

ASSEMBLY, No. 2877

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 21, 2006

Sponsored by:

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

SYNOPSIS

Reduces drug free school and public property zones to 200 feet.

CURRENT VERSION OF TEXT

As introduced.



A2877 BARNES

2

1 AN ACT concerning distributing, dispensing or possessing
2 controlled dangerous substances in certain drug free zones and
3 amending P.L.1987, c.101; P.L.1997, c.327; N.J.S.2C:35-10; and
4 N.J.S.2C:43-6.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. Section 1 of P.L.1987, c.101 (C.2C:35 -7) is amended to read
10 as follows:

11 1. a. Any person who violates subsection a. of N.J.S.2C:35-5 by
12 distributing, dispensing or possessing with intent to distribute a
13 controlled dangerous substance or controlled substance analog
14 while on or within 200 feet of any school property used for school
15 purposes which is owned by or leased to any elementary or
16 secondary school or school board, or **[within 1,000 feet of such**
17 **school property or a school bus, or while]** on any school bus, is
18 guilty of a crime of the **[third]** second degree **[and shall, except as**
19 **provided in N.J.S.2C:35-12, be sentenced by the court to a term of**
20 **imprisonment. Where]** , except that it is a crime of the third degree
21 if the violation involves less than one ounce of marijuana**[,** the term
22 of imprisonment shall include the imposition of a minimum term
23 which shall be fixed at, or between, one-third and one-half of the
24 sentence imposed, or one year, whichever is greater, during which
25 the defendant shall be ineligible for parole. In all other cases, the
26 term of imprisonment shall include the imposition of a minimum
27 term which shall be fixed at, or between, one-third and one-half of
28 the sentence imposed, or three years, whichever is greater, during
29 which the defendant shall be ineligible for parole. Notwithstanding
30 the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to
31 \$150,000.00 may also be imposed upon any conviction for a
32 violation of this section.

33 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
34 provisions of law, a conviction arising under this section shall not
35 merge with a conviction for a violation of subsection a. of
36 N.J.S.2C:35-5 (manufacturing, distributing or dispensing) or
37 N.J.S.2C:35-6 (employing a juvenile in a drug distribution
38 scheme).] as set forth in paragraph (12) of subsection b. of
39 N.J.S.2C:35-5 or a schedule V substance or its analog as set forth in
40 paragraph (14) of subsection b. of N.J.S.2C:35-5.

41 b. It shall be no defense to a prosecution for a violation of this
42 section that the actor was unaware that the prohibited conduct took
43 place while on or within **[1,000]** 200 feet of any school property.
44 Nor shall it be a defense to a prosecution under this section, or
45 under any other provision of this title, that no juveniles were

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 present on the school property at the time of the offense or that the
2 school was not in session.

3 c. It is an affirmative defense to prosecution for a violation of
4 this section that the prohibited conduct took place entirely within a
5 private residence, that no person 17 years of age or younger was
6 present in such private residence at any time during the
7 commission of the offense, and that the prohibited conduct did not
8 involve distributing, dispensing or possessing with the intent to
9 distribute or dispense any controlled dangerous substance or
10 controlled substance analog for profit. The affirmative defense
11 established in this section shall be proved by the defendant by a
12 preponderance of the evidence. Nothing herein shall be construed
13 to establish an affirmative defense with respect to a prosecution for
14 an offense defined in any other section of this chapter.

15 d. In a prosecution under this section, a map produced or
16 reproduced by any municipal or county engineer for the purpose of
17 depicting the location and boundaries of the area on or within
18 ~~1,000~~ 200 feet of any property used for school purposes which is
19 owned by or leased to any elementary or secondary school or school
20 board, or a true copy of such a map, shall, upon proper
21 authentication, be admissible and shall constitute prima facie
22 evidence of the location and boundaries of those areas, provided
23 that the governing body of the municipality or county has adopted a
24 resolution or ordinance approving the map as official finding and
25 record of the location and boundaries of the area or areas on or
26 within ~~1,000~~ 200 feet of the school property. Any map approved
27 pursuant to this section may be changed from time to time by the
28 governing body of the municipality or county. The original of
29 every map approved or revised pursuant to this section, or a true
30 copy thereof, shall be filed with the clerk of the municipality or
31 county, and shall be maintained as an official record of the
32 municipality or county. A true copy of every map approved or
33 revised pursuant to this section also shall be filed with the Attorney
34 General.

