst Regist; Criminal Confinement; Criminal Recklessnes; Criminal Trespass; Cruelty to Animals; Cult. Of Marijuana; Dealing-cnterfit Sub; Dealing-paraphernalia; Dealing-repres Subst; Dealing-saw off Gun; Dealing-schedule V; Delivery of Steroid; Dis.of Matter-minors; Domestic Battery; Drive While Suspendd; Driving Intoxicated; Driving-intox/injury; Driving-suspen/restr; Dump Cntl Sub Waste; Dws/oper Veh Htv; Exploit Endang Adult; Fail to Remit Sale Tax; Fail to Return Lawf/Escape; Fail to Regr Sex off; Fail to Regr Sex off; Fail to Remit Money; Fail to Stop Acc.inj; Failure to Appear; False Consent; False Reporting; Forgery; Forgery,counterfeit; Fraud; Gang Activity; Gang Recruitment; Hab off Sub Abuse; Handgun Violation; Home Improv Fraud En; Home Improv Fraud of; Identity Deception; Illegal S.o Resident; Impers-public Servnt; Intimidation; Invasion of Privacy; Legend Drg Deception; Lvng Scene Pi Accidt; Maintain Common Nuis; Mischief; Mvg Bdy Fr Sc of Dth; Neglect of Dependent; Non-support Child; Obscene Performance; Obstruction Justice; Official Misconduct; Perjury; Pointing a Firearm; Poss Anabolc Steroid; Poss Child Porn; Poss Contrld Subs Tx; Poss Firearm School; Poss Methamp Subs Tx; Poss of Hd Gn W/o Li; Poss Presc/aleg Drug; Poss Sw-off Shot-gun; Poss Syringe/needle; Poss. Of Precursors
FD to misdemeanor	Reduction	(1,666)		Check Fraud; Dealing-marij/hash; Possession .marij./hash; Poss-controlled Substance; Theft, recv Stolen Property
Murder	No Change		87	
Net		(1,373)	7,619	

Estimated Change in DOC Population Assuming Sentences will be Proportionate to New Advisory Sentences

	2014	2015	2016	2017	2018	2019	2020	2025	2030	2035	2040	2045	2050
FA to 1			-	2	3	3	3	25	161	392	418	508	565
FA to 2	-	-	-	-	-	-	-	-	-	-	-	-	-
FA to 3	-	-	(24)	(157)	(296)	(429)	(544)	(609)	(657)	(657)	(657)	(657)	(657)
FA to 4	-	(1)	(2)	(7)	(12)	(17)	(22)	(27)	(27)	(27)	(27)	(27)	(27)
FB to 2	-	-	-	-	-	-	-	30	60	90	90	90	90
FB to 3	-	0	145	564	962	1,742	2,422	3,478	3,489	3,495	3,496	3,496	3,496
FB to 4	-	-	-	-	-	-	-	-	-	-	-	-	-
FB to 5	-	(497)	(994)	(1,228)	(1,228)	(1,228)	(1,228)	(1,228)	(1,228)	(1,228)	(1,228)	(1,228)	(1,228)
FC to 3	1	2	2	2	2	2	2	2	2	2	2	2	2
FC to 4	-	125	403	682	836	991	1,147	1,154	1,157	1,157	1,157	1,157	1,157
FC to 5	-	-	-	-	-	-	-	-	-	-	-	-	-
FC to 6	(504)	(1,082)	(1,156)	(1,157)	(1,157)	(1,157)	(1,157)	(1,158)	(1,158)	(1,158)	(1,158)	(1,158)	(1,158)
FD to 5	-	16	32	47	47	47	47	47	47	47	47	47	47
FD to 6	-	-	-	-	-	-	-	-	-	-	-	-	-
FD to misdem	(1,666)	(2,264)	(2,264)	(2,264)	(2,264)	(2,264)	(2,264)	(2,264)	(2,264)	(2,264)	(2,264)	(2,264)	(2,264)
M to m	-	-	-	-	-	-	-	-	-	-	-	-	-
Net Change	(2,169)	(3,701)	(3,857)	(3,517)	(3,107)	(2,310)	(1,595)	(550)	(418)	(152)	(125)	(35)	22

