

Smaller drug-free zones suggested

Panel: Overlaps may embolden dealers

Posted by the Asbury Park Press on 12/8/05

BY TOM BALDWIN

GANNETT STATE BUREAU

TRENTON — The stage is being set to scale back the reach of the state's drug laws, including a plan to allow drug dealers closer to school yards without facing enhanced penalties — all to protect children.

Sounds odd. But a blue-ribbon panel headed by a retired judge is making just that case.

"Drug-zone laws do not work. . . . The laws, as written, are just plain ineffective," said Barnett Hoffman, who formerly headed the criminal courts in Middlesex County and now serves as chairman of the New Jersey Commission to Review Criminal Sentencing.

The panel, from all facets of criminal justice, was created in 2004 to review the state's sentencing laws for fairness and proportionality. Its report Wednesday focused on the effectiveness of New Jersey's drug-free zone laws.

This report is the first from the commission, which promised "many" more in coming years.

The group concluded that the current zones — which impose extra penalties on people convicted of peddling drugs within 1,000 feet of a school — actually emboldens sellers to zero in closer to some of those schools.

This is because densely populated New Jersey has many areas where the 1,000-foot drug-free zones overlap, especially in cities. So dealers accept the risk and stake out the most profitable place to do business, which is often near a school, Hoffman and others on the 15-member commission said.

"It was an arbitrary number created out of thin air," Hoffman said Wednesday, as the commission met to unveil its plan. "A 200-foot radius is a line of sight."

The commission wants the Legislature to reduce the distance to 200 feet and then to upgrade the crime from a third-degree offense, with a three-to-five-year prison term, to a second-degree crime with the expectation of five to 10 years in prison.

A bill that would do those things was endorsed last Thursday by an Assembly committee.

Everyone vowed they were not soft on crime but "smart on crime."

The commission also wants what it calls a "unified zone," meaning the 200-foot ring would apply to schools and other public places. At present, schools have the 1,000-foot ring, but public libraries, parks or public housing have a 500-foot buffer.

The commission also wants to allow judges to have more latitude to impose penalties tailored to the crime and the offender, where penalties are now largely mandatory.

One result of the 1,000-foot system gives New Jersey the distinction of having the greatest disparity in the nation between whites and minorities convicted for drug sales close to a school, said commission Vice Chairwoman Yvonne Smith Segars, who is in charge of the state Public Defender's Office.

The commission says 96 percent of convicts doing time for selling drugs near schools are black or Hispanic, a phenomenon Hoffman called "devastating."

"This is just wrong and unacceptable," Hoffman said, noting sellers in largely white suburbs can more easily sell drugs well away from any 1,000-foot radius without treading into the radius of another school. Hoffman likened the current

law to a net set specifically for minorities.

Copyright © 2005 Asbury Park Press. All rights reserved.

Use of this site signifies your agreement to the [Terms of Service](#) and [Privacy Policy](#). (Updated June 7, 2005) Site design by [Asbury Park Press](#) / [Contact us](#)