

2C:35-7

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:35-7 (Narcotics-- distribution after school-- minimum mandatory prison term of 5 years)

LAWS OF: 1987 CHAPTER: 101

Bill No: S2449

Sponsor(s): Graves and others

Date Introduced: July 29, 1986

Committee: Assembly: Judiciary

Senate: Law, Public Safety and Defense

Amended during passage: Yes Amendments during passage denoted asterisks.

Date of Passage: Assembly: February 19, 1987

Senate: September 15, 1987

Date of Approval: April 15, 1987

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: No

974.90 New Jersey Governor, 1982- (Kean)
N222 Blueprint for a drug-
1986b free New Jersey . . . October, 1986. Trenton, 1986

(Over)

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See newspaper clipping-- attached:

"Jail for schoolyard pushers wins final approval in the Legislative,"
2-24-87 Star Ledger.

"Five years for selling to minors," 9-15-86 Star Ledger.

"Stiff new drug law creates zones . . ." 11-22-87 Star Ledger.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 2449

STATE OF NEW JERSEY

INTRODUCED JULY 29, 1986

By Senators GRAVES, RUSSO, DiFRANCESCO, GAGLIANO, ORECHIO, LYNCH, CAUFIELD, O'CONNOR, COWAN, PAL-LONE, COSTA and WEISS

Referred to Committee on Law, Public Safety and Defense

AN ACT to ******[amend the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226)]******
***supplement chapter 35 of Title 2C of the New Jersey Statutes (now pending before the Legislature as Assembly Bill No. 3270 of 1986)**.*

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 ******[1. Section 19 of P. L. 1970, c. 226 (C. 24:21-19) is amended to
2 read as follows:

3 19. a. Except as authorized by this act, it shall be unlawful for
4 any person knowingly or intentionally:

5 (1) To manufacture, distribute, or dispense, or to possess or
6 have under his control with intent to manufacture, distribute, or
7 dispense, a controlled dangerous substance; or

8 (2) To create, distribute, or possess or have under his control
9 with intent to distribute, a counterfeit controlled dangerous
10 substance.

11 b. Any person who violates subsection a. with respect to:

12 (1) A substance, in a quantity of less than one ounce including
13 any adulterants or dilutants, classified in Schedules I or II which
14 is a narcotic drug, or in a quantity of one ounce or more with there
15 being included less than 3.5 grams of the pure free base Schedule
16 I or II narcotic drug, is guilty of a high misdemeanor and shall be

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted September 8, 1986.

**—Assembly committee amendments adopted December 8, 1986.

17 punished by imprisonment for not more than 12 years, a fine of
18 not more than \$25,000.00, or both; or

19 (2) A substance, in a quantity of one ounce or more including
20 any adulterants or dilutants, classified in Schedules I or II which
21 is a narcotic drug, provided that there are included at least 3.5
22 grams of the pure free base Schedule I or II narcotic drug, is guilty
23 of a high misdemeanor and shall be punished by imprisonment for
24 up to life, a fine of not more than \$25,000.00, or both; or

25 (3) Any other controlled dangerous substance classified in
26 Schedules I, II, III or IV is guilty of a high misdemeanor and
27 shall be punished by imprisonment for not more than five years, a
28 fine of not more than \$15,000.00, or both; or

29 (4) A substance classified in Schedule V is guilty of a misde-
30 meanor and shall be punished by imprisonment for not more than
31 one year, a fine of not more than \$5,000.00, or both.

32 ***[c.** *Any person convicted of an offense under paragraphs (1) or*
33 *(2) of subsection b. of this section when the offense occurred within*
34 *1,000 feet of the property surrounding any school in this State*
35 *which provides instruction for children up to and including the age*
36 *of 18 years shall be sentenced to a term of imprisonment by the*
37 *court.]** **c. Any person convicted of an offense under subsection*
38 *b. of this section with respect to one of the following controlled*
39 *dangerous substances: heroin; coca leaves and any salt, compound,*
40 *derivative, or preparation thereof which is chemically equivalent*
41 *or identical with any of these substances, except that the substances*
42 *shall not include decocainized coca leaves or extractions which do*
43 *not contain cocaine or ecogine; lysergic acid diethylamide; phen-*
44 *cyclidine; or methamphetamine, including its salts, isomers, and*
45 *salts of isomers, shall be sentenced to a term of imprisonment by*
46 *the court whenever:*

