

115TH CONGRESS  
1ST SESSION

# H. R. 3074

To reclassify certain low-level felonies as misdemeanors, to eliminate the increased penalties for cocaine offenses where the cocaine involved is cocaine base, to reinvest in our communities, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2017

Mr. ELLISON introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To reclassify certain low-level felonies as misdemeanors, to eliminate the increased penalties for cocaine offenses where the cocaine involved is cocaine base, to reinvest in our communities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reclassification to En-  
5 sure Smarter and Equal Treatment Act of 2017” or the  
6 “RESET Act”.

1 **SEC. 2. RECLASSIFICATION OF LOW-LEVEL FELONIES.**

2 (a) IN GENERAL.—Part D of the Controlled Sub-  
3 stances Act (21 U.S.C. 841 et seq.) is amended—

4 (1) in section 404(a) (21 U.S.C. 844(a))—

5 (A) in the fourth sentence—

6 (i) by striking “2 years” and inserting  
7 “1 year”;

8 (ii) by striking “\$2,500” and insert-  
9 ing “\$1,000”;

10 (iii) by striking “3 years” and insert-  
11 ing “1 year”; and

12 (iv) by striking “\$5,000” and insert-  
13 ing “\$1,000”; and

14 (B) by striking the fifth sentence and in-  
15 serting the following: “Notwithstanding any  
16 penalty provided in this subsection, any person  
17 who commits an offense under this subsection  
18 for the possession of a date rape drug (as de-  
19 fined in section 401(g)(2)) after a prior convic-  
20 tion under this title or title III, or a prior con-  
21 viction for any drug, narcotic, or chemical of-  
22 fense chargeable under the law of any State,  
23 has become final, shall be sentenced to a term  
24 of imprisonment for not less than 15 days but  
25 not more than 2 years, and shall be fined a  
26 minimum of \$2,500 and if any person commits

1 such offense after 2 or more prior convictions  
2 under this title or title III, or 2 or more prior  
3 convictions for any drug, narcotic, or chemical  
4 offense chargeable under the law of any State,  
5 or a combination of 2 or more such offenses  
6 have become final, such person shall be sen-  
7 tenced to a term of imprisonment for not less  
8 than 90 days but not more than 3 years, and  
9 shall be fined a minimum of \$5,000.”; and  
10 (2) in section 422(b) (21 U.S.C. 863(b)), by  
11 striking “three years” and inserting “1 year”.

12 (b) ELIMINATION OF INCREASED PENALTIES FOR  
13 COCAINE OFFENSES WHERE THE COCAINE INVOLVED IS  
14 COCAINE BASE.—

15 (1) CONTROLLED SUBSTANCES ACT.—The fol-  
16 lowing provisions of the Controlled Substances Act  
17 (21 U.S.C. 801 et seq.) are repealed:

18 (A) Clause (iii) of section 401(b)(1)(A).

19 (B) Clause (iii) of section 401(b)(1)(B).

20 (2) CONTROLLED SUBSTANCES IMPORT AND  
21 EXPORT ACT.—The following provisions of the Con-  
22 trolled Substances Import and Export Act (21  
23 U.S.C. 951 et seq.) are repealed:

24 (A) Subparagraph (C) of section  
25 1010(b)(1).

1 (B) Subparagraph (C) of section  
2 1010(b)(2).

3 **SEC. 3. WEIGHING OF CONTROLLED SUBSTANCES MIXED**  
4 **WITH FOOD PRODUCTS.**

5 (a) IN GENERAL.—Part D of the Controlled Sub-  
6 stances Act (21 U.S.C. 841 et seq.) is amended by adding  
7 at the end the following:

8 **“SEC. 424. WEIGHING OF CONTROLLED SUBSTANCES MIXED**  
9 **WITH FOOD PRODUCTS.**

10 “In determining the weight of a controlled substance  
11 or mixture of controlled substances that is in compound  
12 with a food product for purposes of this title or title III,  
13 the weight of the food product shall not be included.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
15 The table of contents for the Controlled Substances Act  
16 (21 U.S.C. 801 et seq.) is amended by inserting after the  
17 item relating to section 423 the following:

“Sec. 424. Weighing of controlled substances mixed with food products.”.

18 **SEC. 4. APPLICABILITY TO PENDING AND PAST CASES.**

19 (a) PENDING CASES.—This Act, and the amend-  
20 ments made by this Act, shall apply to any offense that  
21 was committed before the date of enactment of this Act,  
22 if a sentence for the offense has not been imposed as of  
23 such date of enactment.

24 (b) PAST CASES.—In the case of a defendant who,  
25 before the date of enactment of this Act, was convicted

1 of an offense for which the penalty is amended by this  
2 Act and was sentenced to a term of imprisonment for the  
3 offense, the sentencing court may, on motion of the de-  
4 fendant or the Director of the Bureau of Prisons, or on  
5 its own motion, reduce the term of imprisonment for the  
6 offense, after considering the factors set forth in section  
7 3553(a) of title 18, United States Code, to the extent the  
8 factors are applicable, if such a reduction is consistent  
9 with—

10 (1) this Act and the amendments made by this  
11 Act; and

12 (2) applicable policy statements issued by the  
13 United States Sentencing Commission.

14 **SEC. 5. EMERGENCY AUTHORITY FOR UNITED STATES SEN-**  
15 **TENCING COMMISSION.**

16 (a) REVIEW AND AMENDMENT.—As soon as prac-  
17 ticable after the date of enactment of this Act, the United  
18 States Sentencing Commission, pursuant to its authority  
19 under section 994 of title 28, United States Code, shall  
20 review and, if appropriate, amend the Federal sentencing  
21 guidelines and policy statements applicable to any person  
22 convicted of an offense affected by section 2, 3, or 4.

