



## DRUG-FREE ZONE LAW

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### ISSUE

Summarize the history of changes to Connecticut laws establishing separate penalties for drug crimes near schools and other designated areas (“drug-free zones”).

### SUMMARY

In 1987, Connecticut initially enacted enhanced penalties for drug sales and related crimes (such as possession with intent to sell) near schools, requiring a mandatory minimum prison term for such violations. In 1989, Connecticut enacted similar laws requiring a mandatory minimum prison term for drug possession or drug paraphernalia crimes committed near schools by individuals who were not enrolled as students at the school.

These laws have been amended several times since then. These amendments include:

1. increasing the mandatory minimum prison term for drug sales committed in a school zone (1989);
2. applying these laws to similar zones around public housing projects (for drug sales) and day care centers (for drug sales and drug possession) (1992 and 1994);
3. increasing the size of the zones covered by these laws (1992);
4. allowing judges to impose less than the mandatory minimum sentence in certain circumstances (2001);
5. decriminalizing the possession of less than one-half ounce of marijuana, thus eliminating mandatory minimum sentences for possession of such amount of the drug within a zone (and related drug paraphernalia offenses) (2011); and



6. most recently, eliminating the mandatory minimum prison term for drug possession committed within such a zone (2015).

Current law generally requires a mandatory minimum prison sentence, in addition and consecutive to any prison term imposed for the underlying crime, for drug sales and paraphernalia crimes committed in designated zones (commonly called drug-free zones). The mandatory minimum sentences are as follows:

1. three years for selling illegal drugs or committing sale-related crimes within 1,500 feet of property comprising a (a) public or private elementary or secondary school, (b) licensed child day care center identified as such by a sign in a conspicuous place, or (c) public housing project ([CGS § 21a-278a\(b\)](#)); and
2. one year for various drug paraphernalia crimes committed within 1,500 feet of property comprising a public or private elementary or secondary school when the defendant is not a student there ([CGS § 21a-267\(c\)](#)).

In 2015, the legislature removed the mandatory minimum prison term for possession of one-half ounce or more of marijuana or any quantity of other illegal drugs within 1,500 feet of the property comprising (1) an elementary or secondary school by someone who is not attending the school or (2) a licensed day care center identified as such by a sign in a conspicuous place ([PA 15-2, June Special Session](#)). Instead, the law now sets the penalty as a Class A misdemeanor, and requires the court to sentence the person to a term of imprisonment and probation (which must include community service) ([CGS § 21a-279\(b\)](#)).

Below are tables (1) comparing the elements of the current drug-free zone laws and (2) summarizing the history of changes to these laws since enactment.

For more information on authorized penalties for violating drug laws in Connecticut, see [OLR Report 2015-R-0219](#).

## **DRUG-FREE ZONE LAWS**

The following table compares the features of the current drug-free zone laws that apply to drug possession, drug sales, and specified drug paraphernalia crimes.

**Table 1: Comparison of Connecticut's Drug-Free Zone Laws**

<b>Activity</b>	<b>Drugs to Which the Law Applies</b>	<b>Settings Where the Law Applies (Within 1,500 feet of property comprising the following)</b>			<b>Authorized Penalties</b>
		Schools	Day Care Centers	Public Housing Projects	
<b>Possession</b> <a href="#">CGS § 21a-279(b)</a>	One-half ounce or more of marijuana or any quantity of other controlled substances	Yes (but only if the person is not attending the school)	Yes	No	Class A misdemeanor (up to one year in prison, up to a \$2,000 fine, or both)  Court must sentence the person to a term of imprisonment and probation. The conditions of probation must include performing community service.
<b>Sale (Including possession with intent to sell; manufacturing; and related crimes)</b> <a href="#">CGS § 21a-278a(b)</a>	Any controlled substance	Yes	Yes	Yes	Mandatory three-year prison term running consecutively to prison term imposed for the underlying crime  Judge may depart from this sentence under certain circumstances (see below)
<b>Drug Paraphernalia-Related Crimes</b> <a href="#">CGS § 21a-267(c)</a>	One-half ounce or more of marijuana or any quantity of other controlled substances	Yes (but only if the person is not attending the school)	No	No	Mandatory one-year prison term running consecutively to prison term imposed for the underlying crime  Judge may depart from this sentence under certain circumstances (see below)

