

SB

340

HOUSE COMMITTEE REPORT

4/20

E

(7)

Date Referred: February 26, 1990

FURTHER REFERRALS:

JUDICIARY
FINANCE

Date of Committee Action: 4/18/90
The HES Committee considered:

CSSB 340(Rls)am

CS SB NO. 340 (Rules) am ILLEGAL DRUGS/SCHOOLS/PREGNANT WOMEN
"An Act relating to the delivery and possession of controlled substances and imitation controlled substances, to misconduct involving controlled substances, imitation controlled substances, and alcohol by minors, and to the provision of information that includes penalties applicable to misconduct involving controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drug-free school zones'; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with HCS SB 340 (HES) the same title
- have attached amendment(s) a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(s):
(Dept)

APPROVES PREVIOUS:

- fiscal impact _____
- zero fiscal note _____
- zero with analysis _____

Senate
 fiscal note(s) 7/22/90/DOJ/2/22/90 P.S. (Date/Dept)
 zero fiscal note(s) _____
 zero fn/analysis _____

SIGNING DO PASS:

SIGNING:
(Check approp. column)

Do Not Pass No Rec Amend

Ellis ELLIS
George J. Jacko JACKO
Mark Boyer BOYER

Signature	Do Not Pass	No Rec	Amend
<u>W. J. Furnace</u> FURNACE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Cheri Davis</u> C. DAVIS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Ellis
 Chairman's Signature

FINANCE
2/12/90
ADOPTED
RJC

Senate Letter of Intent

CSSB 340 (Finance)

It is the intent of the legislature that the Department of Public Safety annually coordinate the printing of a "Student's Rights" card designed and written by the Department of Education. The Department of Public Safety shall make arrangements to distribute the card to every child enrolled in a public school, and to every child enrolled in a private school of which the Department of Education has a record under AS 14.45. The legislature intends that the Commissioner of Education use the "Student's Rights" card distributed by the State of New Jersey as a guide in designing the card, and that the card include information that summarizes the Alaska statutes applicable to the sale and possession of controlled substances on or near school grounds, and on school buses.

It is the further intent of the legislature that the Department of Public Safety annually coordinate the preparation and mailing of an information pamphlet to all households in the state. The pamphlet should be written in easily understandable language, should be designed to educate the public about controlled substances, and should summarize information relating to the criminal penalties applicable to the sale and possession of controlled substances on or near school grounds, and on school buses.

The legislature does not intend for the Department of Public Safety to pay for the cost of printing or distributing the "Student's Rights" card or information pamphlet. Instead, the legislature intends for the Commissioner of Public Safety to develop a process for soliciting in-kind donations of services and materials from private sector businesses and individuals, and to allow members of the private sector to print and distribute the "Student's Rights" cards and information pamphlets. The names of the donors shall be printed on each card and pamphlet.

adopted by Senate 2/22/90.

STATE OF ALASKA
1990 LEGISLATIVE SESSION

BILL VERSION: CS SB 340 (Rules) (a)
PUBLISH DATE: 2/22/90

REQUEST: FISCAL NOTE

Revision Date:
Title: An Act relating to Drug Free
School Zones
Sponsor: Faiks, etc.
Requestor: Faiks

Agency Affected: DOT&PF
BRU: Maintenance and Operations

Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	148.5	15.0	30.0	30.0	30.0	45.0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	148.5	15.0	30.0	30.0	30.0	45.0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	148.5	15.0	30.0	30.0	30.0	45.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: See attached.

Prepared by: Jeffery C. Ottesen
Division: Director, Engineering and Operations Standards

Phone: 465-2951
Date: January 24, 1990

Approved by Commissioner: Mark S. Hickey
Agency: Department of Transportation and Public Facilities

Date: January 24, 1990

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

) Changes in CS SB 340 (Rules)
have no fiscal impact.
This fiscal note is
appropriate.

There is no way to make an actual inventory of signed school locations on short notice. However, there are 660 schools, and it can reasonably be assumed that at least half are on or near the state system (including municipal arterials), and are marked as schools by school speed zones, marked crosswalks, or advance school warning signs.

Furthermore, where schools are signed there would rarely be less than two marked locations (one in each direction on one road) and probably rarely more than four (one in each direction on two roads) for an average of 3 per school. This amounts to 330 schools x 3 signs per school average = 990 signs total.

Large signing contracts average approximately \$50 per square foot for installed signs. The required sign size for legibility and consistency would be about two square feet. However, such smaller signs have much the same mounting, labor and equipment costs as those several times larger. Including the need to locate the signs rather accurately, the estimated cost per sign is conservatively \$150 each.

This results in an estimated initial cost of \$148,500 in 1990 dollars.

The sign life due to deterioration, accidental destruction, and the high vandalism target value cannot be expected to exceed about five years with, for all causes, 10% loss the first year, 20% the second through the fourth years, and 30% the last year when deterioration sets in, and about 20% per year average thereafter.

This results in maintenance as follows (in 1990 dollars):

1st year	$0.10 \times \$150K = \$15,000$
2nd thru 4th years	$0.20 \times \$150K = \$30,000$ per year
5th year	$0.30 \times \$150K = \$45,000$
thereafter	$0.20 \times \$150K = \$30,000$ per year

There is no way to accurately speak for the municipalities for the costs on their road system.

FISCAL NOTE

REQUEST:

Revision Date: 2/9/90
Title: Illegal drugs/schools

Agency Affected: Public Safety
BRU: Alaska State Troopers

Sponsor: Senator Faiks, et al.
Requestor: Senate Finance

Component: AST Special Projects

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	39.7	39.7	39.7	39.7	39.7	39.7
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	39.7	39.7	39.7	39.7	39.7	39.7

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	39.7	39.7	39.7	39.7	39.7	39.7
FEDERAL FUNDS						
OTHER/PROG RCPT						
TOTAL	39.7	39.7	39.7	39.7	39.7	39.7

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	2	2	2	2	2	2
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.) Changes in CSSB 340 (Rules)
have no fiscal impact.
This fiscal note is
appropriate. *MZL*

Prepared by: Francis C.
Division: Alaska State Troopers

rnone: 269-5691
Date: 2/9/90

Approved by Commissioner: Arthur English
Agency: Department of Public Safety

Date: 2-9-90
Page 1 of 4

MZL
2/9/90

Department of Public Safety
Fiscal Note Analysis
CSSB 340 (FIN) DRAFT, Drug Free School Zones
Page 2 of 4

Passage of proposed CSSB 340 (FIN) in its present form would require the Department of Public Safety to annually produce and distribute "Student's Rights" cards to an estimated 112,000* students presently enrolled in the 625 public and private schools in Alaska.

This bill also requires the Department of Public Safety to produce and distribute a controlled substances information pamphlet which is to be distributed annually to each of the estimated 266,000** households throughout Alaska.

The bill prohibits the Department of Public Safety from using state funds to accomplish this task, and an accompanying "letter of intent" directs the Department to solicit funds from private sources. The Department does not feel that this approach is realistic in Alaska. States with larger corporate environments may be able to obtain such voluntary support, but solicitation of donations for continuing revenue is very difficult. Despite serious doubts about the workability of this scheme, this fiscal note is the Department's best estimate of essential costs.

To accomplish the tasks set out by the language of this bill, as interpreted in the letter of intent, the following activities must occur: writing, research, design and layout of the information pamphlet and Student's Rights cards, preparation of printer's specifications, bid specifications, mail assembly, and distribution. These and many other tasks must be handled by skilled personnel in order to ensure compliance with the legislation. In addition, it will be necessary for at least one member of the DPS staff to oversee and coordinate this project to ensure compliance.

Personal Services:

Publications Specialist II	\$25.3
Clerk Typist II	<u>14.4</u>
TOTAL	<u>\$39.7</u>

* Figures from the Department of Education.

** Figures from U.S. Census Bureau.

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Position Title Publications Specialist II		No. of Positions 1	Range/Step 16/A	Barg. Unit
Time Status PPT	Staff Months 6	Location Anchorage		Election District 10
Type of Expenditure		Justification		
1	2	3		
Salary*	18,956	////////////////////////////////////		
Benefits*	6,306	////////////////////////////////////		
Premium Pay (Included in Above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	25.3		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		25.3		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	25.3		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

This position will function within the Community Services Bureau. This person will be responsible for the preparation, writing, and design layout of the controlled substance information pamphlet and the "Student's Rights" card. Further, the position would be responsible for preparing printer's specifications and obtaining bids for printing of these publications. Distribution and mailing of the material would also be coordinated by this individual.

