

September 2, 2021

**ATTORNEY GENERAL RAOUL CALLS ON CONGRESS TO APPLY FAIR SENTENCING REFORMS TO
LOW-LEVEL DRUG OFFENSES**

***Raoul, Coalition Urge Amendment to Law in the Wake of U.S. Supreme Court's Decision in Terry
v. United States***

Chicago — Attorney General Kwame Raoul, as part of a bipartisan coalition of 25 attorneys general, today urged Congress to amend the First Step Act and extend critical resentencing reforms to individuals convicted of the lowest-level crack cocaine offenses.

Raoul and the coalition [sent a letter](#) to Congress, calling on legislators to take this needed step in the wake of the U.S. Supreme Court's recent decision in Terry v. United States, which held that certain mid-level and high-level crack cocaine offenders could seek resentencing under the law, but low-level offenders were not eligible.

"The First Step Act will help address the sentencing disparity that has disproportionately harmed Black communities and communities of color," Raoul said. "I urge Congress to close the gap created by the Supreme Court's ruling and ensure that all eligible crack cocaine offenders have access to sentencing relief and the opportunity to seek a second chance."

The First Step Act is landmark criminal justice reform legislation that passed Congress with strong bipartisan support in 2018. One key reform aimed to correct injustices caused by the earlier crack cocaine vs. powder cocaine sentencing disparity. That now-discredited disparity punished users and dealers of crack cocaine much more harshly than users and dealers of powder cocaine, which disproportionately harmed communities of color.

In 2010, Congress passed the Fair Sentencing Act to reduce the disparity between sentences for crack cocaine and powder cocaine. However, the law did not help the many people sentenced for crack cocaine offenses before 2010 who remained in prison. The First Step Act included a provision that made previous drug sentencing reforms retroactive, allowing those serving harsh sentences imposed under the former federal law to seek relief.

U.S. Sens. Dick Durbin, Charles E. Grassley, Cory A. Booker, and Mike Lee – the drafters of the First Step Act – confirmed in an amicus brief that the sentencing relief was intended to apply to all crack cocaine offenders sentenced before 2010. Nevertheless, in Terry v. United States, the Supreme Court concluded that while the First Step Act clearly authorized certain mid- or high-level crack cocaine offenders to seek resentencing, it failed to extend relief to the lowest-level offenders.

In today's letter, Raoul and the attorneys general urge Congress to close that gap and clarify that the sentencing relief provided by the First Step Act extends to all individuals convicted of crack cocaine offenses under the earlier regime, including the lowest-level offenders. They argue that there is no reason that only these low-level offenders should continue to serve sentences informed by now-discredited standards, and that they should have an opportunity to seek a second chance.

Joining Raoul in sending the letter are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Guam, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington and Wisconsin.