



HR0153

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HOUSE RESOLUTION

2           WHEREAS, The Illinois Consortium on Drug Policy recently  
3 issued a study "Intersecting Voices; Impacts of Illinois  
4 Consortium on Drug Policy" finding that from 1983 to 2002, the  
5 number of African Americans admitted to Illinois prisons for  
6 drug offenses rose 5,347% from 185 to 10,077; the number of  
7 Whites and Hispanics admitted to prison for drug offenses  
8 increased 666% from 270 to 2,067; and Illinois ranked second in  
9 the country with respect to Black-White disparities in prison  
10 sentences for drug crimes; and

11           WHEREAS, The Illinois Consortium on Drug Policy in the  
12 study "Intersecting Voices; Impacts of Illinois Consortium on  
13 Drug Policy" reported that in 2002, 946 Caucasians were  
14 incarcerated for drug sales, while the number of African  
15 Americans was 4,406; and

16           WHEREAS, The U. S. Department of Justice, Bureau of Justice  
17 Statistics reports that nationally, in 2002, 266,465 adults  
18 were arrested for drug trafficking, 212,810 were convicted of  
19 felony drug trafficking, and of those convicted 51% were white  
20 and 47% were black; and

21           WHEREAS, In 2000, half of all African Americans admitted to  
22 Illinois prisons were sentenced for drug offenses, compared

1 with 30 percent of Hispanics and 15 percent of Whites; and

2 WHEREAS, National studies found that Whites, African  
3 Americans, and Hispanics use illegal drugs at similar rates,  
4 and also that most users obtain drugs from people within their  
5 own racial or ethnic background; and

6 WHEREAS, The Illinois General Assembly has amended the  
7 Illinois Controlled Substances Act on several occasions to  
8 enhance penalties for anyone convicted of conducting a delivery  
9 in certain areas; and

10 WHEREAS, The original purpose of the enhanced penalties was  
11 to deter individuals from engaging in drug trafficking in areas  
12 where children are present or likely to be present; and

13 WHEREAS, The initial step was the enhancement of the  
14 penalty for anyone conducting a delivery near a school, school  
15 bus stop or mode of transporting children to school; and

16 WHEREAS, In 1990, the General Assembly amended the Illinois  
17 Controlled Substances Act to increase the penalty for delivery  
18 within 1000 feet of public housing property or park, so that  
19 the penalty is enhanced by automatically treating any delivery  
20 under these circumstances as one felony class higher; and

1           WHEREAS, Under this amendment any delivery of more than one  
2 gram of cocaine within 1,000 feet of public housing property is  
3 treated as a Class X felony, subject to mandatory prison time,  
4 regardless of whether children were present or likely to be  
5 present in the vicinity of the transaction; and

6           WHEREAS, In 1997, automatic felony elevation was added for  
7 delivery within 1000 feet of any church, synagogue or building  
8 used primarily for worship regardless of whether the worshipers  
9 were present or likely to be present in the vicinity of the  
10 transaction; and

11           WHEREAS, In 2000, the provision relating to public housing  
12 was expanded to include any residential property owned or  
13 leased in part by a public housing agency, including mixed  
14 income developments; and

15           WHEREAS, In November, 2005, TASC and Loyola University  
16 issued the report, "The Disproportionate Incarceration of  
17 African Americans for Drug Crimes: The Illinois Perspective"  
18 which confirmed the disproportionate application of this  
19 State's criminal drug laws, as amended during the first half of  
20 the 1990s, to be a significant factor for the disparate impact  
21 which these laws have on African American communities; and

22           WHEREAS, The TASC and Loyola University researchers

1 concluded that these restrictions are most common in poor,  
2 African American neighborhoods, which, per capita have more  
3 public housing units and storefront churches than any other  
4 communities in the city; and

5 WHEREAS, This statute which requires mandatory minimum  
6 prison terms, denies judges the discretion to determine the  
7 appropriate penalty on a case-by-case basis; and

8 WHEREAS, The Justice Policy Institute (JPI) recently  
9 issued a report, "Disparity by Design: How Drug-free Zone Laws  
10 Impact Racial Disparity B and Fail to Protect Youth" which  
11 found that the laws that heighten penalties for drug activity  
12 near schools, public housing and other designated locations  
13 fail to protect youth; and

14 WHEREAS, JPI found that drug-free zone laws erode the  
15 constitutional right to trial by forcing defendants to plead  
16 guilty or risk long prison terms; and

17 WHEREAS, JPI also found that communities of color are  
18 disproportionately impacted by drug-free school zone laws  
19 because densely populated urban neighborhoods, where people of  
20 color are more likely to live, are blanketed by prohibited  
21 zones, while rural and suburban neighborhoods are less  
22 affected; and

1           WHEREAS, JPI found that in New Jersey, three-quarters of  
2 Newark, and over half of Jersey City and Camden, fall within a  
3 zone compared to just six percent of rural Mansfield Township  
4 and the result of this "urban effect" is what New Jersey's  
5 sentencing commission terms "a devastatingly disproportionate  
6 impact on New Jersey's minority community"; and

