

SUSPENSION TO PUBLIC

A RESOLUTION TO BE SUBMITTED BY LEGISLATOR PEOPLES

SAFETY

RE: REVIEW OF ROCKEFELLER DRUG LAWS

WHEREAS, municipal officials and law enforcement officials throughout this nation must and do consider as very serious crimes which involve narcotics and other illicit drugs, and

WHEREAS, in 1973, New York State enacted tough anti-drug laws under the strong support of then-Governor Nelson Rockefeller, instituting harsh prison sentences for a wide range of drug offenses, and

WHEREAS, the laws, which have since become known as the Rockefeller Drug Laws, were amended in 1979 mainly to reduce the penalties for offenses involving marijuana, and

WHEREAS, the punishment for these laws still remains among the most severe in the nation, mandating a judge to impose a prison term of no less than 15 years to life for anyone convicted of selling two ounces or possessing four ounces of a narcotic substance, and

WHEREAS, in New York, murderers, arsonists and kidnappers face the same penalties as "drug mules," while crimes such as rape, the sexual abuse of a child and armed robbery carry lighter penalties, and

WHEREAS, Rockefeller Drug Laws place the main criteria for culpability on the weight of the drugs in a person's possession with no regard to the role he or she plays in the narcotics transaction, this results in prosecution of the minor actors in a drug trade rather than on the middle and high-level criminals who are drug dealing's true masterminds, and

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WHEREAS, billions of dollars are spent building new prisons to support the growing inmate population caused in part by prosecution of non-violent drug offenders convicted under Rockefeller Drug Laws, and

WHEREAS, it has been argued that reform of the New York State Drug Laws to include flexibility in sentencing would allow judges to utilize less costly and more productive punishments such as intensive supervision probation and mandatory participation in proven drug treatment programs for many minor drug offenders,

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby reaffirm its commitment to law in order throughout our society, and does hereby support existing laws that seek to minimize activities concerning the sale and trafficking of narcotics and other illicit drugs, and be it further

RESOLVED, that this Honorable Body does hereby seek to obtain additional information from individuals and organizations concerning the impact of the Rockefeller Drug Laws on our society, and be it further

RESOLVED, that this Honorable Body does hereby call upon law enforcement officials, including, but not limited to, the Erie County Sheriff, the Erie County Commissioner of Central Police Services, the Superintendent of the Erie County Holding Center, the Commissioner of Police in the City of Buffalo, and Chiefs of Police in towns throughout Erie County to be invited to a future meeting of the Legislature's Public Safety Committee to discuss the impact that has been made on Buffalo, Erie County and Western New York of the Rockefeller Drug Laws, and to ascertain what impact on our society would result from amendment of those laws on the state level, and be it further

RESOLVED, that this Honorable Body does further invite representatives of organizations seeking to have the Rockefeller Drug Laws repealed or otherwise amended, including but not limited to, representatives of FAMM (Families Against Mandatory Minimums) to the same meeting of the Public Safety Committee to discuss this issue, and be it further

RESOLVED, that certified copies of this resolution be forwarded to Erie County Sheriff Patrick M. Gallivan, the Department of Central Police Services, Frederick Netzel, Superintendent of the Erie County Correctional Facility, James Muscoreil, President, Families Against Mandatory Minimums.

CRYSTAL D. PEOPLES

Fiscal Impact: None for Resolution.