35 e. Nothing in this section shall be construed to preclude the
36 prosecution from introducing or relying upon any other evidence or
37 testimony to establish any element of this offense; nor shall this
38 section be construed to preclude the use or admissibility of any map
39 or diagram other than one which has been approved by the
40 governing body of a municipality or county, provided that the map
41 or diagram is otherwise admissible pursuant to the Rules of
42 Evidence.

43 f. An extended term of imprisonment pursuant to subsection f.
44 of N.J.S.2C:43-6 shall not apply to a conviction under this section.
45 (cf: P.L.1997, c.181, s.5)

46

47 2. Section 1 of P.L.1997, c.327 (C.2C:35-7.1) is amended to
48 read as follows:

1 1. a. Any person who violates subsection a. of N.J.S.2C:35-5 by
2 distributing, dispensing or possessing with intent to distribute a
3 controlled dangerous substance or controlled substance analog
4 while in, on or within **[500]** 200 feet of the real property
5 comprising a public housing facility, a public park, or a public
6 building is guilty of a crime of the second degree, except that it is a
7 crime of the third degree if the violation involved less than one
8 ounce of marijuana as set forth in paragraph (12) of subsection b. of
9 N.J.S.2C:35-5 or a schedule V substance or its analog as set forth in
10 paragraph (14) of subsection b. of N.J.S.2C:35-5.

11 b. It shall be no defense to a prosecution for violation of this
12 section that the actor was unaware that the prohibited conduct took
13 place while on or within **[500]** 200 feet of a public housing facility,
14 a public park, or a public building.

15 c. **[Notwithstanding the provisions of N.J.S.2C:1-8 or any other**
16 **provisions of law, a conviction arising under this section shall not**
17 **merge with a conviction for a violation of subsection a. of**
18 **N.J.S.2C:35-5 (manufacturing, distributing or dispensing) or**
19 **N.J.S.2C:35-6 (employing a juvenile in a drug distribution scheme).**
20 **Nothing in this section shall be construed to preclude or limit a**
21 **prosecution or conviction for a violation of N.J.S.2C:35-7 or any**
22 **other offense defined in this chapter] (Deleted by amendment,**
23 **P.L. , c.) (pending before the Legislature as this bill).**

24 d. It is an affirmative defense to prosecution for a violation of
25 this section that the prohibited conduct did not involve distributing,
26 dispensing or possessing with the intent to distribute or dispense
27 any controlled dangerous substance or controlled substance analog
28 for profit, and that the prohibited conduct did not involve
29 distribution to a person 17 years of age or younger. The affirmative
30 defense established in this section shall be proved by the defendant
31 by a preponderance of the evidence. Nothing herein shall be
32 construed to establish an affirmative defense with respect to a
33 prosecution for an offense defined in any other section of this
34 chapter.

35 e. In a prosecution under this section, a map produced or
36 reproduced by any municipal or county engineer for the purpose of
37 depicting the location and boundaries of the area on or within **[500]**
38 200 feet of a public housing facility which is owned by or leased to
39 a housing authority according to the "Local Redevelopment and
40 Housing Law," P.L.1992, c.79 (C.40A:12A-1 et seq.), the area in or
41 within **[500]** 200 feet of a public park, or the area in or within
42 **[500]** 200 feet of a public building, or a true copy of such a map,
43 shall, upon proper authentication, be admissible and shall constitute
44 prima facie evidence of the location and boundaries of those areas,
45 provided that the governing body of the municipality or county has
46 adopted a resolution or ordinance approving the map as official
47 finding and record of the location and boundaries of the area or

1 areas on or within ~~500~~ 200 feet of a public housing facility, a
2 public park, or a public building. Any map approved pursuant to
3 this section may be changed from time to time by the governing
4 body of the municipality or county. The original of every map
5 approved or revised pursuant to this section, or a true copy thereof,
6 shall be filed with the clerk of the municipality or county, and shall
7 be maintained as an official record of the municipality or county. A
8 true copy of every map approved or revised pursuant to this section
9 also shall be filed with the Attorney General. Nothing in this
10 section shall be construed to preclude the prosecution from
11 introducing or relying upon any other evidence or testimony to
12 establish any element of this offense; nor shall this section be
13 construed to preclude the use or admissibility of any map or
14 diagram other than one which has been approved by the governing
15 body of a municipality or county, provided that the map or diagram
16 is otherwise admissible pursuant to the Rules of Evidence.

