

6. DRUG-FREE SCHOOL ZONES

Overview

A working group of the Legislative Committee was charged with evaluating the effectiveness of drug-free school zone statutes in response to a request from the co-chairs of the Judiciary Committee. In Connecticut there are three statutes which carry an enhanced penalty for the sale or possession of illegal drugs or drug paraphernalia within 1,500 feet of a (1) licensed child day care center, (2) public or private elementary or secondary school, or (3) public housing project.

	Possession of drug paraphernalia 21a-267(c)	Possession of illegal drugs 21a-279(d)	Manufacturing, distributing, selling, prescribing, dispensing, compounding, transporting with the intent to sell or dispense illegal drugs 21a-278a(b)
Distance	1,500 feet	1,500 feet	1,500 feet
Enhanced penalty applies to zones within	<ul style="list-style-type: none"> Public or private elementary or secondary schools (applies to those who are not enrolled as students in such school) 	<ul style="list-style-type: none"> Public or private elementary or secondary schools (applies to those who are not enrolled as students in such school) Licensed child day care centers identified by a conspicuous sign 	<ul style="list-style-type: none"> Public or private elementary or secondary schools Licensed child day care centers identified by a conspicuous sign Public housing projects
Mandatory Minimum	One year	Two years	Three years

21a-283a allows the court, upon showing of a good cause by the defendant, to depart from the prescribed mandatory minimum sentence, provided that the defendant (1) did not use, attempt or threaten to use physical force; (2) was unarmed; (3) did not use, threaten to use, or suggest that he had a deadly weapon; and (4) did not benefit from this provision before.

Recommendations

The working group unanimously recommended the following changes to Connecticut's drug-free school zone statutes to clarify and strengthen the perceived purpose of the original law as creating drug-free sanctuaries for school children.

- A. Drug-free school zone distances: The working group agreed that the current distance encompassing school zones is not appropriate. Having entire urban areas or compact rural areas almost totally designated as drug-free zones eliminates the distinction between areas around schools and other locations, a distinction which the law intended. The law is also not clear whether the 1500' distance should be measured from the center of the school property, the edge of the property, or the address of the property. The typical drug free zone extends 1,000 feet in every direction from the property line of the school or other covered location. But 300 feet has

been chosen by Minnesota, North Carolina, and Rhode Island. Alaska and Wyoming chose 500 feet and Hawaii set the distance as 750 feet. Therefore the working group recommends:

- a. *That drug-free school zones be measured from the perimeter of the property.*
 - b. *The drug-free school zone should extend 200' from the perimeter.*
- B. Codifying State v. Lewis⁸: The working group reviewed pertinent case law and recommended: *Amending 21a-267(c) and 21a-278a(b) with respect to school zone violations to require “intent to commit such violation” in a specific location, and to require proof that the specific location is in a school zone, in compliance with a decision of the Connecticut Supreme Court.*

The working group considered, but was unable to reach consensus on the following issues:

- Public Housing: Since areas around private housing are not treated as drug-free zones, and some public housing is strictly for the elderly and not children, there is debate as to whether this part of the law is discriminatory. Therefore the working group considered the following recommendation: *Eliminating the language establishing drug-free zones around public housing*. One concern was the legislative intent of this provision and the need to further research its origins and evaluate its effectiveness before making a recommendation.
- Types of Public Housing: The working group discussed the statutory definition of a public housing project, “dwelling accommodations operated as a state or federally subsidized multifamily housing project by a housing authority, nonprofit corporation or municipal developer, as defined in section 8-39, pursuant to chapter 128 or by the Connecticut Housing Authority pursuant to chapter 129,” and the issue of Section 8 Housing Vouchers. Under this definition, the question was raised as **to whether private housing which is occupied by a tenant with a Section 8 Housing Voucher would establish a drug-free zone**. The working group would need to further research this issue before making a recommendation.
- Drug-free school bus stops: To follow the intent of 21a-267(c), 21a-279(d), and 21a-278a(b) in creating sanctuaries for school children free of drugs and drug paraphernalia, the following recommendation was considered: *To establish the areas immediately adjacent to school bus stops as drug-free zones*. In terms of practicality, the working group was concerned that due to the fluid nature of school bus routes and stops this recommendation may prove unworkable.
- Drug-free zone signs: The working group recognized the importance of conspicuous signs demarcating drug-free zones and the following recommendation was considered: *Providing schools, day care centers and public housing projects discretion to determine how best to inform the public of drug-free zones*.

While each of these ideas may have merit, the working group would need to conduct further research before making additional recommendations. For this reason, the Sentencing Commission is available to further evaluate the effectiveness of drug-free zones and to report back to the Judiciary Committee with relevant recommendations.

7. CLARIFYING FALSE STATEMENTS STATUTES

Connecticut has a total of 293 “false statement” statutes which can be broken down as follows: 35 statutes cite false statements in the 1st degree and 2nd degree (Sec. 53a-157a, Sec. 153a-157b), 96 statutes utilize

⁸ State v. Lewis, 303 Conn. 760, (2012)