Six months funding will be needed to perform the work necessary to meet the requirements of this legislation.

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REQUEST FOR
NEW POSITION

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT AST Special Projects

Page 3 of 4
 Revised Date

FY 91

Position Title Clerk Typist II		No. of Positions 1	Range/Step 7/A	Barg. Unit ASEA
Time Status PPT	Staff Months 6	Location Anchorage		Election District 10
Justification				
This Clerk Typist II position will be assigned to the Community Services Bureau to provide clerical support for this project in terms of research and follow-up correspondence with schools and interested households.				
This position will be needed for 6 months to accomplish the goals envisioned in the legislation.				
Type of Expenditure		Amount		
1	2	3		
Salary*	10,394	////////////////////		
Benefits*	3,982	////////////////////		
Premium Pay (Included in Above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	14.4		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		14.4		
Funding Source for Total Cost				
Federal Receipts	1002			
G.F. Match	1003			
General Fund	1004	14.4		
Program Receipts/GF	1005			
I-A Receipts	1007			
CIP Receipts	1061			
Other				
* Personal Services Salary and Benefits Costs are from PACS.				

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3
4

**REQUEST FOR
NEW POSITION**

AGENCY Department of Public Safety
 BRU Alaska State Troopers
 COMPONENT AST Special Projects

Page 4 of 4
 Revised Date

FY 91

A M E N D M E N T

#1
adopted

OFFERED IN THE HOUSE

TO: CSSB 340 (Rules) am

Page 7, lines 25 - 29:

Delete all material and insert:

"* Sec. 12. AS 28.15.185(b) is amended to read:

(b) The court shall impose the revocation for an offense described in (a) of this section as follows:

(1) for a first conviction or adjudication, the revocation may be for a period not to exceed 120 [90] days;

(2) for a second [OR SUBSEQUENT] conviction or adjudication, the revocation may be for a period not to exceed one year;

(3) for a third or subsequent conviction or adjudication, the court shall revoke the minor's driver's license for two years or until the minor reaches 18 years of age, whichever is longer."

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title : "An Act relating to delivery and possession of controlled substances"
 Sponsor : Sen. Raiks, et.al.
 Requestor : _____

Agency Affected : HSS
 BRU : Youth Services
 Components : Probation Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	180.0	180.0	180.0	180.0	180.0	180.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	180.0	180.0	180.0	180.0	180.0	180.0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	180.0	180.0	180.0	180.0	180.0	180.0
FEDERAL FUNDS						
OTHER						
TOTAL	180.0	180.0	180.0	180.0	180.0	180.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary)

(See attached) FY 90 fiscal impact is "0"

Prepared by : *Russ Webb* Phone : 465-3170
 Division : Family and Youth Services Date : 3/25/90
 Approved by Commissioner : *Maria M. Munson* Date : 3/27/90
 Agency : Dept. of Health and Social Services

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ANALYSIS:

There would be no fiscal impact on the department in FY90.

CSSB340 will make available to the court an additional statutorily authorized delinquency disposition alternative. The court could order a substantial amount of community service to be completed by a minor who has been adjudicated on the basis of a substance abuse offense involving possession for distribution on a school ground or school bus.

Application of this alternative would require the division of Family and Youth Services to develop widely distributed community work service programs. Without an appropriate program to support a community work service order it is unlikely the court would select this delinquency disposition alternative and, if ordered, it is unlikely that such orders could be meaningfully applied or have rehabilitative value.

A well designed systematically applied program is necessary to identify appropriate community work service sites, negotiate agreements with public and private non-profit agencies providing work service sites, assign youth to appropriate sites, monitor behavior on-site, document completion of work service requirements and report to the court. Performance of such activities can most effectively be carried out by a private sector agency under contract with the department. Program services could be organized regionally in Juneau, Fairbanks, and Anchorage. Program services for the smaller communities in those regions could be provided itinerantly by the contractor. Such programs could handle 500-800 referrals per year making community work service a viable delinquency disposition alternative for all adjudicated delinquents, not just those charged with substance abuse offenses.

Cost estimates were derived from actual operational costs for the juvenile community work service program previously provided through RSA to the Department of Law Pretrial Diversion Unit. That program was discontinued in 1987. Cost per regional site providing both local and itinerant services is \$60,000 for a total statewide annual cost of \$180,000 for three (3) sites. Contractor costs are as follows:

Full-Time Coordinator: salary & benefits @ 42.0 per staff for each of 3 regions	42.0	X 3	=	\$123.0
Support Services: travel, communications, supplies and equipment @19.0 per regional program	19.0	X 3	=	57.0
TOTAL				\$180.0

ALASKA ASSOCIATION OF SECONDARY SCHOOL PRINCIPALS

RESOLUTION NUMBER 1. DRUG-FREE SCHOOL ZONES

SUBMITTED BY: AASSP

WHEREAS the Alaska Association of Secondary School Principals has long been involved in fighting the menace of drug abuse in Alaska due to the detrimental affects it can have on our students and society; and

WHEREAS drug pushers have often found a lucrative market among students who cannot say "no"; and

WHEREAS at the national level a recent survey by the Coalition for Drug-Free School Zones, of which NASSP is a charter member, shows that 23 states now have drug-free school zones on the books, and legislation is pending in another 12 states; and

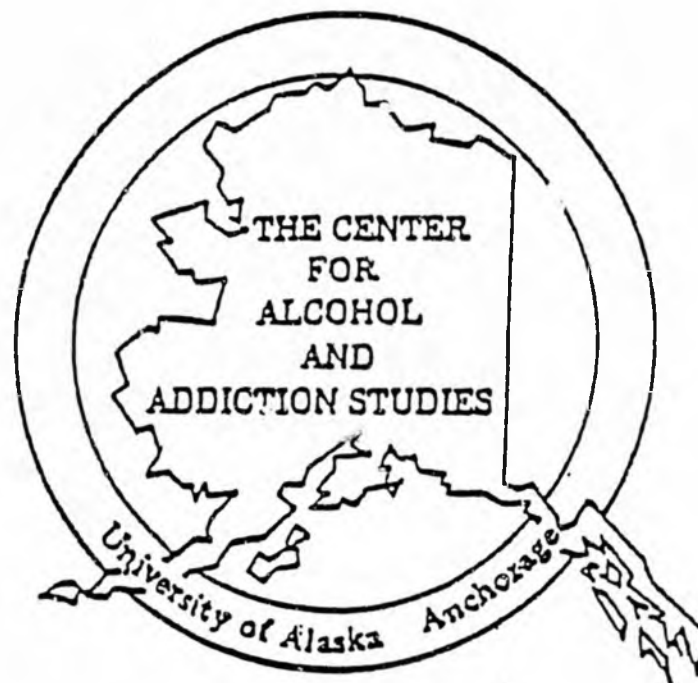
WHEREAS Alaska is one of those states that has no drug free school zones in statute or in proposed legislation; and

WHEREAS police records in New Jersey, the first state to pass drug free school zone legislation, confirm that pushers avoid the special zones because of the severe penalties in force there;

THEREFORE BE IT RESOLVED that the Alaska Association of Secondary School Principals work for the introduction and passage of a drug-free school zone law in the state of Alaska and that we work to make penalties as severe as possible for violation of this law.