47 (1) *The offense occurred within 1,000 feet of the property of any*
48 *public or nonpublic school or any center, facility, or other educa-*
49 *tional institution under the supervision of the Department of Edu-*
50 *cation in this State which provides for the precollegiate instruction*
51 *of children, or*

52 (2) *The person to whom one of the controlled dangerous sub-*
53 *stances specified in this subsection was distributed or dispensed*
54 *was under 18 years of age.**

55 *The term of imprisonment shall include a minimum term of five*
56 *years during which the defendant shall not be eligible for parole.*

57 *The court may not suspend this sentence or make any other*
58 *alternative noncustodial disposition.]***

1 ***1. Any person who violates subsection a. of N. J. S. 2C:35-5*

2 (now pending before the Legislature as Assembly Bill No. 3270 of
3 1986) by distributing, dispensing or possessing with intent to dis-
4 tribute a controlled dangerous substance or controlled substance
5 analog while on any school property used for school purposes which
6 is owned by any elementary or secondary school or school board,
7 or within 1,000 feet of any school property or school bus, or while
8 on any school bus, is guilty of a crime of the third degree and shall,
9 except as provided in N. J. S. 2C:35-12 (now pending before the
10 Legislature as Assembly Bill No. 3270 of 1986), be sentenced by
11 the court to a term of imprisonment. Where the violation involves
12 25 grams or less of marijuana, the term of imprisonment shall in-
13 clude the imposition of a minimum term which shall be fixed at, or
14 between, one-third and one-half of the sentence imposed, or one
15 year, whichever is greater, during which the defendant shall be
16 ineligible for parole. In all other cases, the term of imprisonment
17 shall include the imposition of a minimum term which shall be fixed
18 at, or between, one-third and one-half of the sentence imposed, or
19 three years, whichever is greater, during which the defendant shall
20 be ineligible for parole. Notwithstanding the provisions of sub-
21 section b. of N. J. S. 2C:43-3, a fine of up to \$100,000.00 may also
22 be imposed upon any conviction for a violation of this section.

23 Notwithstanding the provisions of N. J. S. 2C:1-8 or any other
24 provisions of law, a conviction arising under this section shall not
25 merge with a conviction for a violation of subsection a. of N. J. S.
26 2C:35-5 (manufacturing, distributing or dispensing) (now pend-
27 ing before the Legislature as Assembly Bill No. 3270 of 1986) or
28 N. J. S. 2C:35-6 (employing a juvenile in a drug distribution
28A scheme) (now pending before the Legislature as Assembly Bill No.
29 3270 of 1986).

30 It shall be no defense to a prosecution for a violation of this
31 section that the actor was unaware that the prohibited conduct took
32 place while on or within 1,000 feet of any school property.

33 It is an affirmative defense to prosecution for a violation of this
34 section that the prohibited conduct took place entirely within a
35 private residence, that no person 17 years of age or younger was
36 present in such private residence at any time during the commis-
37 sion of the offense, and that the prohibited conduct did not involve
38 distributing, dispensing or possessing with the intent to distribute
39 or dispense any controlled dangerous substance or controlled sub-
40 stance analog for profit. The affirmative defense established in this
41 section shall be proved by the defendant by a preponderance of the
42 evidence. Nothing herein shall be construed to establish an affirma-
43 tive defense with respect to a prosecution for an offense defined
44 in any other section of this chapter.**

1 **[*2. A conveyance, which shall include but not be limited to a
 2 vehicle, a motorized bicycle, or a device moved by human power in,
 3 upon, or by which a person or property may be transported upon
 4 a highway, used by a person in the course of committing an offense
 5 under section 19 or section 20 of P. L. 1970, c. 226 (C. 24:21-19 or
 6 C. 24:21-20), shall be impounded upon the person's arrest and
 7 shall be considered property subject to forfeiture under chapter 64
 8 of Title 2C of the New Jersey Statutes upon the person's convic-
 9 tion. Ownership of the conveyance by the person arrested or con-
 10 victed shall not be necessary in order for the conveyance to be im-
 11 pounded or forfeited pursuant to this section.***]

1 *[*2.]* **[*3.*]** **2.** This act shall take effect immediately,
 2 but shall not affect the sentencing of a person convicted of a viola-
 3 tion occurring before the effective date ***but shall be inoperative*
 4 *until the enactment into law of Assembly Bill No. 3270 of 1986***.