By law, judges may impose less than the mandatory minimum sentence for drug sale or paraphernalia crimes committed within a zone when no one was hurt during the crime and the defendant (1) did not use or attempt or threaten to use physical force; (2) was unarmed; and (3) did not threaten to use or suggest that he or she had a firearm, other deadly weapon (e.g., a switchblade knife), or other instrument that could cause death or serious injury. Defendants must show good cause and can invoke these provisions only once. Judges must state at sentencing hearings their reasons for (1) imposing the sentence and (2) departing from the mandatory minimum ([CGS § 21a-283a](#)).

## HISTORY OF CHANGES TO DRUG-FREE ZONE LAWS

The following tables summarize the history of changes to the drug-free zone laws described above.

**Table 2: Changes to Drug-Free Zone Laws – Drug Sales and Related Crimes (Including Possession with Intent to Sell)**

<b>Public Act</b>	<b>Brief Description of Change</b>
PA 87-373	Established a two-year mandatory minimum prison term for anyone who was not a drug-dependent individual and who violated drug sale laws within 1,000 feet of the property comprising a public or private elementary or secondary school
PA 89-256	Increased mandatory minimum term from two to three years
<a href="#">PA 92-82</a>	Increased size of zone from 1,000 feet to 1,500 feet from school property  Applied the enhanced penalty to drug sale crimes committed within 1,500 feet of a public housing project
<a href="#">PA 94-233</a>	Removed the prior exception for drug-dependent individuals  Applied the enhanced penalty to drug sale crimes committed within 1,500 feet of a licensed child day care center identified as such by a sign in a conspicuous place
<a href="#">PA 01-99</a>	Allowed judges to impose less than the mandatory minimum sentence in certain circumstances when the offense did not involve violence or a weapon; required defendants to show good cause and allowed them to invoke these provisions only once

**Table 3: Changes to Drug-Free Zone Laws – Drug Possession Crimes**

<b>Public Act</b>	<b>Brief Description of Change</b>
PA 89-256	Established a two-year mandatory minimum prison term for anyone who violated drug possession laws within 1,000 feet of the property comprising a public or private elementary or secondary school, and who was not enrolled as a student at the school
<a href="#">PA 92-1, JSS</a>	Increased size of zone from 1,000 feet to 1,500 feet from school property
<a href="#">PA 94-233</a>	Applied the enhanced penalty to drug possession within 1,500 feet of a licensed child day care center identified as such by a sign in a conspicuous place
<a href="#">PA 01-99</a>	Allowed judges to impose less than the mandatory minimum sentence in certain circumstances when the offense did not involve violence or a weapon; required defendants to show good cause and allowed them to invoke these provisions only once
<a href="#">PA 11-71</a>	Decriminalized the possession of less than one-half ounce of marijuana (such possession remains illegal but not subject to imprisonment) and correspondingly removed enhanced penalties for such possession within a zone
<a href="#">PA 15-2, JSS</a>	Removed the mandatory minimum prison term for possession of one-half ounce or more of marijuana or any quantity of other illegal drugs within such a zone. Instead set the penalty as a Class A misdemeanor and required the court to sentence the person to a term of imprisonment and probation, including community service.

**Table 4: Changes to Drug-Free Zone Laws – Drug Paraphernalia Crimes**

<b>Public Act</b>	<b>Brief Description of Change</b>
PA 89-256	Established a one-year mandatory minimum prison term for anyone who violated drug paraphernalia laws within 1,000 feet of the property comprising a public or private elementary or secondary school, and who was not enrolled as a student at the school
<a href="#">PA 92-1, JSS</a>	Increased size of zone from 1,000 feet to 1,500 feet from school property
<a href="#">PA 01-99</a>	Allowed judges to impose less than the mandatory minimum sentence in certain circumstances when the offense did not involve violence or a weapon; required defendants to show good cause and allowed them to invoke these provisions only once
<a href="#">PA 11-71</a>	Decriminalized drug paraphernalia offenses involving less than one-half ounce of marijuana (such offenses remain illegal but not subject to imprisonment) and correspondingly removed enhanced penalties for such offenses within a zone

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