Exhibit 2
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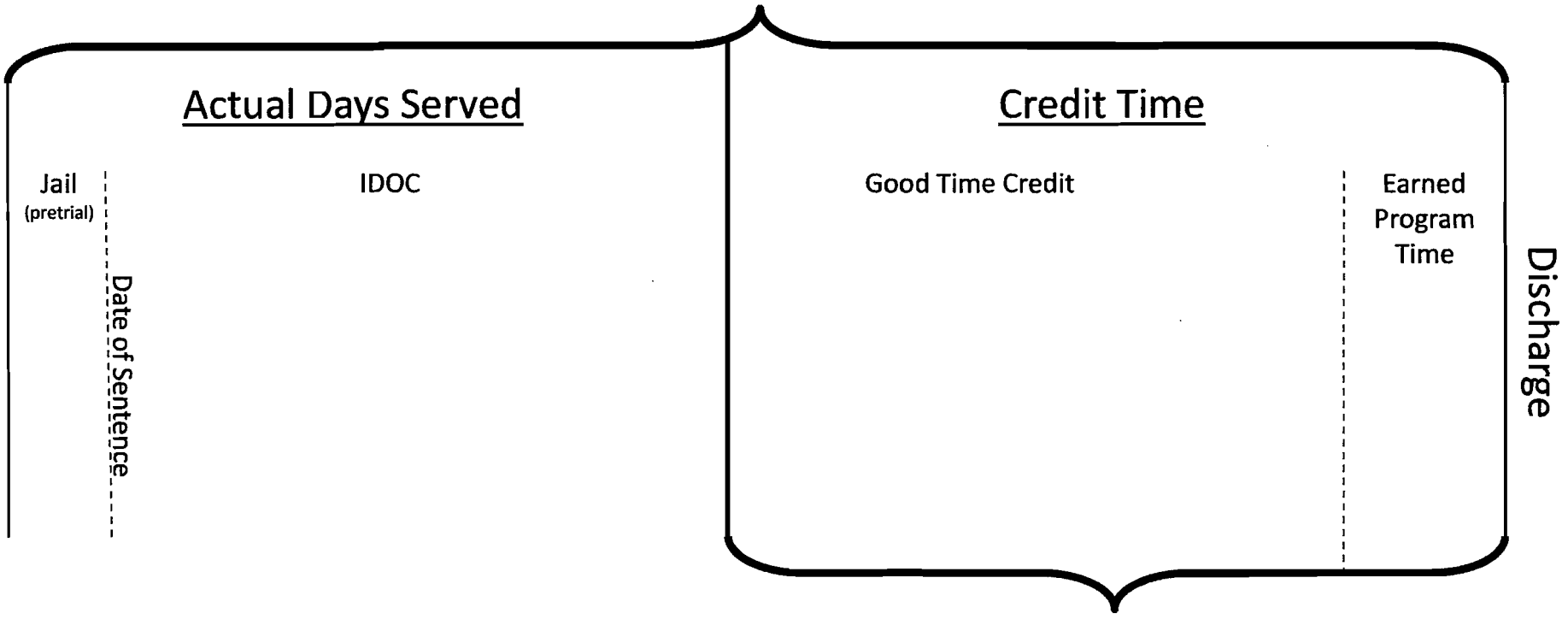
10/31/12