CRIMINAL JUSTICE

Establishes mandatory term of imprisonment for certain drug offenses.

SENATE, No. 2449

STATE OF NEW JERSEY

INTRODUCED JULY 29, 1986

By Senators GRAVES, RUSSO, DiFRANCESCO, GAGLIANO, ORECHIO, LYNCH, CAUFIELD, O'CONNOR, COWAN, PAL-LONE, COSTA and WEISS

Referred to Committee on Law, Public Safety and Defense

AN ACT to amend the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226).

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 19 of P. L. 1970, c. 226 (C. 24:21-19) is amended to
2 read as follows:

3 19. a. Except as authorized by this act, it shall be unlawful for
4 any person knowingly or intentionally:

5 (1) To manufacture, distribute, or dispense, or to possess or
6 have under his control with intent to manufacture, distribute, or
7 dispense, a controlled dangerous substance; or

8 (2) To create, distribute, or possess or have under his control
9 with intent to distribute, a counterfeit controlled dangerous
10 substance.

11 b. Any person who violates subsection a. with respect to:

12 (1) A substance, in a quantity of less than one ounce including
13 any adulterants or dilutants, classified in Schedules I or II which
14 is a narcotic drug, or in a quantity of one ounce or more with there
15 being included less than 3.5 grams of the pure free base Schedule
16 I or II narcotic drug, is guilty of a high misdemeanor and shall be
17 punished by imprisonment for not more than 12 years, a fine of
18 not more than \$25,000.00, or both; or

19 (2) A substance, in a quantity of one ounce or more including
20 any adulterants or dilutants, classified in Schedules I or II which

Matter printed in italics thus is new matter.

21 is a narcotic drug, provided that there are included at least 3.5
 22 grams of the pure free base Schedule I or II narcotic drug, is guilty
 23 of a high misdemeanor and shall be punished by imprisonment for
 24 up to life, a fine of not more than \$25,000.00, or both; or

25 (3) Any other controlled dangerous substance classified in
 26 Schedules I, II, III or IV is guilty of a high misdemeanor and
 27 shall be punished by imprisonment for not more than five years, a
 28 fine of not more than \$15,000.00, or both; or

29 (4) A substance classified in Schedule V is guilty of a misde-
 30 meanor and shall be punished by imprisonment for not more than
 31 one year, a fine of not more than \$5,000.00, or both.

32 *c. Any person convicted of an offense under paragraphs (1) or*
 33 *(2) of subsection b. of this section when the offense occurred within*
 34 *1,000 feet of the property surrounding any school in this State*
 35 *which provides instruction for children up to and including the age*
 36 *of 18 years shall be sentenced to a term of imprisonment by the*
 37 *court.*

38 *The term of imprisonment shall include a minimum terms of five*
 39 *years during which the defendant shall not be eligible for parole.*

40 *The court may not suspend this sentence or make any other*
 41 *alternative noncustodial disposition.*

1 2. This act shall take effect immediately, but shall not affect the
 2 sentencing of a person convicted of a violation occurring before
 3 the effective date.

STATEMENT

This bill requires that a person convicted of distributing or dispensing certain controlled dangerous substances classified in Schedules I and II including, for example, heroin and LSD, within 1,000 feet of any type of elementary or high school in this State shall serve at least a five year term of imprisonment before being eligible for parole. The court may not suspend or make any other alternative noncustodial disposition of such an offender.

CRIMINAL JUSTICE

Requires five year mandatory minimum term of imprisonment for any person distributing or dispensing certain controlled dangerous substances within 1,000 feet of a school.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 2449

with Senate committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 13, 1986

The Senate Law, Public Safety and Defense Committee favorably reports Senate Bill No. 2449 with amendments.

As amended, this bill requires that a person convicted of distributing or dispensing certain controlled dangerous substances within 1,000 feet of the property of a public or non-public elementary or secondary school or to a person under the age of 18 years anywhere in the State will serve a mandatory minimum term of imprisonment without parole eligibility of five years. The amended bill also requires that a conveyance used by a person in the course of illegally obtaining, possessing, distributing, or dispensing any controlled dangerous substance will be subject to impoundment and forfeiture under Chapter 64 of Title 2C of the New Jersey Statutes.