APPROVED: 10/17/89

DRUG-TAKING BEHAVIOR AMONG ALASAKAN YOUTH - 1988:
A FOLLOW-UP STUDY



Bernard Segal, Ph.D.
Director, Center for Alcohol and Addiction Studies
University of Alaska Anchorage

November, 1988

Funded in part by a grant from the State Office of Alcoholism and Drug Abuse, Department of Health and Social Services, Juneau, Alaska

Figure 4-4
Lifetime Experience with One or more Drugs
Total Sample
1988
(n=4129)

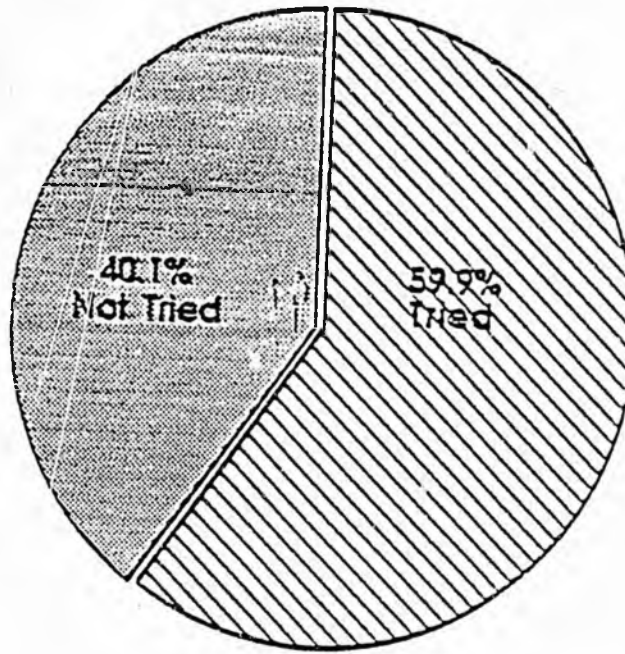
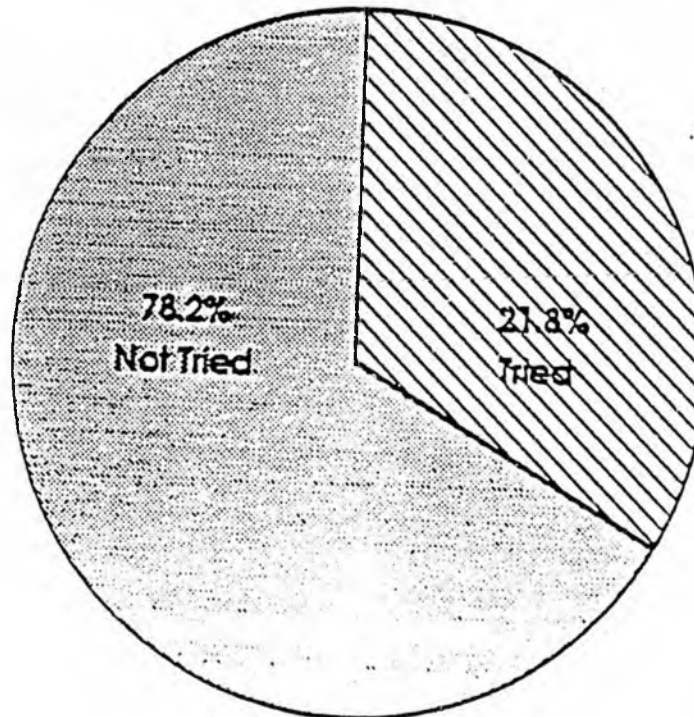


Figure 4-5
Past Year Experience with One or More Drugs
1988



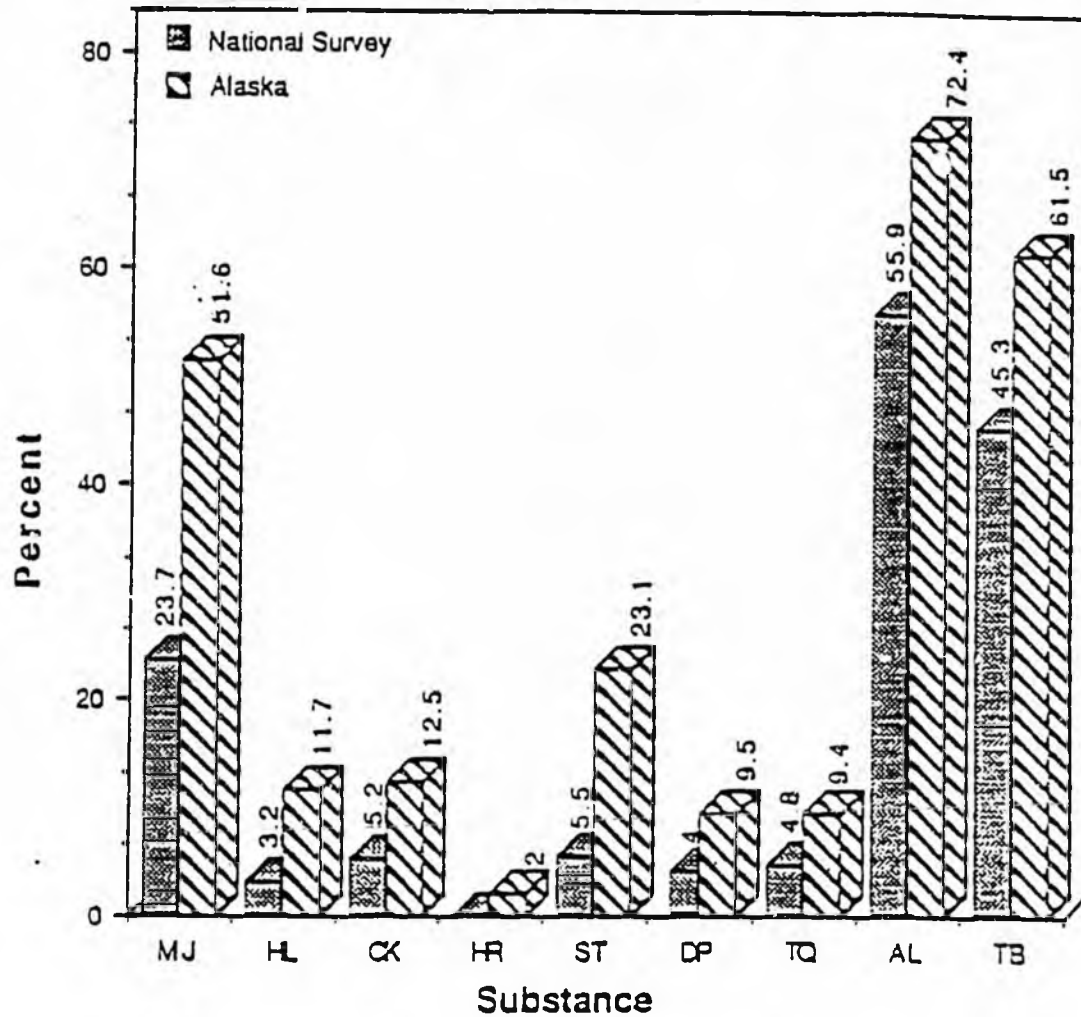
C. Comparisons with Other Surveys

(1) Comparison of Alaska 12-17 Year-Olds with the 1985 National Survey on Drug Abuse: Lifetime Prevalence

The 1985 National Survey on Drug Abuse (NIDA, 1986) identifies lifetime prevalence of drug use among 12-17 year-olds in the lower-48 states. A comparison of the Alaskan data for the same age group (Figure 4-45) shows that Alaskan 12-17 year-olds exceeded the national levels for every substance. Marijuana, for example, was greater than twice the national level, and stimulants were more than three times the national rate.

The question arises of why the Alaskan data is so much higher than the prevalence levels cited in the national survey. One possible answer involves differences in methodology. The Alaska survey utilized a procedure which called for anonymous responses to questionnaires. The national study involved direct interviews. It is possible that direct interviews, particularly when conducted in the interviewee's home, elicited more false negatives than responding anonymously to questionnaires in school, thereby resulting in lower prevalence rates. An alternative explanation is that substance use in Alaska is higher than in the lower-48 states.