Criminal Code Evaluation Commission

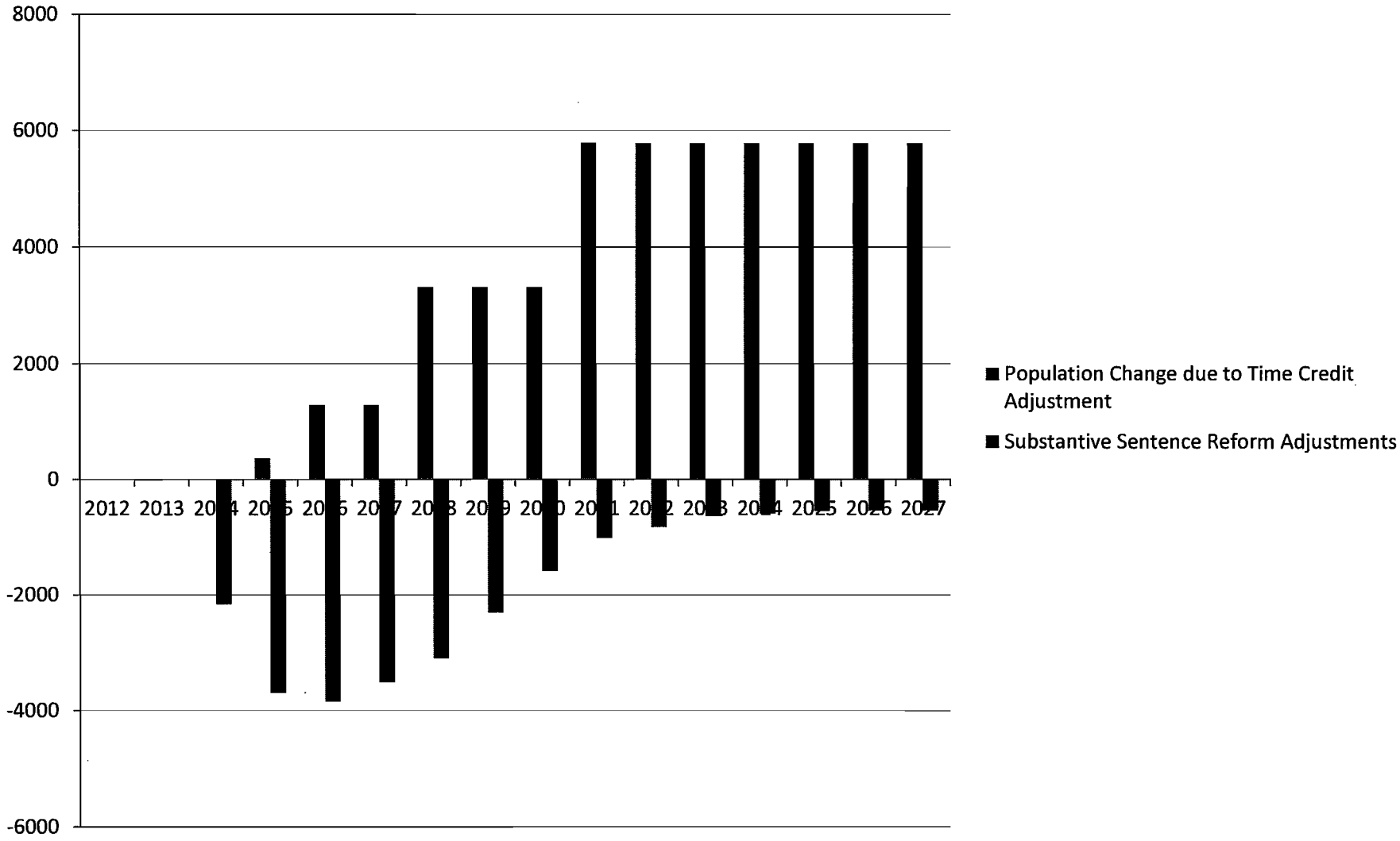
October 31, 2012

Components of a Felony Sentence

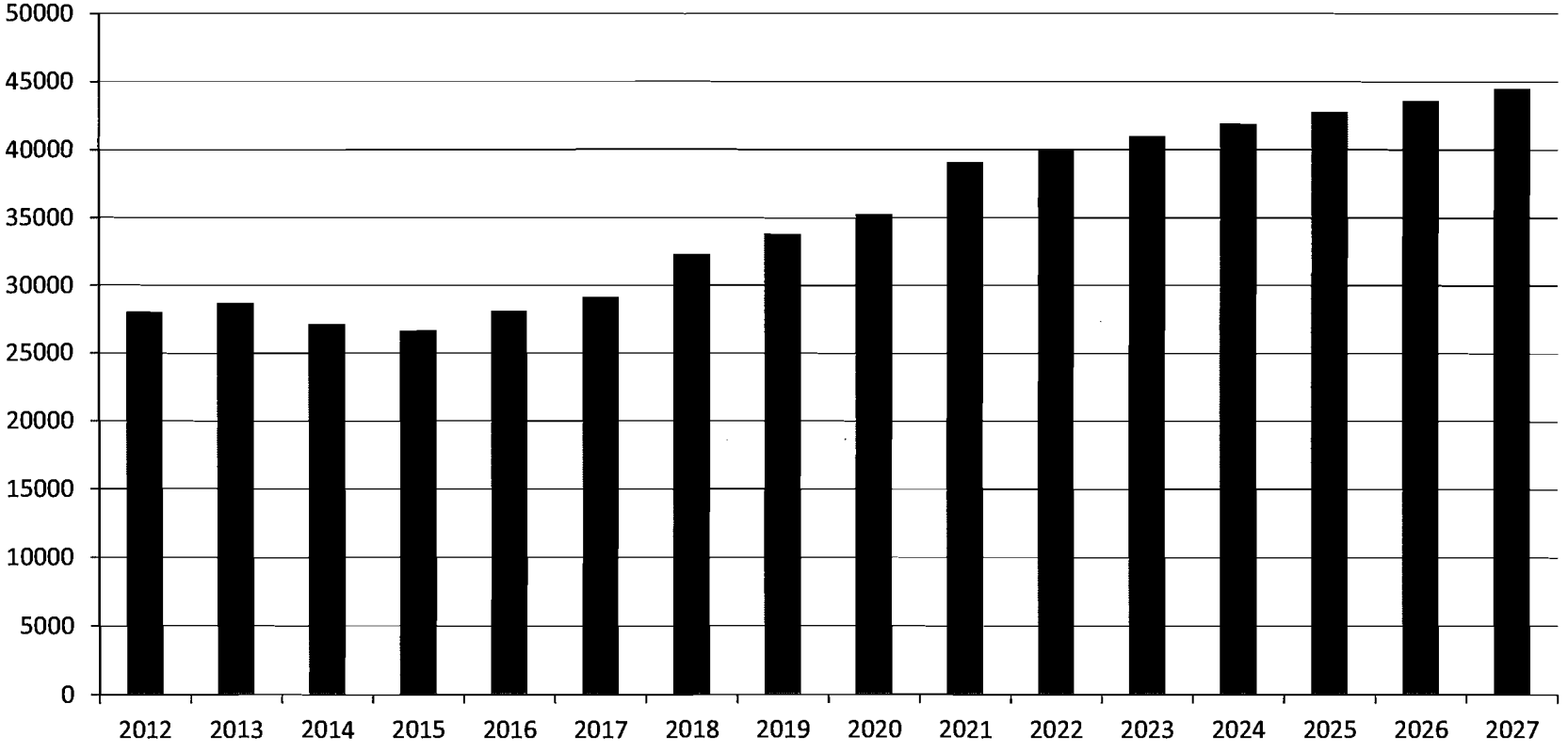


- Used for Prison Disciplinary Sanctions to Delay Release
- Incentivize Rehabilitative Program Participation
- Potential Post-Incarceration Supervision/Revocation Time

Comparison of Credit Time Population Difference and Sentence Reform Populations Difference

