

# DRUG POLICY ALLIANCE

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## **Hip-Hop and The RAVE Act (H.R. 718) and Illicit Drugs Anti-Proliferation Act (S. 226)**

### **Why Should the Hip-Hop Community Be Concerned About this Legislation?**

Given the history of drug law enforcement over the last 30 years, we should expect any new drug law to have a disparate impact on communities of color – and this legislation is no exception. While the legislation is ostensibly aimed at raves and other all-night dance events, the proposed law could impact all music genres. Venues that host Hip-Hop performances may be unfairly targeted. While evidence shows that Whites sell and use drugs at the same or higher rates than people of color, African Americans, Latinos and Native Americans are arrested, prosecuted and imprisoned at dramatically higher rates than Whites for drug offenses. Black men, for instance, are admitted to state prison for drug offenses at a rate that is 13.4 times greater than that of White men. While African Americans constitute only 13% of drug users, they represent 35% of arrests for drug possession, 55% of convictions and 74% of prison sentences.

### **What Does This Legislation Do?**

The RAVE Act (H.R. 718) and the Illicit Drugs Anti-Proliferation Act (S. 226) would make it easier for the federal government to punish business owners for the drug offenses of their customers – even if they take steps to stop such offenses. The bills would also make it easier to punish homeowners for the actions of their guests. If enacted, they would not only harm innocent people they would undermine public safety measures and stifle free speech. The bills are exactly the same piece of legislation, except for the names. Similar provisions are also in S. 22, a domestic security bill introduced by Senate Minority Leader Tom Daschle (D-SD).

Essentially, the legislation expands a federal law that is already being abused (the so-called “crack house law”) in four ways:

- 1) It expands the “crack house law” to apply to more places and individuals (without curbing current abuses of the law).
- 2) It fundamentally changes the very purpose of the “crack house law” from targeting owners of property used primarily for drug offenses to making property owners liable for isolated incidents – even if they’re not involved in them.
- 3) It makes it a crime - punishable by up to 20 years in prison - to temporarily use a place (hotel room, home, etc) to use drugs. The owner of the home or business could also be imprisoned or fined up to \$500,000 – even if they were not involved in drugs.

4) It would enact new civil penalties that would allow the federal government to punish business owners at a standard of proof too low to protect innocent business owners.

### **Why Should the Music Industry Be Concerned About this Legislation?**

- **It unfairly punishes businessmen and women for the actions of their customers.** It is too broadly written and could subject innocent business owners to enormous fines and prison sentences, especially restaurant and nightclub owners, concert promoters, landlords, and real estate managers. Business owners could be prosecuted even if they were not involved in drugs – and even if they took steps to stop drug use on their property. In recent cases under existing law nightclub owners were prosecuted despite the fact that they had a history of working with the police to stop drug offenses on their property, including holding suspected drug offenders until the police arrived. The RAVE Act and the Illicit Drugs Anti-Proliferation Act could put many innocent business owners out of business.
- **It is a threat to free speech and the right to dance.** Property owners, promoters, and event coordinators could be fined hundreds of thousands of dollars and face up to twenty years in federal prison if they hold concerts or other events on their property and police make drug arrests. If the legislation becomes law, property owners may become too afraid to rent or lease their property to groups holding all-night dance parties, rock or Hip-Hop concerts, protest rallies or any other event rightly or wrongly perceived as attracting drug users (essentially any event that attracts a young crowd.) Federal prosecutors are already punishing business owners that allow certain non-profit groups on their property or allow their customers to dance with glow sticks or other legal items. This legislation will make it easier for the federal government to coerce business owners with threats of \$250,000 fines into not playing certain kinds of music, allowing certain types of guests onto their property, and not allowing certain kind of clothes or other legal items.
- **It allows business owners to be punished without adequate standards of proof or trial by jury.** The legislation allows the federal government to charge property owners civilly, thus allowing prosecutors to fine property owners \$250,000 (and put them out of business) without having to meet the higher standard of proof in criminal cases that is needed to protect innocent people. By adding the words “temporarily or permanently” to the crack house law, this legislation will allow prosecutors to punish business owners, managers, and promoters for isolated incidents.
- **It will endanger our nation's youth.** If enacted, licensed and law-abiding business owners may stop hosting raves and other musical events out of fear of massive fines and prison sentences - driving raves and other musical events further underground and away from public health and safety regulations. It would also discourage business owners from enacting important safety measures to protect their customers. Federal prosecutors are already insinuating that selling bottled water, having paramedics on call, and offering air-conditioned rooms is proof that owners and promoters are encouraging drug use at their events. This legislation may make business owners too afraid to implement such commonsense public safety measures, and the safety of our nation’s youth will suffer.