



1 HOUSE JOINT RESOLUTION

2 WHEREAS, From 1990 to 2000, the number of African Americans
3 admitted to Illinois prisons for drug offenses grew six fold
4 from 1,421 to 9,088; in contrast, the number of Whites and
5 Hispanics admitted to prison for drug offenses remained
6 relatively stable; and

7 WHEREAS, In 2000, half of all African Americans admitted to
8 Illinois prisons were sentenced for drug offenses, compared
9 with 30% of Hispanics and 15% of Whites; and

10 WHEREAS, National studies found that Whites, African
11 Americans, and Hispanics use illegal drugs at similar rates,
12 and also that most users obtain drugs from people within their
13 own racial or ethnic background; and

14 WHEREAS, Human Rights Watch (HRW), a New York City based
15 organization that investigates human rights violations around
16 the world, reported that in 2000 that Illinois ranked first in
17 the country with respect to Black White disparities in prison
18 sentences for drug crimes and African American men in Illinois
19 were 57 times more likely than White men in Illinois to be
20 sentenced to prison for drug crimes; and

21 WHEREAS, This unexpected and disturbing finding prompted
22 TASC and Loyola University Chicago to seek and obtain a
23 research grant from the Illinois Criminal Justice Information
24 Authority (ICJIA) for funding an investigation of the State's
25 apparent problem with disproportionate sentencing practices;
26 and

27 WHEREAS, In November, 2005, TASC and Loyola University
28 issued the report, The Disproportionate Incarceration of
29 African Americans for Drug Crimes: The Illinois Perspective,
30 which confirmed the disproportionate application of this

1 State's criminal drug laws, and cited Section 407 of the
2 Illinois Controlled Substances Act (720 ILCS 570/407), as
3 amended during the first half of the 1990s, to be a significant
4 factor for the disparate impact which these laws have on
5 African American communities; and

6 WHEREAS, Section 407 of the Illinois Controlled Substances
7 Act (720 ILCS 570/407) prescribes a number of sentencing
8 enhancements that result in mandatory prison terms for any
9 possession or delivery of any controlled substance within a
10 1,000 foot boundary of schools or school bus stops; public
11 housing properties or property leased by public housing
12 agencies, such as scattered site public housing; hospitals;
13 storefront churches and other places of worship; nursing homes
14 and other facilities for the care of the elderly; and elevates
15 to a felony, offenses that would be misdemeanors absent the
16 1,000 foot or safe zone enhancements; and

17 WHEREAS, The TASC and Loyola University researchers
18 concluded that these restrictions are most common in poor,
19 African American neighborhoods, which, per capita have more
20 public housing units and storefront churches than any other
21 communities in the city; and

22 WHEREAS, This statute which requires mandatory minimum
23 prison terms, denies judges the discretion to determine the
24 appropriate penalty on a case-by-case basis; and

25 WHEREAS, The Justice Policy Institute (JPI) recently
26 issued a report, Disparity by Design: How Drug-free Zone Laws
27 Impact Racial Disparity - and Fail to Protect Youth, which
28 found that from the laws that heighten penalties for drug
29 activity near schools, public housing and other designated
30 locations fail to protect youth; and

31 WHEREAS, JPI found that drug-free zone laws erode the

1 constitutional right to trial by forcing defendants to plead
2 guilty or risk long prison terms; and

3 WHEREAS, JPI also found that communities of color are
4 disproportionately impacted by drug-free school zone laws
5 because densely populated urban neighborhoods, where people of
6 color are more likely to live, are blanketed by prohibited
7 zones, while rural and suburban neighborhoods are less
8 affected; and

9 WHEREAS, JPI found that in New Jersey, three-quarters of
10 Newark, and over half of Jersey City and Camden, fall within a
11 zone compared to just 6% of rural Mansfield Township and the
12 result of this "urban effect" is what New Jersey's sentencing
13 commission terms "a devastatingly disproportionate impact on
14 New Jersey's minority community"; and