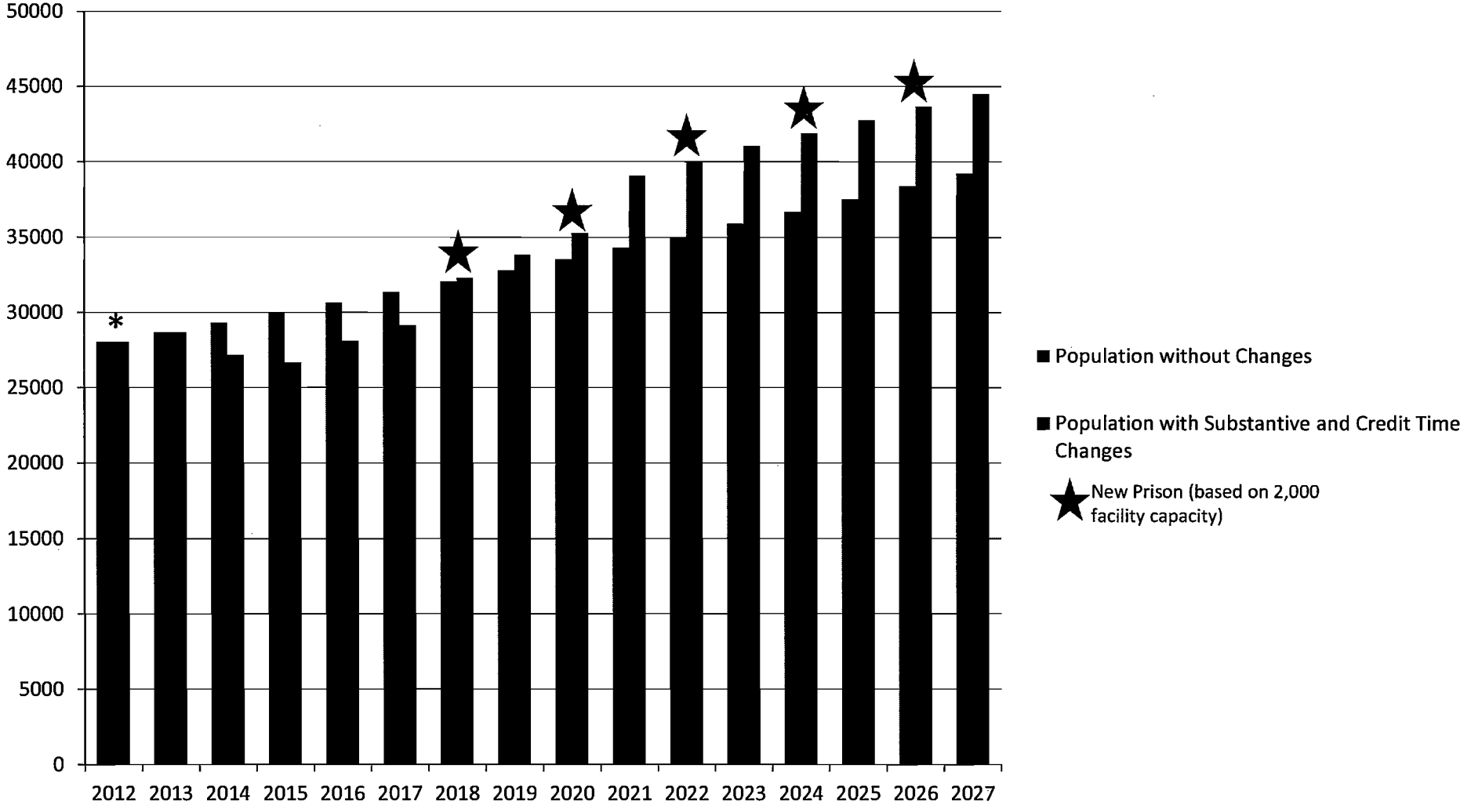


Total Population Growth with Credit Time and Substantive Law Adjustments*



*takes into account 2.27% yearly normal population growth, based on historical trend averages

IDOC Populations showing Population Effects of Combined Credit Time and Substantive Law Changes



*Current Population – 28,051

Exhibit 3
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FACTS ABOUT COCAINE
U.S. DEPARTMENT OF JUSTICE PUBLICATION:
"Federal Cocaine Offenses: An Analysis of Crack and Powder Penalties"
March 17, 2002
Updated with Amendments to Federal Sentencing Guidelines in 2011
Related to Crack Cocaine Trafficking Penalties

Cocaine: Form in which Distributed

Powder cocaine is sold by the gram, at about $100. It is either snorted (taken "intranasally") or injected (taken intravenously).

Cocaine base is produced from powder cocaine and is abused by smoking. It occurs in two forms: freebase cocaine and crack cocaine.

> ***Freebase cocaine*** is derived from powder cocaine that has been dissolved in water and ammonia and combined with ether. Ether is a highly volatile and flammable solvent that will ignite or explode if the freebase cocaine is smoked before the ether has evaporated entirely.
>
> ***Crack cocaine*** is made by combining powder cocaine, water, and baking soda and drying the mix into a solid mass. This mass is "cracked" into rocks which are then smoked. One gram of powder cocaine makes approximately .89 grams of crack cocaine.

Penalties:

The Federal Sentencing Guidelines differentiate between powder cocaine and crack cocaine, which has higher penalties. With regards to trafficking, the penalty differential is currently 18:1 for crack cocaine versus powder cocaine, based on its greater danger in terms of addictive quality and consequent likelihood of heavy and chronic use. *See* 21 U.S.C. § 841(a); USSG §2D1.1. Indiana's Criminal Code does not differentiate between powder and crack cocaine.

