

Supporting New York State Assembly Bill No. 06796 Calling For Judicial Discretion And New Sentencing Guidelines For Offenses Involving The Possession And Sale Of Controlled Substances

Legislators Aiello, Dart, Rodriguez, Stock, Zimet and Legislators Alfonso, Bartels, Berardi, Busick, Cummings, Donaldson, Every, Feldmann, Felicello, Gerentine, Harris, Hathaway, Hyatt, Kraft, Lomita, Loughran, Maloney, McAfee, Meyer, Noonan, R.A. Parete, R.S. Parete, Provenzano, Roberti, Shapiro, Stoeckeler, and Tipp offer the following:

WHEREAS, addiction and substance abuse are a public health problem that should be dealt with by the public health department, and

WHEREAS, the Rockefeller Drug Laws were passed in 1973 under Governor Nelson Rockefeller, requiring harsh, inhumane prison terms for the possession or sale of relatively small amounts of drugs. The penalties apply without regard to the circumstances of the offense or the individual's character or background, and in 32 years have not stopped the use or sales of illegal drugs, and

WHEREAS, at great expense to the taxpayer, these laws fill our prisons with low-level, non-violent offenders; there are nearly 15,500 drug offenders locked up in New York State prisons under these laws, and

WHEREAS, in 2004, the vast majority of people convicted of drug offenses sent to NYS prisons were never convicted of a violent felony, and

WHEREAS, effective alternatives are available that save money and cut crime and reports such as the 1997 study by RAND's Drug Policy Research Center concluded that treatment is the most effective tool in the fight against drug abuse. Several studies sponsored by the National Institute on Drug Abuse have shown that drug treatment programs are more successful than mandatory minimums in reducing the levels of drug abuse and crime among participants and in increasing their ability to hold a job, and

WHEREAS, a public health approach to drug policy is not only more effective but also more cost effective: NY taxpayers pay over \$32,000.00 per prisoner, while the cost of most drug free outpatient care runs between \$2,700.00 - \$4,500.00 per person per year, and the cost of residential drug treatment is \$17,000.00 - \$21,000.00 per participant per year, and

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WHEREAS, by wide margins, the public shows strong support for drug law reform. According to a recent Zogby International poll: 64% of the public do not consider a legislator who votes for drug law reform “soft on drugs;” more than double those who do (31%); over 51% are more likely to vote for a legislator who supports a bill to reduce drug sentences; and over 74% chose treatment over jail/prison for those convicted of drug possession; and according to an October 2002 *New York Times* poll: 79% of New Yorkers favor restoring sentencing discretion to judges in drug cases.

RESOLVED, the Ulster County Legislature calls upon the New York State Legislature to adopt New York State Assembly Bill No. 06796, which would allow for judicial discretion and end mandatory sentencing, and

FURTHER RESOLVED, the Ulster County Legislature hereby calls upon the New York State Legislature to enact immediate and full repeal of the failed Rockefeller Drug Laws by providing comprehensive sentencing reform, restoring judicial discretion in drug cases, expanding community based treatment programs as alternatives to incarceration, and enacting retroactivity for all reforms to those currently incarcerated under these laws, and

FURTHER RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor George E. Pataki, Comptroller Alan Hevesi, Senate Majority Leader Joseph Bruno, Senate Minority Leader David A. Paterson, Assembly Speaker Sheldon Silver, Assembly Majority Leader Paul A. Tokasz, Assembly Minority Leader Charles Nesbitt, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin Cahill, Clifford Crouch, Daniel Hooker and Thomas Kirwan, and the New York State Association of Counties,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 31 NOES: 0
(Absent: Legislators Hyatt and Feldmann)

FINANCIAL IMPACT:
NONE