17 f. As used in this act:

18 "Public housing facility" means any dwelling, complex of
19 dwellings, accommodation, building, structure or facility and real
20 property of any nature appurtenant thereto and used in connection
21 therewith, which is owned by or leased to a local housing authority
22 in accordance with the "Local Redevelopment and Housing Law,"
23 P.L.1992, c.79 (C.40A:12A-1 et seq.) for the purpose of providing
24 living accommodations to persons of low income.

25 "Public park" means a park, recreation facility or area or
26 playground owned or controlled by a State, county or local
27 government unit.

28 "Public building" means any publicly owned or leased library or
29 museum.

30 g. An extended term of imprisonment pursuant to subsection f.
31 of N.J.S.2C:43-6 shall not apply to a conviction under this section.

32 (cf: P.L.1997, c.327, s.1)

33

34 3. N.J.S.2C:35-10 is amended to read as follows:

35 2C:35-10. Possession, Use or Being Under the Influence, or
36 Failure to Make Lawful Disposition.

37 a. It is unlawful for any person, knowingly or purposely, to
38 obtain, or to possess, actually or constructively, a controlled
39 dangerous substance or controlled substance analog, unless the
40 substance was obtained directly, or pursuant to a valid prescription
41 or order form from a practitioner, while acting in the course of his
42 professional practice, or except as otherwise authorized by
43 P.L.1970, c.226 (C.24:21-1 et seq.). Any person who violates this
44 section with respect to:

45 (1) A controlled dangerous substance, or its analog, classified in
46 Schedule I, II, III or IV other than those specifically covered in this
47 section, is guilty of a crime of the third degree except that,

1 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
2 fine of up to \$35,000.00 may be imposed;

3 (2) Any controlled dangerous substance, or its analog, classified
4 in Schedule V, is guilty of a crime of the fourth degree except that,
5 notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a
6 fine of up to \$15,000.00 may be imposed;

7 (3) Possession of more than 50 grams of marijuana, including
8 any adulterants or dilutants, or more than five grams of hashish is
9 guilty of a crime of the fourth degree, except that, notwithstanding
10 the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to
11 \$25,000.00 may be imposed; or

12 (4) Possession of 50 grams or less of marijuana, including any
13 adulterants or dilutants, or five grams or less of hashish is a
14 disorderly person.

15 Any person who commits any offense defined in this section
16 while on any property used for school purposes which is owned by
17 or leased to any elementary or secondary school or school board, or
18 within [1,000] 200 feet of any such school property or a school
19 bus, or while on any school bus, and who is not sentenced to a term
20 of imprisonment, shall, in addition to any other sentence which the
21 court may impose, be required to perform not less than 100 hours of
22 community service.

23 b. Any person who uses or who is under the influence of any
24 controlled dangerous substance, or its analog, for a purpose other
25 than the treatment of sickness or injury as lawfully prescribed or
26 administered by a physician is a disorderly person.

27 In a prosecution under this subsection, it shall not be necessary
28 for the State to prove that the accused did use or was under the
29 influence of any specific drug, but it shall be sufficient for a
30 conviction under this subsection for the State to prove that the
31 accused did use or was under the influence of some controlled
32 dangerous substance, counterfeit controlled dangerous substance, or
33 controlled substance analog, by proving that the accused did
34 manifest physical and physiological symptoms or reactions caused
35 by the use of any controlled dangerous substance or controlled
36 substance analog.

37 c. Any person who knowingly obtains or possesses a controlled
38 dangerous substance or controlled substance analog in violation of
39 subsection a. of this section and who fails to voluntarily deliver the
40 substance to the nearest law enforcement officer is guilty of a
41 disorderly persons offense. Nothing in this subsection shall be
42 construed to preclude a prosecution or conviction for any other
43 offense defined in this title or any other statute.