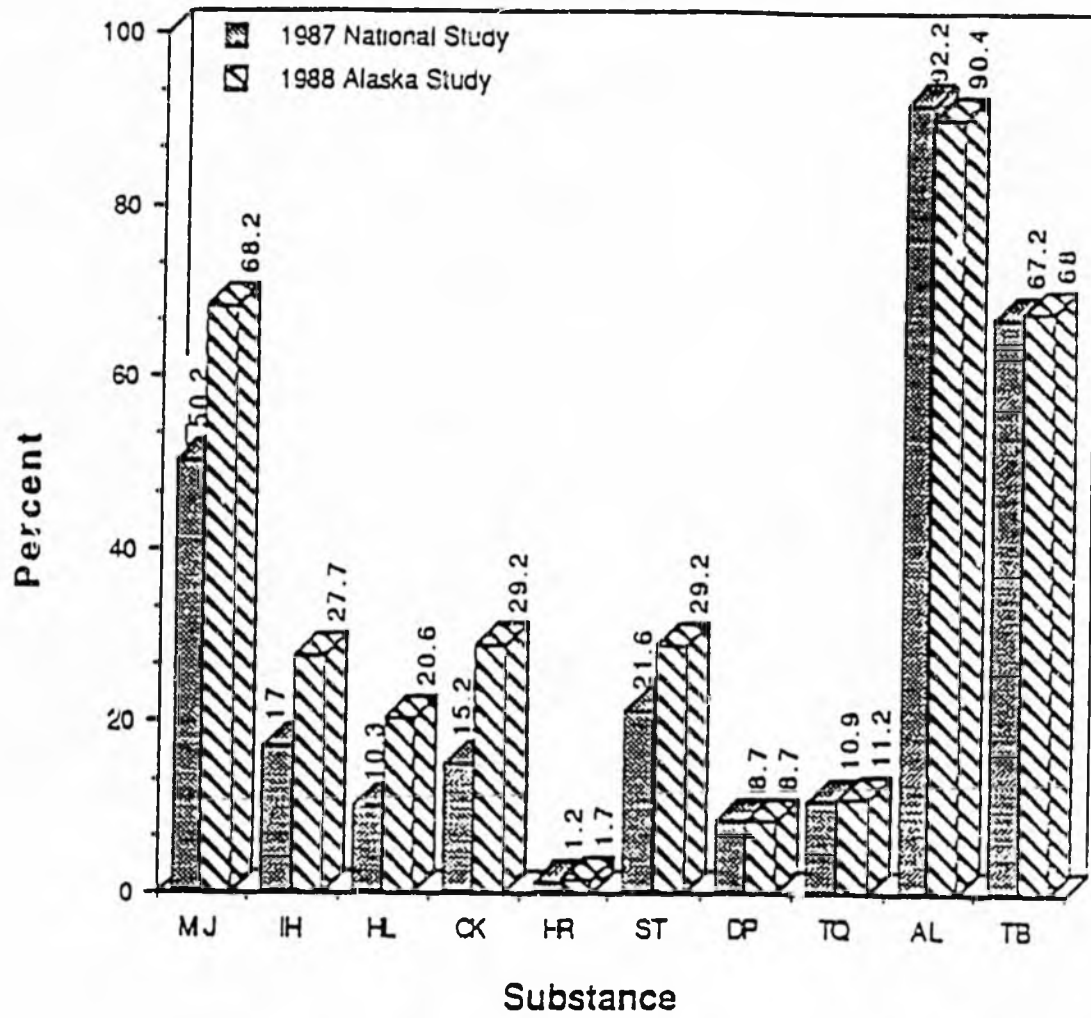
Figure 4-45
 Comparison of Alaska With
 the 1985 National Household Survey
 for 12-17 Year Olds
 Lifetime Experience



 (2) Comparison of Alaska Seniors with the 1987 National High School Senior Survey: Lifetime Prevalence.

Table 4-46 provides a comparison of the findings for Alaska high school seniors with the findings from the 1987 National High School Senior Survey (Johnston, 1988). As may be observed, the Alaskan data is either generally comparable for some substances, or exceeds national prevalence levels. Alaskan prevalence rates for marijuana, inhalants, hallucinogens, cocaine, and stimulants tended to be higher than the national figures; experiences with heroin, depressants, tranquilizers, alcohol, and tobacco were fairly comparable.

Figure 4-46
 Comparison of Alaskan Seniors with
 the 1987 National High School Senior Study
 Lifetime Prevalence



Current Law Compared to Provisions of SB 340 - Drug Free School Zones

Action	Current Law: On School Grounds By An Adult	Current Law: Off School Grounds By Any Person	CS SB 340(Fin) am Within 1000 feet of a School By Any Person
Simple Possession of the Following Controlled Substances:			
IA, IIA	B Felony	C Felony	B Felony
Large Amounts of IIIA, IVA, VA	C Felony	C Felony	C Felony
Small Amounts of IIIA, IVA, VA	C Felony	A Misdemeanor	C Felony
VIA	C Felony	16 oz or more: C Felony 8 oz or more: A Misdemeanor 4 oz or more at home: B Misdemeanor 1 oz or more in public: B Misdemeanor Any amount in a propelled vehicle: B Misdemeanor Less than 1 oz in public: Violation Less than 4 oz at home: Legal	C Felony C Felony C Felony C Felony C Felony C Felony Legal

Current Law Compared to Provisions of SB 340 - Drug Free School Zones

Action	Current Law: On School Grounds By An Adult	Current Law: Off School Grounds By Any Person	CS SB 340(Fin) am Within 1000 feet of a School By Any Person
Delivery or Possession With the Intent to Deliver the Following Controlled Substances:			
IA	Current law enhances possession violations on school grounds, not delivery violations (see other chart)	A Felony	A Felony
IIA, IIIA		B Felony	A Felony
IVA, VA		C Felony	B Felony
VIA 1 oz or more		C Felony	B Felony
VIA 1/2 oz or more		A Misdemeanor	C Felony
VIA 1/2 oz or less for remuneration		A Misdemeanor	C Felony
VIA 1/2 oz or less		Violation	C Felony

- Controlled Substance Schedules:
- I Includes heroin, opium
 - II Includes cocaine, LSD
 - III Includes hashish
 - IV Includes some barbituates
 - V Includes Codeine
 - VI Marijuana

"Use It and Lose It" Law
AS 28.15.185

Current Law

Minor convicted of a drug or alcohol offense loses his or her driver's license for:

First offense: 90 days

Subsequent offense: 1 year

CSSB 340 (Fin) am

Minor convicted of a drug or alcohol offense loses his or her driver's license for one year or age 18, whichever is longer.

Alaska State Legislature



Senate Judiciary Committee

MEMORANDUM

February 27, 1990

TO: Representative Johnny Ellis, Chairman
House HESS Committee

FROM: Senator Jan Faiks, Chairman
Senate Judiciary Committee

SUBJECT: SB 340 "An Act relating to the delivery and possession of controlled substances and imitation controlled substances; and requiring installation of signs in the vicinity of schools declaring the areas to be 'drug-free school zones'; and providing for an effective date."

CSSB 340 (Rules) am has been referred to the House HESS Committee for consideration. This bill creates areas around public and private preschools, elementary and secondary schools in which penalties for the sale and possession of drugs will be enhanced.

Many states, including Alaska, have laws on the books that increase the penalty for selling drugs on school grounds. The purpose is to protect young people from exposure to drugs at a time in their lives when they are least able to appreciate the risks or resist peer pressure. The problem with these laws is that they invariably apply only to the school grounds, and not to the area surrounding the school. It is essential that a zone around each school be drug free, not just the school itself. Otherwise, drug dealers can operate freely across the street from the schoolyard.

In 1987, New Jersey became the first state to adopt a "drug-free school zone" law. This law raises the penalties for drug sales and possession not only on the school grounds, but within 1000 feet of a school as well. CSSB 340 (Rules) am is modeled on this New Jersey law. Since 1987, approximately 35 other states have adopted some version of drug-free school zone legislation. President Bush has made the drug-free

school zone concept part of his National Drug Control Strategy, and the Chiefs of Police National Drug Task Force has called it "perhaps the most effective incremental system-wide solution to the drug problem."

A sectional analysis of CSSB 340 (Rules) am is attached. You will note the following major differences between current law and this bill:

Current law makes it a more serious offense for an adult to possess drugs on school grounds. The specific penalty depends on the type of drug that is possessed. For example, an adult who possesses a small amount of cocaine off school grounds is guilty of a class C felony (up to five years in jail/\$50,000 fine), whereas possession on school grounds would be a class B felony (up to 10 years in jail/\$50,000 fine). Current law does not apply to the area surrounding a school, or to conduct on a school bus.

CSSB 340 (Rules) am changes this in several major ways. First, it makes it a more serious offense for any person (adult or minor) to deliver or possess with the intent to deliver controlled substances within 1000 feet of a school or on a school bus. For example, a person who delivered cocaine more than 1000 feet from a school would be guilty of a class B felony; if he delivered it within 1000 feet of a school or on a school bus, he would be guilty of a class A felony (up to 20 years in jail/\$50,000 fine). Minors charged with dealing drugs on school grounds would be adjudicated under the juvenile justice system, as they are with current drug law violations. However, minors would be subject to a mandatory sentence of 100 hours of community service.

Second, the bill provides that any person (adult or minor) who possesses drugs for personal use (i.e. the casual user as opposed to a dealer) is committing a more serious crime if the possession takes place within 1000 feet of a school or on a school bus. For example, a person who possessed cocaine more than 1000 feet from a school would be guilty of a class C felony; if he possessed it within 1000 feet of a school or on a school bus, he would be guilty of a class B felony. Again, minors would be adjudicated under the juvenile justice system, but subject to a mandatory sentence of 100 hours of community service.

