Legislation Details (With Text)

File #:	Res 0031-2018	**Version:**	*	**Name:**	Increase the penalties for possessing or selling marijuana in a Drug Free School Zone.
Type:	Resolution			**Status:**	Filed (End of Session)
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On agenda:	1/31/2018				
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Title:	Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would increase the penalties for possessing or selling marijuana in a Drug Free School Zone				
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Attachments:	1. Res. No. 31, 2. January 31, 2018 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 01-31-2018, 4. Minutes of the Stated Meeting - January 31, 2018				

Date	Ver.	Action By	Action	Result
1/31/2018	*	City Council	Introduced by Council	
1/31/2018	*	City Council	Referred to Comm by Council	
12/31/2021	*	City Council	Filed (End of Session)	

Res. No. 31

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation that would increase the penalties for possessing or selling marijuana in a Drug Free School Zone

By Council Members Cabrera and Brannan

Whereas, Drug Free School Zones are protected areas in and around schools where the sale or possession of controlled substances receives higher punishments; and

Whereas, In New York State, school grounds include the area in or within a building, structure, athletic playing field, playground or any land contained within the property of an elementary school, parochial, intermediate, junior high, vocational, or high school; and

Whereas, The zone is further extended to include any area accessible to the public, including sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants, located within one thousand feet of the school's property line, including any parked vehicle within this distance; and

Whereas, In New York State, if an individual commits the criminal sale of a controlled substance in the

fourth degree, he or she may be liable for a C felony, as the law explicitly allows for an increased penalty if the sale takes place on a school ground or school bus; and

Whereas, Additionally, if an individual commits the criminal sale of a controlled substance in or near school grounds, the person may be liable for a B felony; and

Whereas, State law seeks to provide further protections to school grounds and deter people from prying on children and exposing children to illegal drug use and sales; and

Whereas, However, existing law does not punish the sale or use of marijuana in a Drug Free School Zone on the same level as other controlled substances; and

Whereas, The severity of punishing an individual for selling or possessing marijuana is generally limited to the amount of marijuana recovered; and

Whereas, Despite this, marijuana use in New York City is a significant public health and safety issue; and

Whereas, Marijuana is the most commonly used illicit narcotic; and

Whereas, The New York City Department of Health and Mental Hygiene estimates that 28 percent of New York City youth have used marijuana at least once in their lives; and

Whereas, Marijuana can produce physical, mental, emotional and behavioral effects, including impairing short-term memory, judgment and perception; and

Whereas, Studies have shown an association between chronic marijuana use and increased rates of anxiety, depression, suicidal thoughts and schizophrenia; and

Whereas, Aside from the public health ramifications, marijuana was also the leading cause of arrests in New York City in 2010, accounting for 50,383 arrests; and

Whereas, In New York City, the Department of Education is responsible for approximately 1.1 million school children; and

Whereas, Adequate safeguards are needed to ensure that school children are not exposed to marijuana

use and sale; and

Whereas, Accordingly, punishing the sale or possession of marijuana on the same level with other controlled substances would deliver a powerful message that Drug Free School Zones are protected areas and that New York State will not tolerate individuals possessing or selling drugs in close proximity to schools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation that would increase the penalties for using or selling marijuana in a Drug Free School Zone.

JM/BG
LS 1245
1/11/18