Altering mandatory minimums for crack and powder cocaine offenses

5-year impact on federal prisons

By reducing the disparity in sentencing between crack and powder cocaine offenses from 18:1 to 2.5:1, the federal prison system could avoid $198.2M in costs, reduce the prison population by 1,038, and give back 5,061 life years over the next 5 years.

The SMART Cocaine Sentencing Act would increase the weight threshold for crack cocaine and reduce the weight threshold for powder cocaine for 5-year and 10-year mandatory prison sentences. 4% more sentences would qualify for the 10-year mandatory prison sentence than under the current law.

The opportunity

As of May 2022, there are over 156,000 people in federal prisons, which is down from over 219,000 in 2013. In FY 2022, the cost of the Federal Prison System was $7,865,000,000.

29% decline
In the federal prison population between 2013 and 2022

$7.9 billion
Spent annually on the Federal Prison System (FY 2022)

New federal prison sentences for cocaine related offenses have declined significantly over the past 10 fiscal years. Admissions for powder cocaine have decreased 51%, from 6,227 in FY12 to 3,056 in FY21. Similarly, admissions for crack cocaine have decreased 68%, from 3,605 in FY12 to 1,170 in FY21.

New prison sentences per fiscal year

Over 40 states treat crack and powder cocaine offenses equally in sentencing. However on the federal level, people convicted of crack cocaine offenses are still given longer sentences, which limits the positive impact of policies adopted in the First Step Act and perpetuates the disproportionate imprisonment of Black people.

The SMART Act would reduce the disproportionate imprisonment of Black people while perpetuating the disproportionate imprisonment of Hispanic people. About 22,000 people are currently serving time for federal powder cocaine offenses, and 3,200 new federal sentences are issued each year. While Hispanic people make up only 19% of the United States population (2021), Hispanic people represent 30.5% of the federal prison population (2021), and 64% of people sentenced for powder cocaine drug trafficking offenses (2020).