44 (cf: P.L.1997, c.181, s.6)

45

46 4. N.J.S.2C:43-6 is amended to read as follows:

47 2C:43-6. Sentence of Imprisonment for Crime; Ordinary Terms;
48 Mandatory Terms.

1 a. Except as otherwise provided, a person who has been
2 convicted of a crime may be sentenced to imprisonment, as follows:

3 (1) In the case of a crime of the first degree, for a specific term
4 of years which shall be fixed by the court and shall be between 10
5 years and 20 years;

6 (2) In the case of a crime of the second degree, for a specific
7 term of years which shall be fixed by the court and shall be between
8 five years and 10 years;

9 (3) In the case of a crime of the third degree, for a specific term
10 of years which shall be fixed by the court and shall be between
11 three years and five years;

12 (4) In the case of a crime of the fourth degree, for a specific term
13 which shall be fixed by the court and shall not exceed 18 months.

14 b. As part of a sentence for any crime, where the court is clearly
15 convinced that the aggravating factors substantially outweigh the
16 mitigating factors, as set forth in subsections a. and b. of 2C:44-1,
17 the court may fix a minimum term not to exceed one-half of the
18 term set pursuant to subsection a., or one-half of the term set
19 pursuant to a maximum period of incarceration for a crime set forth
20 in any statute other than this code, during which the defendant shall
21 not be eligible for parole; provided that no defendant shall be
22 eligible for parole at a date earlier than otherwise provided by the
23 law governing parole.

24 c. A person who has been convicted under 2C:39-4a. of
25 possession of a firearm with intent to use it against the person of
26 another, or of a crime under any of the following sections: 2C:11-3,
27 2C:11-4, 2C:12-1b., 2C:13-1, 2C:14-2a., 2C:14-3a., 2C:15-1,
28 2C:18-2, 2C:29-5, who, while in the course of committing or
29 attempting to commit the crime, including the immediate flight
30 therefrom, used or was in possession of a firearm as defined in
31 2C:39-1f., shall be sentenced to a term of imprisonment by the
32 court. The term of imprisonment shall include the imposition of a
33 minimum term. The minimum term shall be fixed at, or between,
34 one-third and one-half of the sentence imposed by the court or three
35 years, whichever is greater, or 18 months in the case of a fourth
36 degree crime, during which the defendant shall be ineligible for
37 parole.

38 The minimum terms established by this section shall not prevent
39 the court from imposing presumptive terms of imprisonment
40 pursuant to 2C:44-1f. (1) except in cases of crimes of the fourth
41 degree.

42 A person who has been convicted of an offense enumerated by
43 this subsection and who used or possessed a firearm during its
44 commission, attempted commission or flight therefrom and who has
45 been previously convicted of an offense involving the use or
46 possession of a firearm as defined in 2C:44-3d., shall be sentenced
47 by the court to an extended term as authorized by 2C:43-7c.,

1 notwithstanding that extended terms are ordinarily discretionary
2 with the court.

3 d. The court shall not impose a mandatory sentence pursuant to
4 subsection c. of this section, 2C:43-7c. or 2C:44-3d., unless the
5 ground therefor has been established at a hearing. At the hearing,
6 which may occur at the time of sentencing, the prosecutor shall
7 establish by a preponderance of the evidence that the weapon used
8 or possessed was a firearm. In making its finding, the court shall
9 take judicial notice of any evidence, testimony or information
10 adduced at the trial, plea hearing, or other court proceedings and
11 shall also consider the presentence report and any other relevant
12 information.

13 e. A person convicted of a third or subsequent offense involving
14 State taxes under N.J.S.2C:20-9, N.J.S.2C:21-15, any other
15 provision of this code, or under any of the provisions of Title 54 of
16 the Revised Statutes, or Title 54A of the New Jersey Statutes, as
17 amended and supplemented, shall be sentenced to a term of
18 imprisonment by the court. This shall not preclude an application
19 for and imposition of an extended term of imprisonment under
20 N.J.S.2C:44-3 if the provisions of that section are applicable to the
21 offender.

