



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of
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Raised Bill No. 244

**An Act Concerning the Enhanced Penalty for the Sale or Possession of Drugs Near
Schools, Day Care Centers and Public Housing Projects**
Judiciary Committee Public Hearing
March 12, 2012

The Office of Chief Public Defender supports *Raised Bill No. 244, An Act Concerning the Enhanced Penalty for the Sale or Possession of Drugs Near Schools, Day Care Centers and Public Housing Projects*. The bill would provide for enhanced penalties for any person who violates C.G.S. §21a-267, §21a-278, or §21a-279 within 200 feet of the perimeter of a school, a public housing project or a day care center. In addition, the bill requires that the offense occurred during the regular hours that the school or daycare was open and operating or whenever a school sponsored activity is conducted and students are present.

The size of existing drug free zones in Connecticut is an issue that has been discussed by this Committee previously. Such a large zone as currently exists can significantly impact upon the population of a city because of the existence of numerous schools, public housing and daycare centers within such. However, when compared to a suburban area, urban residents are more at risk for being arrested for violating these statutes than residents of suburban areas. Because of the size of the drug free zones, there can be a disparate impact upon minorities who reside in urban areas. By setting this specific boundary *from the perimeter of a property*, the racial disparity that may exist between urban and suburban areas, for persons being arrested for the same conduct, may diminish. The bill as drafted would eliminate the prosecution of persons who reside within 1500 feet of a drug zone for their conduct *within* their home during the time that school or daycare is not open.

This proposed legislation would allow for an enhanced penalty when such illegal activity occurs within the drug free zone when children are in school or at a daycare or at a school sponsored activity which is on school property when students are present. It is during this time that children are most at risk to be exposed to such conduct and for which the enhanced penalty would exist. For these reasons this Office supports this bill.