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## Experts want to shrink drug-free school zones

Panel calls 200 feet fairer than the current 1,000

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The city of Newark covers 24 square miles. It has 129 schools, each surrounded by a 1,000-foot "drug-free" zone. Similar 500-foot zones surround each of its 150 public housing complexes, 69 parks, 13 libraries and two museums.

Plotted on a map, those overlapping circles form one big blob, within which the sale of drugs carries especially heavy penalties. Disregarding the airport, 76 percent of the city falls within that "drug-free zone."

Yesterday a blue-ribbon commission displayed that map as Exhibit A in its case for shrinking those zones to 200 feet in order to make them fairer and more effective.

"We stand here as a united group saying that the present drug zone laws do not protect our children," Barnett Hoffman, the retired judge who chairs the New Jersey Commission to Review Criminal Sentencing, said at a Trenton news conference. The commission includes prosecutors and defense lawyers, as well as representatives of the Department of Corrections, parole bureau, judiciary and public.

"The laws as written are just plain ineffective. The cities themselves have become school zones," Hoffman said. "The point is these huge zones actually dilute the special protection the zones are supposed to provide."

Assistant Attorney General Ronald Susswein, one of the architects of the original 1987 drug-free school zone law, said: "We wanted to create safe harbors for schoolchildren and educators by literally pushing the pushers away from these protected areas."

But he said the law "failed" in cities like Newark because if drug dealers move far enough away from one school to escape the heavier punishment, they move into an adjoining school zone.

"They're going to get the same punishment anywhere in these towns, so they're going to pick the best spot," Susswein said.

The commission backed up that conclusion with arrest statistics from Newark for Jan. 1 to Sept. 6 of this year.

If the zones were working as intended, there should be a spike in arrests just outside the 1,000-foot circle, where

dealers know they face lighter punishment, Hoffman explained. Instead, there were actually fewer arrests (252) made 1,000 to 1,200 feet from schools than at 700 to 800 feet (266 arrests). There were 274 arrests within 200 feet of a school.

Hoffman said that shows the zone has "no impact" in deterring the peddling of drugs near schools. What it has done, he said, is to impose particularly harsh penalties on minorities who sell drugs in densely populated areas blanketed by drug-free zones.

"Nearly every offender, 96 percent" of those in prison for violating the drug-free zones, "is either black or Hispanic," Hoffman said.

Susswein said shrinking the zones to 200 feet would make them "meaningful." Hoffman said the 15-member commission unanimously agreed that 200 feet is the right distance because it keeps dealers from setting up shop next to a school but is close enough that they can see a school is nearby and know they should move away.

The commission also proposes increasing the maximum penalties for drug dealing inside a drug-free zone to 10 years in prison, up from five. It would eliminate the existing mandatory minimum sentences, giving judges more discretion.

A bill implementing the panel's recommendations was approved Monday by the Assembly Law and Public Safety Committee. Yesterday, however, Sen. Bernard Kenny (D-Hudson), a member of the commission, said the measure will not pass both houses of the Legislature before the lame-duck session ends Jan. 10.

Kenny said the bill needs "to garner bipartisan support," which it did not have Monday, when neither of the two Republicans on the Assembly committee supported it, and one questioned why the commission had not proposed allowing each municipality to set its own drug-free zones.

Kenny said senators also want assurances that Gov.-elect Jon Corzine will support the measure. He said he will "pre-file" a bill today for consideration in the new two-year legislative term that begins at noon Jan. 10.

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