In order to advise persons of these newly created drug-free school zones, the bill requires the state and municipalities to post street signs around schools, declaring the area to be a "Drug-Free School Zone." Five other states require signs to be posted: New Jersey, Maryland, Texas, Florida, and Pennsylvania.

Additionally, the Department of Public Safety is required to issue "Student's Rights" cards to every student in the state, based upon the New Jersey student right's card; this card expresses a student's right to attend school in a drug-free environment. It is also required to prepare and distribute to each household a pamphlet summarizing the state's drug laws. Copies of New Jersey's card and pamphlet are attached.

One final change is made to the "use it and lose it" law passed by the Legislature several years ago. This law currently provides that a minor who is adjudicated for misconduct involving a controlled substance or for possession or consumption of an alcoholic beverage loses his or her driver's license for 90 days for a first offense, and for one year for a subsequent offense. CSSB 340 (Rules) am amends this statute to provide that the minor loses the driver's license for one year or until his or her 18th birthday, whichever is longer.

While supply eradication and interdiction efforts are necessary, the most effective long-term solution to the drug problem is demand reduction. It is difficult to reduce demand among our young people when they are continually assailed by drug use and trafficking in and around their schools. Reduction of these activities will enable us to create safer, more productive learning environments in which values opposing drug use can be fostered. I urge the HESS Committee to schedule this bill at its earliest convenience.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 20, 1990

SUBJECT: CSSB 340 (Finance), sectional analysis

TO: Senator Jan Faiks

FROM: Jack Chenoweth
Legislative Counsel

The legislation makes conviction for possession, delivery, and use of controlled substances in schools, on or near school grounds, and on school buses as felonies, makes more stringent the penalties involving conviction for possession and consumption of alcohol by minors, and adds a number of related responsibilities to various state boards and agencies.

Bill section 1 defines delivery and possession with intent to deliver a schedule IIA and schedule IIIA controlled substance on or within 1000 feet of school grounds or on a school bus as misconduct involving a controlled substance in the second degree, a class A felony.

Bill section 3 defines each of the following occurring on or within 1000 feet of school grounds or on a school bus as misconduct involving a controlled substance in the third degree, a class B felony: (1) delivery of a schedule IVA or VA controlled substance, (2) delivery of one ounce or more of a schedule VIA controlled substance, (3) possession with intent to deliver a schedule IVA or VA controlled substance, (4) possession of one ounce or more of a schedule VIA controlled substance with intent to deliver, (5) possession of any amount of a schedule IA or IIA controlled substance.

Bill section 5 defines unlawful possession of a schedule IIIA, IVA, VA, or VIA controlled substance on or within 1000 feet of school grounds or on a school bus as misconduct involving a controlled substance in the fourth degree, a class C felony.

Bill sections 2, 4, and 6 establish affirmative defenses applicable in the event of prosecutions for each of the preceding. The affirmative defenses establish exceptions for

FINANCE
2/13/90
ADOPTED
CFC

Senate Letter of Intent

CSSB 340 (Finance)

It is the intent of the legislature that the Department of Public Safety annually coordinate the printing of a "Student's Rights" card designed and written by the Department of Education. The Department of Public Safety shall make arrangements to distribute the card to every child enrolled in a public school, and to every child enrolled in a private school of which the Department of Education has a record under AS 14.45. The legislature intends that the Commissioner of Education use the "Student's Rights" card distributed by the State of New Jersey as a guide in designing the card, and that the card include information that summarizes the Alaska statutes applicable to the sale and possession of controlled substances on or near school grounds, and on school buses.

It is the further intent of the legislature that the Department of Public Safety annually coordinate the preparation and mailing of an information pamphlet to all households in the state. The pamphlet should be written in easily understandable language, should be designed to educate the public about controlled substances, and should summarize information relating to the criminal penalties applicable to the sale and possession of controlled substances on or near school grounds, and on school buses.

The legislature does not intend for the Department of Public Safety to pay for the cost of printing or distributing the "Student's Rights" card or information pamphlet. Instead, the legislature intends for the Commissioner of Public Safety to develop a process for soliciting in-kind donations of services and materials from private sector businesses and individuals, and to allow members of the private sector to print and distribute the "Student's Rights" cards and information pamphlets. The names of the donors shall be printed on each card and pamphlet.

adopted by Senate 2/22/90.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 20, 1990

SUBJECT: CSSB 340 (Finance), sectional analysis
TO: Senator Jan Faiks
FROM: Jack Henoweth
Legislative Counsel

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Bill section 1 defines delivery and possession with intent to deliver a schedule IIA and schedule IIIA controlled substance on or within 1000 feet of school grounds or on a school bus as misconduct involving a controlled substance in the second degree, a class A felony.

Bill section 3 defines each of the following occurring on or within 1000 feet of school grounds or on a school bus as misconduct involving a controlled substance in the third degree, a class B felony: (1) delivery of a schedule IVA or VA controlled substance, (2) delivery of one ounce or more of a schedule VIA controlled substance, (3) possession with intent to deliver a schedule IVA or VA controlled substance, (4) possession of one ounce or more of a schedule VIA controlled substance with intent to deliver, (5) possession of any amount of a schedule IA or IIA controlled substance.

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Senator Jan Faiks
Page 2
February 20, 1990

conduct occurring within private residences situated within 1000 feet of school grounds in which, generally, a minor was not present.

Bill section 7 offers definitions for the terms "school bus" and "school grounds" used in the preceding sections.

Bill section 8 directs the state board of education to prepare and issue a "student's bill of rights," to include information about state laws applicable to possession and sale of controlled substances in schools, on school grounds, and on school buses.

Bill section 9 directs the commissioner of public safety to prepare and annually issue a student's rights card, and to develop and mail to each household an information pamphlet relating to controlled substances, with emphasis on the penalties applicable to possession and sale of substances in schools, on school grounds, and on school buses.

Bill section 10 requires the Department of Transportation and Public Facilities to install "drug-free school zone" signs in the vicinity of all schools in which it has placed a sign identifying the location of a school.

Bill section 11 directs municipalities to place the same kind of signs in the vicinity of schools on the same basis.

Bill section 12 compels the court to revoke the driver's license of a minor convicted or adjudicated of driving while intoxicated for one year or until the minor reaches the age of 18, whichever is longer.

Bill section 13 mandates a court to compel a minor who is convicted or adjudicated of a violation involving possession, delivery, or use of a controlled substance in a school, on school grounds, or on a school bus to perform a minimum of 100 hours of community service.

Bill section 14 makes the sign placement provisions of bill sections 10 and 11 effective August 16, 1990.

Bill section 15 suggests use of the New Jersey student's rights card as a model for similar cards to be prepared and issued under the amendment made by bill section 9.

JC:pl
WKP2/063

FINANCE
2/13/90
ADOPTED
CPC

Senate Letter of Intent

CSSB 340 (Finance)

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adopted by Senate 2/22/90.

CHIEFS OF POLICE
NATIONAL DRUG TASK FORCE



1110 Vermont Avenue, N.W. • Suite LL10
Washington, D.C. 20005
(202) 296-0900
FAX 296-1734

President George Bush
Honorary Chairman

Hon. Bill Bradley
U.S. Senate (NJ)
Co-Chairman

Hon. Orrin Hatch
U.S. Senate (UT)
Co-Chairman

October 20, 1989

Kevin O' Leary
Chief of Police
4501 S. Bragaw St.
Anchorage, AK 99507

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Dear Mr. O' Leary:

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Founders

Randy Anderson
Director

Severin L. Sorensen
Deputy Director

As a prominent leader in your state, you must be extremely concerned with the havoc created by drugs. Illegal drugs corrode our society, undermine law enforcement, corrupt officials, spawn rampant crime, spread death and murder, and take their final toll in wrecked lives. Through increased supply eradication and interdiction efforts law enforcement authorities have increased criminal arrests and narcotics seizures. Yet we continue to witness a pervasive drug problem. We are convinced that the only long-term solution to the drug problem will occur when we successfully reduce the demand for drugs.

