Determinate sentences have the advantage of being predictable, definite, and uniform. On the other hand, this "one size fits all" approach may prevent judges from tailoring sentences to the circumstances of a specific case. A particularly controversial area of determinate sentencing is mandatory minimum drug offenses. In 1975, New York governor Nelson Rockefeller initiated the controversial "Rockefeller drug laws" that required that an individual convicted of selling two ounces of a narcotic substance or of possessing eight ounces of a narcotic substance receive a sentence of between eight and twenty years, regardless of the individual's criminal history. The New York model in which a judge must sentence a defendant to a minimum sentence was followed by other states. The federal government joined this trend and introduced mandatory minimum sentences in the Anti–Drug Abuse Act of 1986 and its 1988 amendments.

Fair Sentencing Act of 2010: Punishment Based on Type and Amount of Drugs in Possession

Possession of 5 Grams of Crack Without the Intent to Distribute	
Previous law	5-year mandatory minimum
New law	No mandatory minimum
5-Year Mandatory Minimum	
Previous law	5 g crack/500 g powder cocaine
New law	28 g crack/500 g powder cocaine
10-Year Mandatory Minimum	
Previous law	50 g crack/5,000 g powder cocaine
New law	280 g crack/5,000 g powder cocaine

The most debated aspect of federal law is the punishment of an individual based on the type and amount of drugs in his or her possession, regardless of the individual's criminal history. Under the previous federal law, a conviction for possession with intent to distribute five grams of crack cocaine or five hundred grams of powder cocaine resulted in the same five-year sentence. Fifty grams of crack cocaine and five kilograms of powder cocaine triggered the same ten-year sentence. The Fair Sentencing Act of 2010 reduced the hundred-to-one ratio between crack and powder

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