

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda—underwritten by global corporations—includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
 - centerpoint360
 - UPS
 - Bayer Corporation
 - GlaxoSmithKline
 - Energy Future Holdings
 - Johnson & Johnson
 - Coca-Cola Company
 - PhRMA
 - Kraft Foods, Inc.
 - Coca-Cola Co.
 - Pfizer Inc.
 - Reed Elsevier, Inc.
 - DIAGEO
 - Peabody Energy
 - Intuit, Inc.
 - Koch Industries, Inc.
 - ExxonMobil
 - Verizon
 - Reynolds American Inc.
 - Wal-Mart Stores, Inc.
 - Salt River Project
 - Altria Client Services, Inc.
 - American Bail Coalition
 - State Farm Insurance
- For more on these corporations, search at www.SourceWatch.org.

& MEETING

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

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Minimum-Mandatory Sentencing Act

Summary

This Act would establish minimum, mandatory incarceration sentences for drug offenses. The severity of the penalties would be based solely on the type and amount of drug and whether it is a repeat offense. There would be no distinction between possession and manufacture, sale, or distribution. The minimum, mandatory sentence for a first offense involving small amounts of a schedule I or II drug would be three days incarceration.

The Act would also require that an estimate be made of the cost of additional prison construction entailed by enforcement of the Act, and would authorize a referendum on a bond issue to cover that expected cost. The effective date of the sentencing component of the Act would be tied to approval of the bond issue.

Model Legislation

{Title, enacting clause, etc.}

Section 1. {Title.} This Act shall be known and may be cited as the Minimum, Mandatory Sentencing Act.

Section 2. {Definitions.} As used in this Act:

- (A) "Bond" means the bonds authorized to be issued, or issued, under this Act.
- (B) "Cost" means the expenses incurred in connection with the acquisition, construction, and development of any property, the execution of any necessary agreement or franchise, the procurement of engineering, inspection, planning, legal, financial, or other professional services, the issuance of bonds and any interest thereon, and the administrative, operating, and other expenses incident to acquiring additional correctional facility space to house inmates who, in the absence of this Act, would not have been incarcerated.
- (C) "Distribution" means to transfer or attempt to transfer a substance from one person to another.
- (D) "Fund" means the Correctional Facilities Construction Fund.
- (E) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly or by extraction from other substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging or labeling or relabeling of its containers.
- (F) "Possession" means (insert definition).

Section 3. {Manufacture, distribution, or possession of controlled substances.}

Except as authorized by law, it is unlawful for any person knowingly or intentionally to manufacture, distribute, or possess any controlled substance as defined by [cite state controlled substance act].

(A) In addition to any other sentence authorized by law, persons convicted of a violation of this section involving any amount of a schedule I or II controlled substance as defined by [cite state controlled substance act] or more than 50 grams of marijuana shall be subject to the following penalties:

- (1) For persons for whom this is the first controlled substance conviction:
 - (a) if the quantity for which the person is convicted is less than 5 grams of cocaine, 3 grams of heroin, 200 grams of marijuana, etc., a mandatory term of incarceration in a state correctional facility of not less than three days and not more than three years and a fine of up to \$15,000.
 - (b) if the quantity for which the person is convicted is more than 5 grams but less than 28 grams of cocaine, more than 3 grams but less than 14 grams of heroin, more than 200 grams but less than 5 kilograms of marijuana, etc., a mandatory term of incarceration in a state correctional facility of not less than three years and not more than five years and a fine of up to \$50,000.
 - (c) if the quantity for which the person is convicted is more than 28 grams but less than

200 grams of cocaine, more than 14 grams but less than 100 grams of heroin, more than 5 kilograms but less than 100 kilograms of marijuana, etc., a mandatory term of incarceration in a state correctional facility of not less than five years and not more than ten years and a fine of up to \$100,000.

(d) if the quantity for which the person is convicted is more than 200 grams of cocaine, more than 100 grams of heroin, more than 100 kilograms of marijuana, etc., a mandatory term of incarceration in a state correctional facility of not less than 10 years and not more than 20 years and a fine of up to \$300,000.