Of all drug demand reduction alternatives, the drug-free school zone initiative is perhaps the most effective incremental system-wide solution to the drug problem. **Drug-Free School Zones** are designed to reduce the demand for drugs by concentrating enforcement and ancillary drug control efforts within geographic zones (generally 1000 ft.) around schools. By concentrating law enforcement efforts, increasing penalties for certain criminal activities, and linking these efforts with comprehensive drug prevention education and alternative demand reduction activities, we believe that these measures will significantly reduce drug use and trafficking in and around schools. Additionally, these zones help foster healthier and more productive teaching and learning environments wherein positive peer pressure to resist drugs can be promoted.

On July 1, 1987, New Jersey enacted the nation's first model drug-free school zone. Last year, New Jersey reported over 6,500 distribution arrests within drug-free school zones. During this same year 9,600 drivers' licenses were revoked or postponed and their courts collected over six million dollars in cash penalties from drug offenders.

New Jersey's commitment to drug-free schools is beginning to have an impact on their states criminal drug distribution and trafficking patterns. In at least one case, a drug suspect was overheard on a wiretap to explain to a coconspirator that a drug transaction could not be completed in the given location because it was next to a school. So too, New Jersey reports a number of examples of undercover drug buys in which the targets carefully select their point of sale in locations out of these school safe havens. These evidences support the original policy aim of protecting children through drug-free school zones.

In light of New Jersey's success, thirty-five other states have since passed similar drug-free school zone legislation. Further, North Carolina, Ohio, and Texas have proposed or pending legislation to create drug-free school zones. Delaware, Oregon, and West Virginia are aggressively enforcing similar federal legislation, and the District of Columbia is initiating a special pilot program. See attachment for complete listing of statewide drug-free school zones.

In January 1989, concerned leaders from the nation's education, prevention, criminal justice, and law enforcement communities organized the **National Coalition for Drug-Free School Zones**. Through the Coalition, the member organizations pursue two primary goals: (1) the introduction, promotion, and passage of state-sponsored drug-free school zone legislation nationwide, and (2) the development of means whereby to implement effective drug-free school zones, complete with training materials, drug prevention education, and other demand reduction programming. The Coalition includes:

- National School Boards Association
- National Association of Secondary School Principals
- National Association of Elementary School Principals
- National School Safety Center
- Council of State Governments
- National Association of State Alcohol and Drug Abuse Directors
- National Council of Juvenile and Family Court Judges
- National Association of Chiefs of Police

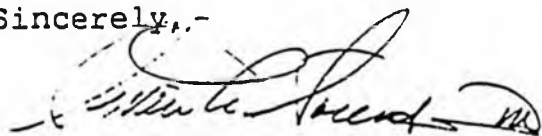
As a member of the Coalition, I wholeheartedly encourage you to support effective implementation of drug-free school zones in your

state. If your state already has legislation, seek to strengthen and implement it. If your state does not enforce drug-free school zones motion to propose it. This initiative is too important and promising to be left unexamined. We encourage you as a leader to organize a state coalition for drug-free school zones, if you have not already done so. Through individual state coalitions local communities can be mobilized into a formidable assault on drugs. Only when these zones reach citizens at grass roots level will they become an effective deterrent to drugs and crime.

The National Coalition for Drug-Free School Zones seeks to support your efforts. The Coalition has gathered copies of states enacted legislation and have prepared other materials and recommendations which may be of assistance to you in this effort. We are in the process of creating an implementation manual to assist local communities establish effective drug-free school zones. Furthermore, we are preparing a quarterly Drug-Free School Zone newsletter that will identify promising strategies, prevention innovations, and legislation nationwide. The first issue of this newsletter will be distributed in January 1990.

Again, we thank you for your continued support in this very important effort to make America drug-free. This can only be done with a united force of state leaders and citizens who are willing to take the necessary steps to accomplish the goal. Your help has been and will continue to be invaluable in our efforts to make drug-free school zones a reality nationwide. We, at the National Coalition For Drug-Free School Zones, look forward to working with you and assisting you in any way we can.

Sincerely,-



Severin Sorensen, Director,
National Coalition For Drug-Free School Zones

Coalition For Drug-Free School Zones
Survey of State Drug Laws, 1989
 Survey Data

State	Drug-Free School Zone	Zone Perimeter	Avail. Control Law	Prison Capacity (#)	Prison Occupancy (#)	Prison Fill (%)
Alabama	Yes	1 mile	Yes A	10,126	10,150	100
Alaska	Yes	Grounds	None	2,428	2,448	100
Arizona	Yes	300 ft	None	5,000	5,420	108
Arkansas	Yes		None	5,400	6,000	111
California	Yes	1000 ft	Yes A	96,129	140,791	146
Colorado	No		Yes A	5,400	6,500	120
Connecticut	Yes	1000 ft	None	7,200	7,400	103
Dist of C.	Yes-Pilot	1000 ft	None	6,730	7,300	108
Delaware	Federal	1000 ft	None	3,194	3,015	94
Florida	Yes	1000 ft	None	41,541	37,121	89
Georgia	No		Yes A,T	17,500	19,500	111
Hawaii	Yes	750 ft	Yes A	2,800	3,000	107
Idaho	No		None	1,160	1,444	124
Illinois	No		Yes A	16,684	21,775	130
Indiana	No		None	11,500	13,000	113
Iowa	Yes	1000 ft	None	2,975	3,100	104
Kansas	No		Yes T	5,767	5,574	97
Kentucky	Yes	1000 yd	Yes T	5,998	6,855	114
Louisiana	Yes	1000 ft	None	12,425	16,284	131
Maine	Yes	1000 ft	None	934	1,315	141
Massachusetts	Yes	1000 ft	None	6,200	11,000	177
Maryland	Yes	1000 ft	Yes A,T	10,996	13,961	127
Michigan	No		None	22,563	26,441	117
Minnesota	Yes	1000 ft	Yes A	2,964	3,063	103
Mississippi	Yes	500 ft	Yes T	6,000	7,000	120
Missouri	Yes	1000 ft	None	13,594	13,045	96
Montana	No		Yes A	754	1,070	142
Nebraska	No		Yes A	1,651	2,184	132
Nevada	Yes	1000 ft	No	4,649	5,295	114
New Hampshire	Yes	1000 ft	None	1,000	1,034	100
New Jersey	Yes	1000 ft	Yes A,T	15,600	18,400	118
New York	Yes	1000 ft	None	38,000	40,000	105
New Mexico	Yes	1000 ft	Yes A	2,671	2,859	107
N. Carolina	Pending	1000 ft	None	15,000	17,000	113
N. Dakota	No		Yes A,T	550	515	94
Ohio	Pending		None	18,100	27,000	149
Oklahoma	Yes	1000 ft	Yes A	7,288	9,391	119
Oregon	Federal	1000 ft	None	4,600	5,101	111
Pennsylvania	Yes	1000 ft	None	13,468	18,506	137
Rhode Island	Yes	500 ft	None	1,804	2,153	119
S. Carolina	Yes	1/2 mile	Yes A	12,585	13,067	104
S. Dakota	No		Yes A	1,050	1,050	100
Tennessee	No		Yes A	7,754	7,652	99
Texas	Proposed	1000 ft	Yes A	41,600	42,000	101
Utah	Yes	1000 ft	Yes A	2,500	3,000	120
Vermont	Yes	1000 ft	None	597	717	120
Virginia	Yes	1000 ft	None	11,460	13,125	114
Washington	Yes	1000 ft	Yes A,T	5,868	6,639	114
West Virginia	Federal	1000 ft	None	1,300	1,451	112
Wisconsin	Yes	1000 ft	None	4,800	6,200	129
Wyoming	No		None	850	850	100
TOTAL	Zones: 36 Pro/Pen: 3 None: 12	M: 1000ft L: 1 mile S: 300 ft	#: 23 A: 20 T: 8	539,307	638,761	118

Ver. 10/20/89

Dear New Jersey Resident:

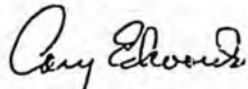
New Jersey now has one of the toughest drug laws in the nation. Our new law recognizes that if we are ultimately to win the so-called "war" on drugs, we can only succeed by reducing the demand for illicit substances. This, in turn, will largely depend on the new school education programs designed to teach our young people how and why they should say no to drugs. Our schools, in other words, will serve as the focal point of our efforts to raise a truly drug-free generation and ultimately win this war.

