



# Changing drug-free zone laws makes sense

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By **JON SHURE**

IT SEEMED like a good idea at the time. If you want to be serious about fighting crime, make rules that are very strict and inflexible. A prime example was the law that says if someone is convicted of a drug crime that occurs within 1,000 feet of a school they will be subject to a more severe penalty than someone who is arrested 1,001 feet from a school.

Caught within the zone, you face a mandatory prison sentence of three years with no parole. Even a judge can't change it.

Outside the zone, though, plea bargains, probation, treatment and the like are much-used alternatives to incarceration.

Over the 18 years that the law has been on the books, it certainly has gotten results - just not good ones.

A greater share of New Jersey inmates - 33 percent - is in prison for drug-related crimes than in any other state, compared to 11 percent in 1986.

In 1986, violent crimes accounted for 61 percent of the state's prison population, compared to 40 percent today.

In 1986, 23 percent of whites and 22 percent of blacks entering prison were charged with drug offenses. But today, 64 percent of New Jersey's prisoners are African-American, though only 14.5 percent of the state's entire population.

And, over the past 20 years, spending in New Jersey on corrections - building, maintaining and staffing prisons - has risen by about 500 percent.

The bottom line is that the school-zone law and a companion measure that also sets a 1,000-foot zone around parks, day-care centers and other facilities where children are likely to be present have had a lamentably disproportionate racial impact when it comes to punishment for relatively low-level, non-violent drug-related crimes.

To figure out why, just go to a city. The reality is that in cities it is hard not to be 1,000 feet from a school or public place. According to one report, there is just a tiny pocket of Hudson County near the Holland Tunnel entrance that is not covered by the laws. But in suburbs and rural areas it is fairly easy to be out of range.

It's not as though the mandatory minimum sentencing law was aimed at minorities. The intent was to help protect children from drugs. It just goes about it in a seriously ill-advised manner.

Consider this: A study by the Boston University School of Public Health on a similar law in Massachusetts found that less than 1 percent of the people convicted of drug sales within a school zone were selling to minors or were even on school property.

Fortunately, in New Jersey there is a vehicle for restoring some sanity to the process. The Commission to Review Criminal Sentencing, created in January 2004 by then-Gov. James McGreevey, recently recommended establishing zones of 200 feet around schools and 500 feet in other areas covered by the law.

Drug-dealing in the covered areas would be punishable with prison terms of five to 10 years - but without any mandatory minimum.

It's a win-win recommendation: protection for children and discretion for judges so that if they feel, for example, that drug treatment (which costs less and often has better results) makes more sense than time in prison, they can make sure it happens.

Adopting this and other reforms would fit in with a national trend that so far has eluded New Jersey. Even New York, which instituted some of the nation's harshest drug laws under Gov. Nelson Rockefeller, has been moving in the other direction.

And, not long ago, Pennsylvania Gov. Edward Rendell signed a law aimed at moving non-violent drug offenders more quickly into treatment.

Interestingly, reforming the get-tough laws of the past is often uniting liberals and conservatives. The moral qualms of one group are merging with the spending worries of the other. As stated in a 2004 report by the Vera Institute of Justice, "Fiscal concerns are providing common ground - and a political safe haven - for officials of all political stripes looking to temper reliance on incarceration."

Whatever the motivation, let's welcome the effort. And when supporters of reform are attacked for being "soft on crime," as they are certain to be, stand up for common sense.

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