7           WHEREAS, JPI found that in New Jersey Blacks and Hispanics  
8 make up just a quarter of the state's resident population,  
9 while they comprise 96% of prisoners serving time for drug-free  
10 zone offenses; and

11           WHEREAS, JPI found that in Connecticut cities where the  
12 majority of residents are nonwhite have ten times more zones  
13 per square mile than localities where less than 10% of  
14 residents are black or Hispanic; and

15           WHEREAS, JPI found that Blacks and Hispanics account for  
16 just 20% of Massachusetts residents but 80% of drug-free zone  
17 cases; and

18           WHEREAS, Utah's parole board recommended replacing the  
19 drug-free zone enhancement with an enhancement for only those  
20 convicted of selling or manufacturing drugs in the presence of  
21 children; and

1           WHEREAS, The New Jersey Sentencing Commission could find no  
2 deterrent effect of the drug-free zone law; and

3           WHEREAS, The New Jersey Sentencing Commission found that  
4 fewer than one in 10 arrests takes place just outside the  
5 zones, while the number of drug-free zone arrests has risen  
6 since the law was enacted, rather than falling, as would be  
7 expected if drug sellers had moved their activity to avoid  
8 prohibited zones; and

9           WHEREAS, The New Jersey, Sentencing Commission concluded  
10 that the size of the zones erodes their deterrent effect and  
11 recommended that zones be narrowed from 1,000 to 200 feet; and

12           WHEREAS, The New Jersey Sentencing Commission concluded  
13 that reducing the size of prohibited zones will accomplish two  
14 objectives: more effectively deter drug activity that occurs  
15 within sight of schools and other protected locations; and  
16 lessen the impact of mandatory sentencing on urban communities,  
17 thereby reducing racial disparities; therefore, be it

18           RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
19 NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that  
20 there is hereby established a Legislative Task Force on Drug  
21 Free Zones (the Task Force); and be it further

1           RESOLVED, That the Task Force shall have six members of the  
2 General Assembly, three appointed by the Speaker of the House  
3 of Representatives, and 3 appointed by the Minority Leader of  
4 the House of Representatives; and be it further

5           RESOLVED, That That the following persons shall serve  
6 without compensation as ex-officio, non-voting members of the  
7 Task Force:

8           (A) The Director of the Division of Alcoholism and  
9 Substance Abuse, or his or her designee;

10           (B) The Director of the Illinois Department of  
11 Corrections, or his or her designee;

12           (C) The Public Defender of Cook County or his or her  
13 designee;

14           (D) The State's Attorney of Cook County or his or her  
15 designee;

16           (E) The Director of the Illinois Department of Children  
17 and Family Services, or his or her designee;

18           (F) The State Appellate Defender, or his or her  
19 designee; and

20           (G) The Director of the Office of the State's Attorneys  
21 Appellate Prosecutor, or his or her designee; and be it  
22 further

23           RESOLVED, That the agencies of State and County governments

1 represented on the Task Force shall work cooperatively to  
2 provide administrative support for the Task Force; the Illinois  
3 Division of Alcoholism and Substance Abuse shall be the primary  
4 agency in providing that support; and be it further

5       RESOLVED, That the Task Force shall conduct hearings and  
6 complete a comprehensive examination of the State's laws which  
7 were intended to create drug free zones to determine: (a) the  
8 effectiveness of the laws, (b) whether these laws have a  
9 disparate impact on African American communities, and (c)  
10 whether these laws should be amended to (i) more effectively  
11 deter drug activity that occurs within sight of schools and  
12 other protected locations; and (ii) lessen the impact of  
13 mandatory sentencing on urban communities, thereby reducing  
14 racial disparities; and be it further

15       RESOLVED, That the Task Force shall report its findings and  
16 recommendations to the Governor and the General Assembly in a  
17 final report which shall be filed on or before November 1,  
18 2007; the requirement for reporting to the General Assembly  
19 shall be satisfied by filing copies of the report with the  
20 Speaker, the Minority Leader and the Clerk of the House of  
21 Representatives and the President, the Minority Leader and the  
22 Secretary of the Senate and the Legislative Research Unit, as  
23 required by Section 3.1 of the General Assembly Organization  
24 Act, and filing additional copies with the State Government



1 Report Distribution Center for the General Assembly as required  
2 under paragraph (t) of Section 7 of the State Library Act; the  
3 report shall include, but need not be limited to, the  
4 following:

5 (1) An assessment of the collateral consequences of the  
6 state's laws which were intended to create drug free zones;

7 (2) An assessment of the effectiveness of these laws;

8 (3) An assessment as to whether these laws have a  
9 disparate impact on African Americans;

10 (4) An assessment as to whether these laws tend to  
11 erode the constitutional right to trial by forcing  
12 defendants to plead guilty or risk long prison terms; and

13 (5) Recommendations for legislative changes necessary  
14 to correct those problems (if any) identified by the panel.