

Drug-Free Zone Law

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Issue

Summarize the history of changes to Connecticut laws establishing enhanced penalties for drug crimes near schools and other designated areas (“drug-free zones”). This report updates OLR Report [2016-R-0199](#).

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 these 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 child 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 (cannabis), thus eliminating mandatory minimum sentences for possession of that amount of the drug within a zone (and related drug paraphernalia offenses) (2011);

6. eliminating the mandatory minimum prison term for drug possession committed within such a zone (2015);
7. reducing the size of the zones covered by these laws (2021); and
8. legalizing the recreational use of cannabis by adults, and correspondingly eliminating mandatory minimum sentences for most cannabis-related offenses within a zone (2021).

Existing 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 drug-free zones. The mandatory minimum sentences are as follows:

1. three years for selling illegal drugs or committing sale-related crimes within 200 feet of the perimeter of the property comprising a (a) public or private elementary or secondary school, (b) licensed child care center identified as such by a sign in a conspicuous place, or (c) public housing project ([CGS § 21a-278a\(b\)](#), as amended by [PA 21-102](#)); and
2. 364 days for various drug paraphernalia crimes committed within 200 feet of the perimeter of the property comprising a public or private elementary or secondary school when the defendant is not a student there ([CGS § 21a-267\(c\)](#), as amended by [PA 21-102](#); also see [CGS § 53a-36a](#)).

For drug possession, there is no mandatory minimum prison term within a zone. Instead, it is a Class A misdemeanor, and requires the court to sentence the person to a term of imprisonment and probation (which must include community service). This applies to offenses within 200 feet of the perimeter of the property comprising (1) an elementary or secondary school by someone who is not attending the school or (2) a licensed child care center identified as such by a sign in a conspicuous place ([CGS § 21a-279\(b\)](#), as amended by [PA 21-102](#) and [PA 21-1, June Special Session](#) (JSS)).

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.

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

Activity	Drugs to Which the Law Applies	Settings Where the Law Applies (Within 200 feet of the perimeter of property comprising the following)			Authorized Penalties
		Public or Private Elementary or Secondary Schools	Licensed Child Care Centers (identified as such by conspicuous sign)	Public Housing Projects	
Possession CGS § 21a-279(b) , as amended by PA 21-102 , § 24 Also see PA 21-1, JSS , § 2 (removing cannabis from this statute)	Any controlled substance other than cannabis	Yes (but only if the person is not attending the school)	Yes	No	Class A misdemeanor (up to 364 days 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.
Sale (Including possession with intent to sell; manufacturing; and related crimes) CGS § 21a-278a(b) , as amended by PA 21-102 , § 23 Also see PA 21-1, JSS , § 15 (removing cannabis from one of the underlying drug sale statutes)	Any controlled substance other than cannabis One kilogram or more of cannabis (see CGS § 21a-278(b))	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)
Drug Paraphernalia-Related Crimes CGS § 21a-267(c) , as amended by PA 21-102 , § 22 Also see PA 21-1, JSS , § 4 (removing cannabis from this statute)	Any controlled substance other than cannabis	Yes (but only if the person is not attending the school)	No	No	Mandatory 364-day prison term running consecutively to prison term imposed for the underlying crime Judge may depart from this sentence under certain circumstances (see below)

Under [PA 21-102](#), for the enhanced penalty to apply for these crimes, the offender must commit the crime with the intent to do so in a specific location which the trier of fact (i.e., the jury or judge) determines is within the zone. To the extent this provision applies to illegal drug sales and related crimes, it codifies case law (see *State v. Denby*, 235 Conn. 477 (1995)).

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)**

<i>Public Act</i>	<i>Brief Description of Change</i>
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
PA 92-82	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
PA 94-233	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 care center identified as such by a sign in a conspicuous place
PA 01-99	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
PA 21-102	Reduced size of zone from 1,500 to 200 feet from the property Specified that for the enhanced penalty to apply, the offender must have committed the crime with the intent to do so in a specific location which the trier of fact determines is within the zone (codifying case law)
PA 21-1, JSS	Legalized the possession of cannabis (subject to certain limits and age restrictions) and correspondingly removed cannabis from most of the laws establishing enhanced penalties for drug sale crimes within a zone (enhanced penalty continues to apply to illegal sales of large amounts; see table 1 above)

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

<i>Public Act</i>	<i>Brief Description of Change</i>
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
PA 92-1, JSS	Increased size of zone from 1,000 feet to 1,500 feet from school property
PA 94-233	Applied the enhanced penalty to drug possession within 1,500 feet of a licensed child care center identified as such by a sign in a conspicuous place
PA 01-99	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
PA 11-71	Decriminalized the possession of less than one-half ounce of marijuana and correspondingly removed enhanced penalties for such possession within a zone
PA 15-2, JSS	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.
PA 21-102	Reduced size of zone from 1,500 to 200 feet from the property Specified that for the enhanced penalty to apply, the offender must have committed the crime with the intent to do so in a specific location which the trier of fact determines is within the zone
PA 21-1, JSS	Legalized the possession of cannabis (subject to certain limits and age restrictions) and correspondingly removed cannabis from the laws establishing enhanced penalties for drug possession within a zone

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

<i>Public Act</i>	<i>Brief Description of Change</i>
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
PA 92-1, JSS	Increased size of zone from 1,000 feet to 1,500 feet from school property
PA 01-99	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
PA 11-71	Decriminalized drug paraphernalia offenses involving less than one-half ounce of marijuana and correspondingly removed enhanced penalties for such offenses within a zone
PA 21-102	Reduced size of zone from 1,500 to 200 feet from the property Specified that for the enhanced penalty to apply, the offender must have committed the crime with the intent to do so in a specific location which the trier of fact determines is within the zone
PA 21-1, JSS	Legalized the possession of cannabis (subject to certain limits and age restrictions) and correspondingly removed cannabis from the laws establishing enhanced penalties for drug paraphernalia crimes within a zone

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