We must, therefore, be certain that schools and the areas around them, the "Drug-Free School Zones," are safe havens for children, not convenient marketplaces for drug dealers or users. We are even putting signs up across the State to make you, the citizens of New Jersey, aware of our strategy. Our children are entitled to an environment conducive to their education, one that is free of drugs and where drug trafficking activities are not tolerated. Children should not be able to look out their classroom window and see a drug deal taking place. They should not be able to find used "crack" vials littered around school playgrounds. They should not be propositioned to buy or use drugs while walking to school or in school buildings.

In sum, we must as an absolute priority do everything we can to keep innocent children as far away from the drug culture for as much of the day as possible. In this way, with your help, we can give our new K-12 drug education programs and drug awareness coordinators a chance to do their jobs of teaching our children how and why to say no to drugs. We are all soldiers in this war and we must join together and fight for a generation free of drugs.

Thank you for your help with this program, which is vital to the future of New Jersey's children.

Sincerely,



Cary Edwards
ATTORNEY GENERAL OF NEW JERSEY

The Commission to Deter Criminal Activity was established in 1984 as part of the Department of Law and Public Safety and represents various law enforcement organizations, governmental officials and private citizens. The Commission is focused on the drug and alcohol problem in New Jersey and will educate the public about the penalties of violating the Drug Reform Act of 1987.

The New Jersey Drug Laws:

In a Drug-Free School Zone

- Any adult convicted of dealing or passing any type of illegal drug, other than marijuana, will get three years in prison without parole.



- Any adult convicted of dealing even a small amount of marijuana will get one year in prison without parole.
- Anyone convicted of passing a drug could be considered a dealer and therefore is also subject to prison without parole.
- Anyone convicted of simply having any type of illegal drug in a Drug-Free School Zone will have to do 100 hours of community service.



Be aware that under the law an adult is someone 18 years old and over. In addition, a juvenile, 14 years old and over, can be treated as an adult in an adult court.

**Don't mess with
drugs in New Jersey schools.**

Everywhere in New Jersey

- Anyone convicted of any drug offense will automatically lose his or her driver's license. It doesn't matter if a car was used in committing the offense.
- Anyone under 17 years of age who is convicted of any drug offense will not be able to get his or her driver's license for at least six months after turning 17.

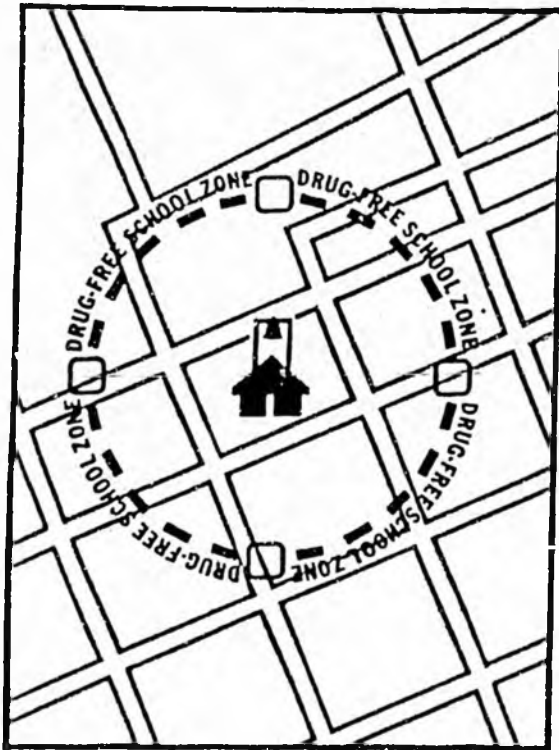


- Anyone convicted of any drug offense, including use, will have to pay a special cash penalty, which starts at \$500 and goes up to \$3,000. This money is intended for drug education and prevention programs.
- Any adult convicted of dealing or giving drugs to someone under 18 years old will have the regular penalties doubled.
- Any adult who is convicted of being in charge of a drug dealing ring will go to jail for 25 years without parole.
- Any adult (over 18 years old) who is convicted of using or employing a juvenile (under 18 years old) in a drug dealing ring will go to jail for five years without parole.

If you need further information contact the Attorney General's Statewide Narcotics Task Force, 6th Floor, Hughes Justice Complex, Trenton, New Jersey 08625 (609) 292-5020

Drug-Free School Zones
are areas surrounding each
school beginning at the
outermost boundary of the
school property
and extending
1000 feet from
that point.

**DRUG-
FREE
SCHOOL
ZONE**



This Brochure printed courtesy of:



The American Dream Team

Commission to Deter Criminal Activity
5 Market Street CN085
Monton, New Jersey 08625-0085

**Don't get
caught with
drugs here.**



DRUG- FREE SCHOOL ZONE

If you need help for
a drug problem, call:
1 800 225-0196.

If you see someone
breaking New Jersey's
drug laws, call the
Morris County
Tipline:
(201) COP-CALL.

All calls are strictly
confidential.

Sponsored by the Attorney General's Statewide Narcotics Task Force.

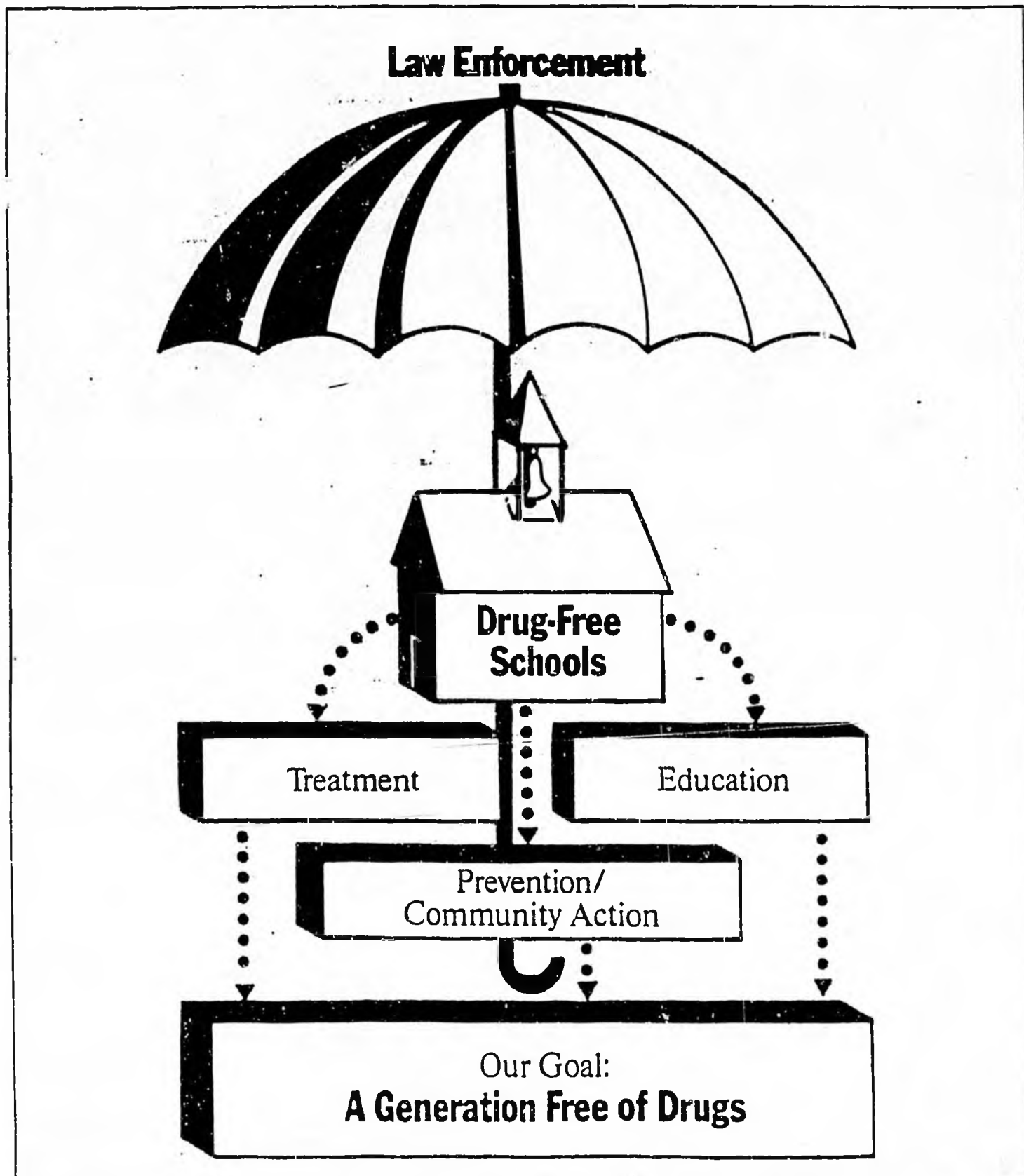
Students' Rights Card

In New Jersey:

1. You have the right to attend a school that is free of drugs and violence.
2. You have the right to walk or drive to school without having to face someone selling drugs.
3. You have the right to drug education programs in your school and to learn how and why to say "no" to drugs.
4. If you already have problems with drugs and alcohol, you have the right to seek treatment and confidential counselling.
5. You have the right to grow up healthy and be the best you can be.

