State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

OFFICE OF CHIEF PUBLIC DEFENDER
30 TRINITY STREET - 4th Floor
HARTFORD, CONNECTICUT 06106

DEBORAH DEL PRETE SULLIVAN
LEGAL COUNSEL/EXECUTIVE ASSISTANT PUBLIC DEFENDER
(860) 509-6405 Telephone
(860) 509-6495 Fax
deborah.d.sullivan@jud.ct.gov

Testimony of
Deborah Del Prete Sullivan, Legal Counsel
Office of Chief Public Defender
Raised Bill No. 6581
An Act Concerning the Enhanced Penalty for the Sale or Possession of Drugs Near Schools, Day Care Centers and Public Housing Projects
Judiciary Committee Public Hearing
March 24, 2009

The Office of Chief Public Defender supports *Raised Bill No. 6581, An Act Concerning the Enhanced Penalty for the Sale or Possession of Drugs Near Schools, Day Care Centers and Public Housing Projects.* The bill would provide for enhanced penalties for any person who violates C.G.S. §21a-267, §21a-278, or §21a-279 within 200 feet of the perimeter of a school, a public housing project or a day care center. In addition, the bill requires that the offense occurred during the hours that the school or daycare was open and operating.

The bill as drafted would eliminate the prosecution of persons who reside within 1500 feet of a drug zone for their conduct within their home during the time that school or daycare is not open. Size of existing drug free zones has previously been discussed. Such a large zone as currently exists can significantly impact upon the population of a city because of the existence of numerous schools, public housing and daycare centers within such. However, when compared to a rural area, it is notable that city residents are more at risk for being arrested for violating these statutes than residents of suburbia. Due to the size of the drug free zones, there can be a disparate impact upon minorities who reside in these urban areas. By setting this specific boundary from the perimeter of a property, the racial disparity that may exist between urban and suburban areas, for persons being arrested for the same conduct, is likely to diminish.

Also, the proposed legislation would allow for an enhanced penalty when such illegal activity occurs within the drug free zone when children are in school or at a daycare. It is during this time that children are most at risk to be exposed to such conduct and for which the enhanced penalty would exist. For these reasons this office supports this bill.