

# TIMES OF TRENTON

## Change this harmful law

Thursday, December 15, 2005

**BY EDITORIAL**

Years ago, New Jersey's legislators, in one of their recurring crackdown-on-crime modes, enacted a law creating so-called drug-free zones within 1,000 feet of a school or school bus, and another law creating 1,000-foot zones around parks, libraries and other public facilities. Anyone convicted of a drug crime within the zone gets a mandatory three-year prison term tacked onto his penalty, with the judge given no leeway to consider the circumstances.

Passing the law enabled its supporters to boast to the voters that they were tough-minded protectors of children. But its results have been disastrous, according to a report by the New Jersey Commission to Review Criminal Sentencing.

The commission, consisting of law-enforcement officials, judges, legislators, public defenders, prosecutors and other criminal justice experts, took a hard look at the evidence and the data and concluded: .

"The statistics bear out beyond doubt that the drug-free zone laws, as presently applied, have had a devastatingly disproportionate impact on New Jersey's minority community. Of no less importance, the available evidence strongly suggests that the laws as presently written do not further what the Legislature clearly intended to be their specific purpose: to protect certain premises from the primary and secondary effects of the illicit drug trade."

The laws' ineffectiveness is demonstrated by the fact that there has been no increase in drug-distribution offenses immediately outside the 1,000-foot perimeter, as one would expect if the law was working. Instead, arrests within the zone have steadily risen over the years. Nevertheless, of 90 reported school-zone cases studied, not a single case involved selling drugs to minors - the cohort that the law supposedly was enacted to protect.

And those arrested have been overwhelmingly African-American or Latino. These groups constitute 96 percent of all New Jersey inmates whose most serious offense is a school-zone violation. Yet they make up only 27 percent of New Jersey's population. Only two out of 10 suburban or rural drug-distribution offenses occur within school zones, while in the urban areas, with higher concentrations of schools, school buses and other public facilities, eight out of 10 distribution offenses do. "Basically, New Jersey has two different punishments for the same crime," says Drug Policy Alliance New Jersey, "with the severity of the punishment being based on geography and, ultimately, on race."

Not only are the laws ineffective and counterproductive; they waste dollars. As the commission points out, New Jersey spends some \$279 million a year just to incarcerate drug offenders - about \$31,000 per offender per year. Many of these people would be more effectively and inexpensively dealt with by drug treatment - not a small consideration in heavily taxed, deep-in-debt New Jersey. But the law gives a sentencing judge confronted with a defendant convicted of a zone violation no choice.

The commission recommends that the zones be reduced from 1,000 feet to 200 feet and the penalty for offenses be increased within the 200-foot zone (but without the mandatory minimum). That would more closely link the zones to the schools themselves and produce a greater deterrent effect - and greater protection for children - while restoring the sentencing flexibility the courts should be trusted with. The recommendations, and the report itself, are supported by many agencies and groups, including the Attorney General's Office, the New Jersey Prosecutors Association, the New Jersey Chiefs of Police, the Black Ministers Council and the Hispanic Directors Association. An Assembly bill, A-4465, that would implement the proposals has bipartisan sponsorship and was reported out of committee Dec. 5. There's no rational reason why both houses of the Legislature shouldn't approve it as soon as possible.