This is an ENLARGED version of a WALLETT SIZE
card given to EVERY student (k-12) in New Jersey.

New Jersey's **DRUG-FREE SCHOOLS** Demand Reduction Strategy



New Jersey's **DRUG-FREE SCHOOLS** Demand Reduction Strategy

Recognizing the present level of use and demand for illegal drugs, it is foolish to believe that the law enforcement community alone can win the war on drugs. Law enforcement can, however, dedicate their resources to eliminate the sale, distribution, and use of illegal drugs from our school buildings, school property, and areas around our schools. This effort will create a safe environment for our children so that they may gain the benefits of our drug education programs. New Jersey's "**Drug-Free Schools**" Program is law enforcement's contribution to a comprehensive strategy designed to create a "Generation Free of Drugs."

The "Drug-Free Schools" part of New Jersey's demand reduction strategy is founded on the principle that the law enforcement community with some new tools and the support of the rest of government has committed to create "Drug-Free Schools" throughout the entire state. This newly created drug-free school environment will then allow the drug education programs, expanded and planned new drug treatment concepts, and new community action alliance prevention initiatives the chance to work towards making the next generation a "Generation Free of Drugs."

A generation (17 years) free of drugs can only be realistically achieved through a 17-year effort of new education, treatment and prevention programs. These non-law-enforcement components of the demand reduction strategy include the K through 12 education program now being instituted in our schools and the new substance abuse coordinators being installed in all New Jersey's school districts over 1988 through 1990 school years.

These education programs, coupled with the effective treatment programs for adults and children and the establishment of comprehensive community alliance prevention program for each of the 567 communities in New Jersey will help to ensure the success of law enforcement's Drug-Free School program and ultimately create a "Generation Free of Drugs."

New Jersey recognizes that our schools serve as the primary medium for reducing the demand for drugs. Protecting our schools is the greatest possible contribution law enforcement can make in achieving our goal: **A GENERATION FREE OF DRUGS.**

Sign of the Times—Drug-Free N.J.

Brand new blue and white signs are springing up all across the state. They are unlike any other signs in the country. "Drug-Free School Zone," they proclaim. These signs have generated a great deal of discussion, and have raised a number of questions. What is a "drug-free school zone?" What is hoped to be accomplished by posting signs?

Designed to heighten public awareness regarding New Jersey's tough new drug laws, the signs were posted to raise precisely this type of question, while simultaneously alerting the public to the existence of "drug-free school zones."

Under the new law, the Comprehensive Drug Reform Act of 1987, which became effective on July 9, 1987, drug-free school zones extend 1,000 feet in all directions from the outer boundaries of every elementary and secondary school in the state. The zones are not limited to public schools, but include private and parochial schools as well. The law now provides that anyone distributing drugs within those school zones faces enhanced punishment. Specifically, a dealer who operates in a school zone is subject to a minimum mandatory term of three years imprisonment with no possibility of parole.

The goal of law enforcement is to move drug sales and possession at least 1,000 feet outside of all the schools in the state. This will give the new drug education, general education and new drug coordinators in our schools over the next generation a chance to win the war which law enforcement cannot win alone. The creation of drug-free zones around the more than 2,400 schools is a realistic and achievable goal.

The especially tough punishment for drug-free school zone offenders is not restricted to dealers alone. A person, juvenile or adult, who uses or possesses an illicit drug within a school zone faces a mandatory 100 hours of community service. This is in addition to the \$500 penalty which will be returned to the community for drug education and prevention, and the mandatory revocation or postponement of a driving license for at least six months and up to two years.

The drug-free school zone component of New Jersey's Comprehensive Drug Reform Act is not without its share of controversy. No innovative law ever is. It has been suggested that by providing enhanced punishment for school zone offenders, we may simply be encouraging dealers to set up shop just outside the school zone boundaries and that it would be better to simply post signs proclaiming a drug-free New Jersey. These are fair propositions which require a candid response.

We know that despite our best efforts, the war on drugs cannot be won overnight. A drug-free New Jersey—not a warning on signs—is our ultimate and long range goal. Tough laws alone cannot achieve that goal. But we can take immediate steps to rid schools and the adjacent areas of drug trafficking.

With the help of the education community, a drug-free school zone is a goal which is enforceable, is realistic, and by Dec. 31, 1988 our 14-month implementation plan of this new law should be in full swing.

This does not mean that we plan to tolerate or ignore drug offenses occurring outside of school zones. It merely means that we are setting realistic goals. Our new law provides tough punishment for all offenders, and New Jersey now has a mandatory arrest policy throughout the state. But we have directed many of our limited resources and efforts specifically to patrolling school zones. The question then becomes, why focus on schools?

Our new law recognizes that if we are ultimately to win the so-called "war" on drugs, success will depend on reducing the demand for illicit substances. This, in turn, will depend on the new education programs being utilized in our schools. Designed to teach our young people how and why they should "say no," these programs will actuate a fundamental reversal of society's tolerance of drug use. New Jersey's new penal law recognizes as much. It also recognizes that our schools will serve as one of the primary mediums for achieving this long-range objective.

We must therefore be certain that schools and the areas

around them are safe havens for children, not marketplaces for drug dealers or users. By vigorously enforcing our drug-free school zone plan, law enforcement will fulfill part of its vital role in promoting critically important demand reduction initiatives. Almost one-third of children try drugs before the 9th and 10th grade and about two-thirds by the time they finish high school.

Our children are entitled to an environment which is conducive to education, free of drugs and where drug trafficking activities will not be tolerated. Children should not be able to look out their classroom window and see a drug deal taking place. They should not be able to find used "crack" vials littered around school playgrounds. They should not be propositioned to buy or use drugs while walking to school or inside school buildings.

Therefore, we must, as an absolute priority, do everything we can to keep innocent children as far away from the drug culture for as much of the day as possible. This gives our new K-12 drug coordinated curriculum program and new drug coordinators and counselors a chance to do their jobs.

The reason for creating drug-free school zones is thus apparent: We intend to push the drug pushers away from children, who are the most vulnerable and impressionable of drug victims. We want to make drugs less available to our children, and force them to go to greater lengths to complete illicit transactions. We want to make it harder for dealers to get to our children.

Some students, of course, especially those who are already regular users or who are drug dependent, will follow the dealers to their new locations. It's our belief, however, that with this comprehensive coordinated approach the next generation and the older children not yet involved will not follow the drug dealer and will have the tools to know "how" and "why" to say no.

The new signs, in turn, evidence our resolve to vigorously enforce this new law which is among the toughest in the nation. Knowledge of where the drug-free school zones are and what a violation means will speed the process of achieving our goal of "getting the user and the pusher 1,001 feet away from schools." The signs remind everyone that the drug problem is pervasive, that no community has been spared, and more importantly, that the zones exist and we intend to make our schools drug-free. They will also serve to remind us to be vigilant at all times. We hope, in this regard, that law abiding citizens will help us to achieve this goal by calling the police whenever they see illegal drug activities within those "drug-free school zones."

These new signs are not, and were never meant to be, the answer to our drug problem. Rather, they are a very small but highly visible part of a much larger, comprehensive program designed to address both the supply and demand sides of this deadly problem.

Some may argue that these signs are empty symbols, without meaning or impact. Rest assured, however, that there will be many disbelieving drug predators sitting in prison who will have three long years to contemplate the symbolism. More importantly, more than one million children of the next generation will have a better chance to grow up drug free and be the best they can be.

The plans and tools are in place but only the local community, with the involvement of town governments, police departments, local educators and citizens, can really make our goal for the next generation of children a reality.



CARY EDWARDS
Attorney General of New Jersey

Attorney General Edwards was assisted in the writing of this article by Ron Susswein in the Division of Criminal Justice, Department of Law and Public Safety.

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