23 (b) AUTHORIZATION.—In carrying out subsection (a),  
24 the Commission may amend the Federal sentencing guide-  
25 lines in accordance with the procedures set forth in section

1 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note)  
2 as though the authority under that section had not ex-  
3 pired.

4 **SEC. 6. ESTABLISHMENT OF THE SAFE NEIGHBORHOODS**  
5 **AND SCHOOLS FUND.**

6 (a) ESTABLISHMENT.—A fund to be known as the  
7 “Safe Neighborhoods and Schools Fund” is hereby cre-  
8 ated within the Department of Justice and is continuously  
9 appropriated without regard to fiscal year for carrying out  
10 the purposes of this chapter. For purposes of the calcula-  
11 tions required, funds transferred to the Safe Neighbor-  
12 hoods and Schools Fund shall be considered general fund  
13 revenues which may be appropriated pursuant to Article  
14 I.

15 (b) FUNDING APPROPRIATION.—

16 (1) IN GENERAL.—On or before July 31, 2018,  
17 and on or before July 31 of each fiscal year there-  
18 after, the Department of Justice shall calculate the  
19 savings that accrued from the implementation of the  
20 act adding this chapter (“this act”) during the fiscal  
21 year ending June 30, as compared to the fiscal year  
22 preceding the enactment of this act. In making the  
23 calculation required by this subdivision, the Depart-  
24 ment shall use actual data or best available esti-  
25 mates where actual data is not available. The cal-

1        culation shall be final and shall not be adjusted for  
2        any subsequent changes in the underlying data. The  
3        Department of Justice shall certify the results of the  
4        calculation to Congress no later than August 1 of  
5        each fiscal year.

6            (2) TRANSFER OF FUNDS.—Before August 15,  
7        2018, and before August 15 of each fiscal year  
8        thereafter, the Department shall transfer from the  
9        General Fund to the Safe Neighborhoods and  
10       Schools Fund the total amount calculated. Funds  
11       transferred to the Safe Neighborhoods and Schools  
12       Fund shall be used exclusively for the purposes of  
13       this act and shall not be subject to appropriation or  
14       transfer by the Legislature for any other purpose.  
15       The funds in the Safe Neighborhoods and Schools  
16       Fund may be used without regard to fiscal year.

17        (c) DISTRIBUTION OF MONEYS FROM THE SAFE  
18       NEIGHBORHOODS AND SCHOOLS FUND.—

19            (1) IN GENERAL.—By August 15 of each fiscal  
20        year beginning in 2018, the Controller shall disburse  
21        moneys deposited in the Safe Neighborhoods and  
22        Schools Fund as follows:

23            (A) Fifteen percent to the Department of  
24        Education, to administer a grant program to  
25        public agencies aimed at improving outcomes

1 for public school pupils in kindergarten and  
2 grades 1 to 12, inclusive, by reducing truancy  
3 and supporting students who are at risk of  
4 dropping out of school or are victims of crime.

5 (B) Ten percent to the Federal Crime Vic-  
6 tim Assistance Fund, to make grants to trauma  
7 recovery centers to provide services to victims of  
8 crime pursuant to 42 U.S.C. 112.

9 (C) Twenty-five percent to Federal Re-  
10 entry/Drug Court programs operated by the  
11 U.S. District Courts, U.S. Probation Office,  
12 Federal Public Defender and U.S. Attorney's  
13 Office to administer a grant program to public  
14 agencies aimed at supporting mental health  
15 treatment, substance abuse treatment, and di-  
16 version programs for people in the criminal jus-  
17 tice system, with an emphasis on programs that  
18 reduce recidivism of people convicted of less se-  
19 rious crimes, such as those covered by this  
20 measure, and those who have substance abuse  
21 and mental health problems.

22 (D) Fifty percent to the General Treasury  
23 in order to pay down the national debt.

24 (2) LIMITATION.—For each program set forth  
25 in paragraphs (1) to (3), inclusive, of subdivision



1 (a), the agency responsible for administering the  
2 programs shall not spend more than 5 percent of the  
3 total funds it receives from the Safe Neighborhoods  
4 and Schools Fund on an annual basis for adminis-  
5 trative costs.

6 (3) AUDIT.—Every 2 years, the Department of  
7 Justice shall conduct an audit of the grant programs  
8 operated by the agencies specified in paragraphs (1)  
9 to (3), inclusive, of subdivision (a) to ensure the  
10 funds are disbursed and expended solely according  
11 to this chapter and shall report his or her findings  
12 to the relevant Congressional committees.

13 (4) COSTS OF PROGRAM.—Any costs incurred  
14 by the Department of Justice in connection with the  
15 administration of the Safe Neighborhoods and  
16 Schools Fund, including the costs of the calculation  
17 and the audit required, shall be deducted from the  
18 Safe Neighborhoods and Schools Fund before the  
19 funds are disbursed pursuant to subdivision (a). The  
20 funding established pursuant to this act shall be  
21 used to expand programs for public school pupils in  
22 kindergarten and grades 1 to 12, inclusive, victims  
23 of crime, and mental health and substance abuse  
24 treatment and diversion programs for people in the  
25 criminal justice system. These funds shall not be

1 used to supplant existing State or local funds uti-  
2 lized for these purposes.

3 (5) PROHIBITION.—Agencies shall not be obli-  
4 gated to provide programs or levels of service de-  
5 scribed in this chapter above the level for which  
6 funding has been provided.

○