15 WHEREAS, JPI found that in New Jersey, Blacks and Hispanics
16 make up just a quarter of the State's resident population,
17 while they comprise 96% of prisoners serving time for drug-free
18 zone offenses; and

19 WHEREAS, JPI found that in Connecticut cities where the
20 majority of residents are nonwhite have 10 times more zones per
21 square mile than localities where less than 10% of residents
22 are black or Hispanic; and

23 WHEREAS, JPI found that Blacks and Hispanics account for
24 just 20% of Massachusetts residents but 80% of drug-free zone
25 cases; and

26 WHEREAS, Utah's parole board recommended replacing the
27 drug-free zone enhancement with an enhancement for only those
28 convicted of selling or manufacturing drugs in the presence of
29 children; and

1 WHEREAS, The New Jersey Sentencing Commission could find no
2 deterrent effect of the drug-free zone law; and

3 WHEREAS, The New Jersey Sentencing Commission found that
4 fewer than one in 10 arrests takes place just outside the
5 zones, while the number of drug-free zone arrests has risen
6 since the law was enacted, rather than falling - as would be
7 expected if drug sellers had moved their activity to avoid
8 prohibited zones; and

9 WHEREAS, The New Jersey Sentencing Commission concluded
10 that the size of the zones erodes their deterrent effect and
11 recommended that zones be narrowed from 1,000 to 200 feet; and

12 WHEREAS, The New Jersey Sentencing Commission concluded
13 that reducing the size of prohibited zones will accomplish 2
14 objectives: more effectively deter drug activity that occurs
15 within sight of schools and other protected locations; and
16 lessen the impact of mandatory sentencing on urban communities,
17 thereby reducing racial disparities; and

18 WHEREAS, The Connecticut legislature is considering a bill
19 that would reduce the scope of the zones from 1,500 to 200
20 feet, and would require postings to mark the boundaries;
21 therefore, be it

22 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
23 NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE
24 SENATE CONCURRING HEREIN, that there is hereby established a
25 Legislative Task Force on Drug Free Zones ("the Task Force");
26 and be it further

27 RESOLVED, That the Task Force shall have 8 members of the
28 General Assembly, appointed 2 each by the President of the
29 Senate, the Minority Leader of the Senate, the Speaker of the
30 House of Representatives, and the Minority Leader of the House

1 of Representatives; and be it further

2 RESOLVED, That the Task Force shall conduct hearings and
3 complete a comprehensive examination of the State's laws which
4 were intended to create drug free zones to determine: (a) the
5 effectiveness of the laws, (b) whether these laws have a
6 disparate impact on African American communities, and (c)
7 whether these laws should be amended to (i) more effectively
8 deter drug activity that occurs within sight of schools and
9 other protected locations; and (ii) lessen the impact of
10 mandatory sentencing on urban communities, thereby reducing
11 racial disparities; and be it further

12 RESOLVED, That the Task Force shall report its findings and
13 recommendations to the Governor and the General Assembly in a
14 final report which shall be filed on or before April 1, 2007;
15 the requirement for reporting to the General Assembly shall be
16 satisfied by filing copies of the report with the Speaker, the
17 Minority Leader, and the Clerk of the House of Representatives
18 and the President, the Minority Leader, and the Secretary of
19 the Senate and the Legislative Research Unit, as required by
20 Section 3.1 of the General Assembly Organization Act, and
21 filing additional copies with the State Government Report
22 Distribution Center for the General Assembly as required under
23 paragraph (t) of Section 7 of the State Library Act; and be it
24 further

25 RESOLVED, That the report shall include, but need not be
26 limited to, the following: (1) an assessment of the collateral
27 consequences of the State's laws which were intended to create
28 drug free zones; (2) an assessment of the effectiveness of
29 these laws; (3) an assessment as to whether these laws have a
30 disparate impact on African Americans; (4) an assessment as to
31 whether these laws tend to erode the constitutional right to
32 trial by forcing defendants to plead guilty or risk long prison
33 terms; and (5) recommendations for legislative changes

1 necessary to correct those problems (if any) identified by the
2 Task Force.