

CONNECTICUT SENTENCING COMMISSION



Strengthening drug-free school zones to protect children, establish learning sanctuaries, and make our communities safer.

HB-6511, File No. 666

An Act Concerning the Recommendations of the Sentencing Commission Regarding the Enhanced Penalty for the Sale or Possession of Drugs Near Schools, Day Care Centers, and Public Housing Projects

The Issue:

Connecticut enacted its first drug free zone law in 1987 when the General Assembly established an enhanced mandatory minimum penalty for selling or possessing illegal drugs with the intent to sell within 1,000 feet of an elementary or secondary school. This distance was subsequently extended to 1,500 feet and the zones were extended to cover public housing and daycare providers. As a result, most cities in Connecticut are located entirely within drug-free school zones and **the public policy of establishing drug-free learning sanctuaries is weakened by not clearly articulating the boundaries of these zones.**

The Recommendation:

The recommendation was *proposed by a working group of the Sentencing Commission consisting of the deputy chief state's attorney, an executive assistant public defender and Dr. Robert Painter*, who has studied drug-free zone statutes throughout the country. The recommendation was adopted by the Commission's 23 members—

judges, prosecutors, criminal defense counsel, the commissioners of the Departments of Correction, Public Safety and Mental Health and Addiction Services, the victim advocate, the executive director of the court support services division of the Judicial Branch, a municipal police chief, the chairperson of the Board of Pardons and Paroles, the undersecretary of the criminal justice policy and planning division of the Office of Policy and Management and members of the public appointed by the Governor and the leaders of the General Assembly.

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The Proposed Legislation Would:

- Codify the requirement imposed by the Connecticut Supreme Court that the defendant must intend to sell or possess drugs at a specific location and that the location must be within a drug-free zone. **This does not create a new defense. It simply conforms statute to existing law. It does not require the state to prove that the defendant knew he was in a drug-free zone. A jury will determine whether the location was in a drug-free zone, regardless of what the defendant thought.**
- A drug-free zone of 1500 feet departs from original purpose of the law to give special protection to vulnerable populations and has unintended consequences—making entire cities and portions of towns drug-free zones and increasing racial disparity in sentencing. The legislation would address this issue by establishing a drug-free zone as **300 feet—about a football field from the perimeter of the property**. This would consolidate the drug-free zone and ensure that entire properties are protected by clarifying that the distance should be measured from the perimeter of the property.