
Renewed push fails to shrink state's drug-free zones

By Zach Lowe
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For the second year in a row, state lawmakers scrapped a bill that would have eased Connecticut's drug-free-zone laws, viewed by experts as among the toughest in the nation.

The proposal, which died in committee, would have shrunk the drug-free zones around schools, day care centers and housing projects from 1,500 feet to 200 feet. Supporters of the change, including the state's chief public defender, say the current law scoops up too many people in urban areas because almost every inch of a typical Connecticut city is within 1,500 feet of one of the targeted properties.

Those who favored the change say the law unfairly exposes urban residents, especially minorities, to additional criminal charges. Those charges also carry mandatory minimum prison sentences that prosecutors can use to entice a guilty plea, experts said.

"The statute is blatantly racist in its result, if not its intent," said Jon Schoenhorn, president of the Connecticut Criminal Defense Lawyers Association.

Supporters of the status quo say the rules are crucial to keeping drugs away from children and out of public housing complexes. The Chief State's Attorney's Office and the Connecticut Police Chiefs Association opposed the changes last year.

Under current law, a person caught selling drugs within 1,500 feet of a school, housing project or day care center faces a mandatory minimum three-year prison sentence. A person who possesses a small amount of drugs within the same 1,500-foot radius with no intent to sell faces a minimum two-year sentence.

Nearly 4,800 people statewide were charged in 2006 with violating one of those laws, according to state Judicial Branch statistics.

The stricter penalties are out of line with most states, according to a report released last year by the Justice Policy Institute, a Washington, D.C.-based nonprofit agency that supports alternatives to prison.

"Connecticut is among the harshest" states, said Gabriel Sayegh,

director of state organizing and policy projects for the New York office of the Drug Policy Alliance. The nonprofit group is committed to rewriting tough drug laws passed nationwide in the 1980s.

Sayegh, who lobbied for this year's unsuccessful bill, promised the group would be back next year with a "full-court press" in support of the change.

The Justice Policy Institute report found the "overwhelming majority" of states use drug-free zones of 1,000 feet or less; 1,000 feet is the most common distance. But a few states, including Alabama and South Carolina, use zones of 2,000 feet to 3 miles, the report found.

The only large areas outside the zones in Stamford are Long Island Sound and the region north of the Merritt Parkway, a 2001 state report shows. From 75 percent to 90 percent of territory in Connecticut's other large cities are within the 1,500-foot zones, according to maps in state research reports from 2001 and 2005.

That means drug dealers are not deterred from selling near schools because there are few, if any, places they could go where they would be outside the zone, critics say.

"There is no incentive not to sell near schools because the entire area is a prohibited zone," said state Sen. Andrew McDonald, D-Stamford, chairman of the Judiciary Committee and a supporter of the bill.

The zones covering urban areas are a likely cause for the racial disparity in drug arrests, experts said. About two-thirds of people arrested statewide on mandatory minimum drug charges are Hispanic or black, a 2005 report by the state General Assembly's Legislative Program Review and Investigations Committee.

Studies in Massachusetts and New Jersey found that more than 80 percent of those charged with violating drug-free-zone laws were minorities, according to the Justice Policy Institute report.

McDonald said it would be more effective to tighten the zone around schools and enforce it only when school is in session.

The Justice Policy Institute report found about 87 percent of arrests in the 1,500 zones in Connecticut happened before or after school in 2004-05.

Some opponents of the 200-foot bill, including Norwalk Police Chief Harry Rilling, said they would support changing the zones to 1,000 or 500 feet.

But 200 feet is too small a distance, said Rilling, current president of

the police chiefs association.

The bill also would have reduced the mandatory prison sentence for simple possession within the drug-free zone from two years to one.

Most states penalize only those caught selling drugs or holding an amount large enough for police to assume they planned to sell. About 10 states, including Connecticut, increase penalties for simple possession in drug-free zones, the report found.

But the changes that had been proposed were too far-reaching for most members of the legislature's Appropriations Committee, who voted 35-4 to remove the 200-foot proposal from a larger bill.

"It was just dead," said the bill's author, state Rep. Marie Lopez Kirkley-Bey, D-Hartford.

Supporters wrote a last-minute compromise that called for a 500-foot radius and removed public housing and day care centers from the restricted zones, Kirkley-Bey said.

That bill got tossed aside in the wrangling over the state budget, she said.

But Kirkley-Bey hopes something similar may have a chance next year.

"Are we trying to rehabilitate people?" she said. "Or are we trying to incarcerate them?"

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