



## Legislation Text

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**File #:** Res 1309-2008, **Version:** \*

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### Res. No. 1309

Resolution calling on the Governor and the New York State Legislature to repeal or amend the present Rockefeller Drug Laws.

By Council Members James, Brewer, Comrie, Liu, Mark-Viverito, Nelson, Sanders Jr., White Jr., Gerson and Vann

Whereas, The Rockefeller Drug Laws, enacted in 1973 at the request of then-Governor Nelson A. Rockefeller, transformed New York State's drug offense statutes by changing the classification of certain drug crimes and enhancing sentencing for those convicted of controlled substance crimes; and

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 incarcerated for unduly long periods of time with little or no opportunity for effective treatment; and

Whereas, Doubt arose as to the wisdom of the Rockefeller Drug Laws as soon as they were enacted by the Legislature; they have since proven themselves to be a costly, ineffective method for dealing with the complexities of drug addiction; and

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

Whereas, Numerous lawmakers, including New York State Senate Leader Joseph Bruno, recognize the desperate need to terminate this vicious cycle through reform of the Rockefeller Drug Laws and implementation of proven treatment alternatives, many of which were not available in the early 1970's; and

Whereas, According to The Correctional Association of New York, thirty-six percent of the people sent

to state prison were drug offenders in 2006 compared to only eleven percent in 1980; and

Whereas, The Rockefeller Drug Laws have failed to curb drug use and/or abuse in New York State; and

Whereas, According to RAND's Drug Policy Research Center, treatment is the most effective tool in the fight against drug abuse; and

Whereas, Despite the 2004 and 2005 reforms to the Rockefeller Drug Laws, which lowered minimum sentences for those convicted of certain drug crimes, judges still do not have sufficient discretion in deciding whether to send an individual to prison or to an alternative-to-incarceration program; and

Whereas, The State of New York should repeal or amend the Rockefeller Drug Laws so that judicial discretion can be restored and convicted felons can receive drug treatment so they may rejoin and contribute to society; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor and the New York State Legislature to repeal or amend the present Rockefeller Drug Laws.

WJH  
LS# 4445  
2/19/08