

Testimony in support of raised bill #259

An Act concerning the recommendations of the Connecticut Sentencing Commission regarding the enhanced penalty for the sale or possession of drugs near schools, day care centers and public housing projects

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Good morning, Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee. Thank you for the opportunity to speak to the issue of Drug-Free School Zones.

Last year and again this year the co-chairs of the Judiciary Committee asked the Sentencing Commission to look at sentencing statutes regarding Drug Free School Zones. Changes were suggested at the 2013 Legislative Session and are re-submitted for consideration at this Legislative Session.

The elements of these suggested changes are as follows:

1. Shrinking the size of the school zone from 1,500 feet to 200 feet,
2. To measure the zone from the periphery of the school property rather from the central location or some other location, an ambiguity of the present law,
3. State v. Lewis should be codified to make it clear that 'intent to violate' is considered and proof offered that the offense occurred in a drug-free school zone.

Originally enacted by the legislature in 1987 as a 1000 feet zone, it was subsequently enlarged to 1500 feet even though no evidence was presented to support this new

distance nor to indicated that the 1000 feet distance was ineffective.

Committing drug offenses, including simple possession within this zone required, if prosecuted, a mandatory two-year enhance penalty to be served sequentially except for minors enrolled in the school in question.

One must agree that it is emotionally satisfying and admirable to want to enact laws to protect our children from predators willing to sell them drugs. The legislation, as analyzed in several jurisdictions, has been shown to be ineffective, misguided, and indeed harmful. There is no literature to show that patterns of drug sales have been changed by this legislation. There is no literature to show that the threat to children has been reduced by such legislation. There has been no clamor to increase the distance in those states where the size of the drug-free school zone has been reduced. An extensive literature search shows that there is no evidence that reducing the size of drug-free school zones has brought additional harm to the children.

The enforcement and prosecution of these laws is spotty, inconsistent, and arbitrary. In Hartford only 11% of drug arrests in drug-free school zones have been prosecuted for enhanced penalties. In fact, there is the general impression across the country that this legislation is attached to charges in order to induce those arrested to plea-bargain to a lesser sentence. A review in Massachusetts showed only 1% of drug arrests occurred in areas around schools and that over 70% of those arrests occurred when the schools were closed.

So we are left with a feel-good law that is ineffective and results in non-violent, low-level drug dealers being locked up for longer periods with additional prison costs, but without any advantage to society.

As I noted, this law has prevented enhanced sentencing for minors enrolled in the school in question. Where is the logic or effectiveness of this law in regard to the oxycontin type drugs sold or exchanged in the suburban schools (where a significant proportion of these transactions occur) and which represents one of our major illegal drug burdens? And it is the suburbs where 80% the drug overdose deaths in Connecticut take place.

Why don't we change this poorly utilized and inconsistently enforced law and simply enforce statutes already on the books that target the sale of drugs to minors?

Some of the concern about reducing the size of drug-free school zones has been expressed by legislators representing less populated areas. If that is so, consider this thought: The legislation could be modified to further increase the size of drug-free school zones in rural and suburban areas. That might make those concerned legislators and their voters feel that the children are safer.

In the meantime the so-called sanctuaries created by this law become meaningless in the cities where almost entire municipalities become sanctuaries.