

Drug-law reforms deserve a hearing

Home News Tribune 12/12/05

On the face of it, legislation that seeks to better protect schoolchildren from drugs and more fairly and adequately prosecute drug dealers by shrinking the size of drug-free school and park zones seems counterintuitive. But having marshaled evidence of how such zones have affected the distribution of drugs and the prosecution of those who deal them, a high-powered and diverse state committee, the New Jersey Commission To Review Criminal Sentencing, has unanimously concluded the 1,000-foot school zones, the 500-foot park, museum and public housing zones, and the three-year mandatory sentence handed out to anyone caught selling drugs within them are both ineffective and highly discriminatory. The panelists say that by shrinking the size of the school zone to 200 feet, better marking the zone, and increasing the severity of the crime from a third- to a second-degree for those arrested within it - while giving judges discretion in sentencing - the public is likely to be better served.

There are bound to be those who disagree, on the simple premise that society ought never to back down on issues of law and order, and a Republican member of the Senate committee who abstained from endorsing a proposed bill said he wanted to leave the size of school zones up to individual towns.

But the panel's recommendations deserve to be heard, both because the collected evidence is so damning and because many of those who served on the committee, most especially its chairman, retired Middlesex County Superior Court Judge Barnett Hoffman, have records that speak to their dedication to fixing the insufficient and in many instances contradictory laws that govern drug offenses.

Of the 90 cases the committee studied of drug sales within school zones, not one involved the sale of drugs to a child. In many cases, the defendant did not even realize he or she was in a school zone. The committee also determined the law is particularly discriminatory in urban areas, where most of the city is likely to fall in a protected zone. In Newark, for example, three-quarters of the city (excluding the airport) falls within such a zone; and in urban areas in general more than eight in 10 arrests for drugs are made within the zones. In rural areas, however, fewer than two in 10 arrests are in a protected zone.

The mandatory sentences imposed by the school-zone law have had the effect of swelling the prison population, mostly with poor, minority men who live in those urban areas. The committee determined that 96 percent of those prosecuted under the school-zone law are black or Latino, a statistic it attributed directly to the geography of cities and the size and scope of school and park zones.

The bill passed out of an Assembly committee this week but at least one lawmaker has expressed doubt that it will get through before the end of the current term, early in January. The bill deserves a hearing.

Hoffman, who was the state's longest-serving criminal judge at his retirement, has shown his ability to think creatively and both compassionately and dispassionately when it comes to dealing with drugs and drug addicts. He was one of the founders of Middlesex County's innovative drug-treatment program for county jail inmates. If he and his cohorts believe we can do better, there's little doubt that we can.