



## Legislation Text

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Res. No. 1876

Resolution calling upon the appropriate Committee of the Council of the City of New York to conduct a hearing on proposals to reform the New York State Criminal Procedure Law in relation to the Rockefeller drug laws.

By Council Members Robinson, Linares, Lopez, Marshall, Perkins, Reed, Rivera and Warden; also Council Members Cruz, Eisland, Fisher, Foster, Freed, Michels, Quinn, Watkins and White

Whereas, The Rockefeller drug laws include some of the most disproportionately punitive provisions in the nation; and

Whereas, The Rockefeller drug laws often keep non-violent addicts, who pose no threat to the community, incarcerated for unduly long periods of time, with no opportunity for effective treatment; and

Whereas, Under the current Rockefeller drug laws, for example, a defendant with no criminal history who is found guilty of a single two-ounce cocaine sale, may be subject to a mandatory minimum sentence of 15 years to life, the equivalent mandatory minimum for second-degree murder; and

Whereas, The Rockefeller drug laws, which have been plagued by doubts as to their effectiveness ever since they first were enacted by the Legislature at the request of then-Governor Rockefeller in 1973, have since proven themselves to be a costly, yet ineffective method for dealing with the complexities of drug addiction; and

Whereas, According to a report that appeared in the New York Law Journal on December 8, 2000, while experts generally agree that the harsh Rockefeller drug laws have failed at deterring drug crimes or reducing recidivism, the laws have

effectively swelled the state prison population by 500%, with New York State now sending approximately 10,000 people, nearly all of them Black or Hispanic, to prisons annually for drug crimes, at an annual cost of approximately \$29,000 per prisoner; and

Whereas, It is clear that addicts in prison who do not receive treatment routinely return to a life of drugs and crime upon release; and

Whereas, Numerous lawmakers recognize the desperate need to terminate this vicious cycle through reform of the Rockefeller drug laws, including implementation of proven treatment alternatives, which were not available in the early 1970's; and

Whereas, Proposed reforms of New York's stringent Rockefeller drug laws include expanded treatment options for non-violent drug offenders; a reduction in the

range of mandatory minimum sentences; and greater discretion for judges to decide which offenders should be given treatment rather than prison, while subjecting serious drug traffickers to stiffer penalties; and

Whereas, Adoption of these reform proposals would provide a fair, effective and humane solution to achieving the dual objective of rehabilitating addicts while protecting the safety of our communities; and

Whereas, Because a large number of those incarcerated in the State of New York for major and minor drug offenses come from New York City, it is imperative that the government and the citizens of the City be well-informed regarding various proposals to reform the Rockefeller drug laws; now, therefore, be it

Resolved, That the appropriate Committee of the Council of the City of New York conduct a hearing on proposals to reform the New York State Criminal Procedure Law, in relation to the Rockefeller drug laws.

LS # 4070  
04/11/01