> **Penalty for Dealing Cocaine**
>
> In the federal statutory system certain mandatory minimum sentencing requirements establish two tiers of mandatory prison terms for first-time drug traffickers:
>
> - a five-year minimum sentence for individuals convicted of trafficking 28 grams of cocaine base or 500 grams of powder cocaine, and
> - a ten-year minimum sentence for individuals convicted of trafficking 280 grams of cocaine base or 5,000 grams (5 kg) of powder cocaine.
>
> When these amounts are reached, the statutory minimum becomes the sentence under the Federal Sentencing Guidelines regardless of the penalty assigned by the Guidelines.
>
> Under the Federal Sentencing Guidelines, a first-time, non-violent offender convicted of trafficking in less than 25 grams of powder cocaine or less than 1.4 grams of cocaine base would receive a sentence of between 10-16 months in prison. Note that this 25 grams/1.4

grams threshold is considerably lower than the threshold triggering the 5-year mandatory minimum sentence.

Based on the Federal Sentencing Guidelines, the following are the basic penalty levels for trafficking in various amounts of powder and base cocaine. These levels may be further enhanced by the defendant's criminal history and the circumstances surrounding the offense.

Guideline offense level (2D1.1)	Quantity Base	Quantity Powder	Guideline Range (CH I)
12	0 to 1.4g	0 to 25g	10-16 months
14	1.4 to 2.8g	25 to 50g	15-21 months
16	2.8 to 5.6g	50 to 100g	2 1-27 months
18	5.6 to 11.2g	100 to 200g	27-3 3 months
20	11.2 to 16.8g	200 to 300g	33-41 months
22	16.8 to 22.4g	300 to 400g	41-5 1 months
24	22.4 to 28g	400 to 500g	5 1-63 months
26	28 to 112g	500g to 2 kg	63-78 months
28	112 to 196g	2 to 3.5kg	78-97 months
30	196 to 280g	3.5 to 5 kg	97-121 months
32	280 to 840g	5 to 15kg	121-151 months
34	840g to 2.8kg	15 to 50 kg	151-188 months
36	2.8 to 8.4 kg	50 to 150 kg	188-235 months
38	≥8.4kg	≥150kg	235-293 months

Source: DOJ Office of Legal Policy based on the U.S. Sentencing Guidelines Tables, updated with 2011 Guideline Amendments

Possession of Cocaine

In the federal system, simple possession of cocaine - regardless of amount or type - is treated as a misdemeanor, punishable by up to a year of imprisonment. The Federal Sentencing Guidelines provide for a Base Guideline Offense Level of 6, carrying a penalty of 0-6 months, for the possession of any amount of cocaine. *See* 21 U.S.C § 844(a); USSG § 2D2.1(a)(2). The sentence may be served in a community setting, including probation. Again, the level of penalty may be further enhanced by the defendant's criminal history and the circumstances surrounding the offense.

Usage (personal use amounts):

Drug Enforcement Administration intelligence indicates that:

- A crack user is likely to consume anywhere from 3.3 to 16.5 grams of crack cocaine per week.
- The typical intravenous cocaine user injects between 7.2 and 9.6 grams of powder cocaine per week.
- A line of powder cocaine consists of between 40 and 50 milligrams, and a typical user snorts between two and three lines at a time. The typical intranasal powder user consumes about 2 grams per month.

Distribution:

According to the Drug Enforcement Administration's analysis as described in this 2002 publication of the Department of Justice, all cocaine is imported into the United States as powder. Distribution in the United States is conducted at three broad levels: wholesale trafficking, mid-level distribution, and retail selling.

- ***Wholesale*** cocaine traffickers purchase cocaine from importers and regional distributors in kilogram or multikilogram allotments. ***Local Wholesalers*** deal generally in quantities of 15 kilograms or less.
- ***Distributors*** purchase cocaine in one-kilogram or less quantities and package the cocaine into ounce quantities or convert it into crack and package it into ounces for sale by retail sellers.
- ***Retail Sellers*** generally deal in ounce and gram quantities. Powder is usually sold in larger amounts than crack. Retail crack sellers usually carry dosage units totaling no more than a few grams at any one time (although during the course of a single shift, the amount of crack sold by one retail seller can be substantial.)

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