22 f. A person convicted of manufacturing, distributing, dispensing
23 or possessing with intent to distribute any dangerous substance or
24 controlled substance analog under N.J.S.2C:35-5, of maintaining or
25 operating a controlled dangerous substance production facility
26 under N.J.S.2C:35-4, of employing a juvenile in a drug distribution
27 scheme under N.J.S.2C:35-6, or of leader of a narcotics trafficking
28 network under N.J.S.2C:35-3[, or of distributing, dispensing or
29 possessing with intent to distribute on or near school property or
30 buses under section 1 of P.L.1987, c.101 (C.2C:35-7)], who has
31 been previously convicted of manufacturing, distributing,
32 dispensing or possessing with intent to distribute a controlled
33 dangerous substance or controlled substance analog, shall upon
34 application of the prosecuting attorney be sentenced by the court to
35 an extended term as authorized by subsection c. of N.J.S.2C:43-7,
36 notwithstanding that extended terms are ordinarily discretionary
37 with the court. The term of imprisonment shall, except as may be
38 provided in N.J.S.2C:35-12, include the imposition of a minimum
39 term. The minimum term shall be fixed at, or between, one-third
40 and one-half of the sentence imposed by the court or three years,
41 whichever is greater, not less than seven years if the person is
42 convicted of a violation of N.J.S.2C:35-6, or 18 months in the case
43 of a fourth degree crime, during which the defendant shall be
44 ineligible for parole.

45 The court shall not impose an extended term pursuant to this
46 subsection unless the ground therefor has been established at a
47 hearing. At the hearing, which may occur at the time of sentencing,
48 the prosecutor shall establish the ground therefor by a

1 preponderance of the evidence. In making its finding, the court shall
2 take judicial notice of any evidence, testimony or information
3 adduced at the trial, plea hearing, or other court proceedings and
4 shall also consider the presentence report and any other relevant
5 information.

6 For the purpose of this subsection, a previous conviction exists
7 where the actor has at any time been convicted under chapter 35 of
8 this title or Title 24 of the Revised Statutes or under any similar
9 statute of the United States, this State, or any other state for an
10 offense that is substantially equivalent to N.J.S.2C:35-3,
11 N.J.S.2C:35-4, N.J.S.2C:35-5, N.J.S.2C:35-6 or section 1 of
12 P.L.1987, c.101 (C.2C:35-7).

13 g. Any person who has been convicted under subsection a. of
14 N.J.S.2C:39-4 of possessing a machine gun or assault firearm with
15 intent to use it against the person of another, or of a crime under
16 any of the following sections: N.J.S.2C:11-3, N.J.S.2C:11-4,
17 N.J.S.2C:12-1b., N.J.S.2C:13-1, N.J.S.2C:14-2a., N.J.S.2C:14-3a.,
18 N.J.S.2C:15-1, N.J.S.2C:18-2, N.J.S.2C:29-5, N.J.S.2C:35-5, who,
19 while in the course of committing or attempting to commit the
20 crime, including the immediate flight therefrom, used or was in
21 possession of a machine gun or assault firearm shall be sentenced to
22 a term of imprisonment by the court. The term of imprisonment
23 shall include the imposition of a minimum term. The minimum
24 term shall be fixed at 10 years for a crime of the first or second
25 degree, five years for a crime of the third degree, or 18 months in
26 the case of a fourth degree crime, during which the defendant shall
27 be ineligible for parole.

28 The minimum terms established by this section shall not prevent
29 the court from imposing presumptive terms of imprisonment
30 pursuant to paragraph (1) of subsection f. of N.J.S.2C:44-1 for
31 crimes of the first degree.

32 A person who has been convicted of an offense enumerated in
33 this subsection and who used or possessed a machine gun or assault
34 firearm during its commission, attempted commission or flight
35 therefrom and who has been previously convicted of an offense
36 involving the use or possession of any firearm as defined in
37 subsection d. of N.J.S.2C:44-3, shall be sentenced by the court to an
38 extended term as authorized by subsection d. of N.J.S.2C:43-7,
39 notwithstanding that extended terms are ordinarily discretionary
40 with the court.

