

## It's long past time to reform state's draconian drug laws

by Post-Standard Editorial Board  
October 07, 2008

Drop the Rock Empowerment Day was held Saturday. The event was organized by the Correctional Association of New York, one of the leading advocates of reforming the state's Rockefeller-era drug laws, which are among the harshest in America.

A host of volunteers collected thousands of signatures on petitions calling for change of the archaic statutes. The group hopes to gather 35,000 names by the end of the year to present to state legislators. The question is whether the lawmakers will pay attention.

More than four years have passed since legislators found the courage to take baby steps toward reform of laws that have punished non-violent drug offenders more harshly than some who have been convicted of homicide.

Before the changes, drug offenders faced mandatory sentences of 15 years to life for possessing as little as four ounces of drugs. After the reforms, offenders who possessed eight ounces or sold two ounces of drugs faced mandatory sentences of eight to 20 years. The reforms allowed some Class A-1 and A-II offenders to apply for resentencing under the new statutes, but reform advocates say only about 30 percent of eligible offenders have been released.

Clearly, lawmakers have a lot more work to do.

The rigid laws, drafted under Gov. Nelson Rockefeller at the height of the heroin drug trade 35 years ago, still provide little flexibility. Judges have no discretion to determine whether the punishment fits the crime - they are forced to apply a "one-size-fits-all" sentence, which is not the typical practice for many other crimes. For example, non-violent, first-time drug offenders face lengthy jail sentences, even though they might benefit more from placement in a drug rehabilitation program.

The Correctional Association and other advocates point out that 80 percent of the drug offenders incarcerated under the Rockefeller Drug laws are non-violent offenders and 90 percent are African American and Latino, even though whites use and sell drugs in higher overall numbers. Reform supporters, who estimate that more than \$200 million could be saved through changes in the draconian laws, have rightly called for judicial discretion, reduction of sentences and expansion of funding for alternatives to incarceration.

The problem is that even through state leaders and even the law's original authors agree that the laws need further reform, legislators have not been motivated enough to act. Some still seem afraid to be labeled as soft on crime for fixing laws that are biased and unjust. But their reticence and procrastination has resulted in many people serving costly prison sentences rather than having the chance to become productive members of society.

Perhaps lawmakers won't feel compelled to fix the laws until more citizens speak up for people who don't have voices loud enough to be heard.