(2) For persons for whom this is the second or subsequent controlled substance conviction:

(a) if the quantity for which the person is convicted is [repeat language of Subparagraph (a) of Paragraph (1) of this Subsection], a mandatory term of incarceration in a state correctional facility of not less than one year and not more than five years and a fine of up to \$50,000.

(b) if the quantity for which the person is convicted is [repeat language of Subparagraph (b) of Paragraph (1) of this subsection], a mandatory term of incarceration in a state correctional facility of not less than five years and not more than ten years and a fine of up to \$100,000.

(c) if the quantity for which the person is convicted is [repeat language of Subparagraph (c) of Paragraph (1) of this Subsection], a mandatory term of incarceration of not less than 10 years and not more than 20 years and a fine of up to \$300,000.

(d) if the quantity for which the person is convicted is [repeat language of Subparagraph (d) of Paragraph (1) of this Subsection], a mandatory term of incarceration of not less than 20 years and not more than life and a fine of up to \$500,000.

(B) In addition to any other penalty authorized by law, persons convicted of a violation of this section involving any schedule III, IV, or controlled substance as defined by [cite state controlled substance act] or less than 50 grams of marijuana shall be subject to the following penalties:

(1) for persons for whom this is the first controlled substance conviction, a mandatory term of incarceration in a state correctional facility of not more than three years and a fine of up to \$15,000.

(2) for persons for whom this is a second or subsequent controlled substance conviction, a mandatory term of incarceration in a state correction facility of not less than three years and not more than five years and a fine of up to \$50,000.

Section 4. {Suspension of sentence.}

(A) Except as provided in Subsection (B) of this Section, adjudication of guilt or imposition of sentence shall not be suspended, probated, furloughed, deferred, or withheld prior to serving the minimum sentence.

(B) The district attorney may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of [cite state controlled substance act] and who provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, co-conspirators, or principals. The judge hearing the motion may impose a reduced or suspended sentence if he finds that the defendant has rendered such substantial assistance.

Section 5. {Cost estimate.} The Department of [insert appropriate department] shall conduct an estimate of the cost of this Act, as defined in Subsection (B) of Section 2.

Section 6. {Bond issue.} Bonds of the State of [insert state] are authorized to be issued in the aggregate amount specified in Section 5.

(A) The bonds authorized under this Act shall be serial bonds, term bonds, or a combination thereof, and shall be direct obligations of the state of [insert state], shall be known as "Correctional Facilities Construction Bonds," and shall recite that they are issued for the purposes set forth in Section 5.

(B) The proceeds from the sale of the bonds shall be deposited in the "Correctional Facilities Construction Fund." The moneys in the fund are specifically dedicated and shall be applied to the cost of the purposes set forth in Section 5, and all such monies shall be appropriated for those purposes by the legislature. Not less than 25 percent of the amount in the Fund shall be allocated for county correctional facilities. The bonds may be issued notwithstanding that the legislature shall not have then adopted an act making specific appropriation of the monies in the fund.

(C) [Bond prices, terms and interest rates, bond issuing, refunding and refinancing procedures, and fund investment and management procedures].

Section 7. {Voter referendum.} Section 6 of this Act shall be submitted to the people for approval at the general election to be held on [insert date].

Section 8. {Severability clause.}

Section 9. {Repealer clause.}

Section 10. {Effective date.} Sections 5, 6, and 7 of this Act shall take effect immediately upon enactment, and the remainder of the Act shall take effect on the 60th day after passage of the Correctional Facilities Construction referendum required under Section 7.

About Us and ALEC EXPOSED. The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish www.PRWatch.org, www.SourceWatch.org, and now www.ALECexposed.org. For more information contact: editor@prwatch.org or 608-260-9713.

Center for Media and Democracy's quick summary

This bill limits judicial discretion in sentencing and perpetuates the "War on Drugs" that has helped America become the country with the highest incarceration rate in the world. Longer sentences have done nothing to significantly "deter" demand for and use of drugs and trafficking (addiction counseling, social intervention and other rehabilitative measures have proven more successful), but the sentencing policies have drastically increased the number of persons incarcerated. Longer prison sentences, it should be noted, increase the profits of the Corrections Corporation of America, a member of the Executive Committee of ALEC's Public Safety & Elections Task Force.