41 h. The court shall not impose a mandatory sentence pursuant to
42 subsection g. of this section, subsections d. of N.J.S.2C:43-7 or
43 N.J.S.2C:44-3, unless the ground therefor has been established at a
44 hearing. At the hearing, which may occur at the time of sentencing,
45 the prosecutor shall establish by a preponderance of the evidence
46 that the weapon used or possessed was a machine gun or assault
47 firearm. In making its finding, the court shall take judicial notice of
48 any evidence, testimony or information adduced at the trial, plea

1 hearing, or other court proceedings and shall also consider the
2 presentence report and any other relevant information.

3 i. A person who has been convicted under paragraph (6) of
4 subsection b. of 2C:12-1 of causing bodily injury while eluding
5 shall be sentenced to a term of imprisonment by the court. The
6 term of imprisonment shall include the imposition of a minimum
7 term. The minimum term shall be fixed at, or between one-third
8 and one-half of the sentence imposed by the court. The minimum
9 term established by this subsection shall not prevent the court from
10 imposing a presumptive term of imprisonment pursuant to
11 paragraph (1) of subsection f. of 2C:44-1.

12 (cf: P.L.1993, c.219, s.6)

13

14 5. This act shall take effect on the first day of the seventh month
15 following enactment.

16

17

18

STATEMENT

19

20 This bill would reduce drug free "school zones" from within
21 1,000 feet of school property to within 200 feet. The bill would
22 similarly reduce drug free "public property" zones from 500 feet to
23 to 200 feet. Under current law, persons who commit drug offenses
24 within these drug free zones are subject to enhanced penalties.

25 Under current law, a violation of the drug free school zone law
26 constitutes a crime of the third degree, which is generally
27 punishable by a term of imprisonment of three-to-five years and a
28 fine of up to \$15,000. The current drug free school zone law
29 requires the imposition of a mandatory minimum term of
30 incarceration of one-third to one-half of the sentence, or three years,
31 whichever is greater, for all Controlled Dangerous Substance (CDS)
32 crimes other than those involving less than one ounce of marijuana,
33 as well as a fine of up to \$150,000. The bill would eliminate the
34 mandatory minimum term of incarceration of at least three years,
35 but upgrade these CDS crimes to crimes of the second degree.
36 Second degree crimes are punishable by a term of imprisonment of
37 five-to-10 years, a fine of up to \$150,000, or both.

38 The bill also eliminates the drug free school zone mandatory
39 minimum of one year for CDS crimes involving less than one ounce
40 of marijuana, but this crime, as well as crimes involving a CDS
41 listed on Schedule V, would constitute a crime of the third degree.
42 A Schedule V CDS has low potential for abuse relative to a CDS
43 listed in Schedules I, II, III and IV; has a currently acceptable
44 medical use; and has limited potential for dependence relative to a
45 CDS listed in the other schedules.

46 It is currently a crime of the second degree to distribute, dispense
47 or possess a CDS in a drug free public property zone. This bill does
48 not change this law other than to reduce the zone from 500 to 200

1 feet and to specify that it is a crime of the third degree if the
2 violation involves a schedule V substance.

3 Under the bill, persons with a previous conviction of
4 manufacturing, distributing, dispensing or possessing with intent to
5 distribute would not be subject to an extended term if they are
6 subsequently convicted of a drug free school or private property
7 violation. But the bill clarifies that an extended term of
8 imprisonment may still be imposed for a repeat conviction of
9 manufacturing, distributing or dispensing a CDS.

10 The bill also removes provisions in the current law prohibiting
11 the merger of a conviction for unlawfully manufacturing,
12 distributing or dispensing a CDS under N.J.S.2C:35-5, or
13 employing a juvenile in a drug distribution scheme under
14 N.J.S.2C:35-6, with a conviction for distributing, dispensing or
15 possessing a CDS in a drug free school zone or public property
16 zone. Finally, the bill requires a true copy of every map produced
17 or reproduced by a municipal or county engineer to designate the
18 boundaries of a drug free school or public property zone to be filed
19 with the Attorney General.

20 Due to the high concentration of schools, school buses, public
21 housing facilities, public parks and libraries and museums in urban
22 areas, drug free school and public property zones often cover most
23 of the geographical area of a city. This results in a disproportionate
24 number of urban residents being subject to the harsher penalties
25 imposed for drug offenses committed in school and public property
26 zones as compared to suburban and rural residents. This bill would
27 address this problem by reducing the size of drug free school and
28 public property zones.