The committee adopted several amendments to the bill. The first amendment specifies that the mandatory sentence will be imposed on persons convicted of distributing heroin, cocaine and its derivatives, LSD, phencyclidine, and methamphetamine, rather than persons convicted of distributing any narcotic drug listed on schedules I or II of the "New Jersey Controlled Dangerous Substances Act." The committee believes that the more specific amendatory language applies the minimum mandatory sentence to persons selling the most dangerous commonly used drugs to young people.

The second amendment adopted by the committee clarifies the types of schools to be covered by the bill's provisions.

The third amendment requires that the mandatory, minimum five-year term of imprisonment be imposed not only upon a person who distributed or dispensed certain drugs within 1,000 feet of a school, but also upon a person who distributed or dispensed these drugs to a person under the age of 18 anywhere in the State.

The last amendment adopted by the committee added the provision requiring that conveyances used in illegally obtaining, possessing, distributing, or dispensing controlled dangerous substances be subject to impoundment and forfeiture. The committee adopted this amendment to encourage prosecutors to make use of the provisions already available in Chapter 64 of Title 2C, the Criminal Code, for confiscating the conveyances of those who commit drug offenses and to discourage the commission of drug offenses by making potential offenders aware of the consequences of their crimes.

The committee believes that the provisions of this bill, including those establishing a mandatory, minimum sentence for drug offenses against children and a "drug safety zone" in the vicinity of our schools, will provide the citizens of this State with powerful weapons in the war against drugs.

STATE OF NEW JERSEY

INTRODUCED JULY 29, 1986

By Senators GRAVES, RUSSO, DiFRANCESCO, GAGLIANO, ORECHIO, LYNCH, CAUFIELD, O'CONNOR, COWAN, PAL-LONE, COSTA and WEISS

Referred to Committee on Law, Public Safety and Defense

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1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. Section 19 of P. L. 1970, c. 226 (C. 24:21-19) is amended to
2 read as follows:

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4 any person knowingly or intentionally:

5 (1) To manufacture, distribute, or dispense, or to possess or
6 have under his control with intent to manufacture, distribute, or
7 dispense, a controlled dangerous substance; or

8 (2) To create, distribute, or possess or have under his control
9 with intent to distribute, a counterfeit controlled dangerous
10 substance.

11 b. Any person who violates subsection a. with respect to:

12 (1) A substance, in a quantity of less than one ounce including
13 any adulterants or dilutants, classified in Schedules I or II which
14 is a narcotic drug, or in a quantity of one ounce or more with there
15 being included less than 3.5 grams of the pure free base Schedule
16 I or II narcotic drug, is guilty of a high misdemeanor and shall be
17 punished by imprisonment for not more than 12 years, a fine of
18 not more than \$25,000.00, or both; or

19 (2) A substance, in a quantity of one ounce or more including
20 any adulterants or dilutants, classified in Schedules I or II which

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is not enacted and is intended to be omitted in the law.

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*—Senate committee amendments adopted September 8, 1986.

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 22 grams of the pure free base Schedule I or II narcotic drug, is guilty
 23 of a high misdemeanor and shall be punished by imprisonment for
 24 up to life, a fine of not more than \$25,000.00, or both; or

25 (3) Any other controlled dangerous substance classified in
 26 Schedules I, II, III or IV is guilty of a high misdemeanor and
 27 shall be punished by imprisonment for not more than five years, a
 28 fine of not more than \$15,000.00, or both; or

29 (4) A substance classified in Schedule V is guilty of a misde-
 30 meanor and shall be punished by imprisonment for not more than
 31 one year, a fine of not more than \$5,000.00, or both.

32 ***[c. Any person convicted of an offense under paragraphs (1) or**
 33 **(2) of subsection b. of this section when the offense occurred within**
 34 **1,000 feet of the property surrounding any school in this State**
 35 **which provides instruction for children up to and including the age**
 36 **of 18 years shall be sentenced to a term of imprisonment by the**
 37 **court.]*** **c. Any person convicted of an offense under subsection**
 38 **b. of this section with respect to one of the following controlled**
 39 **dangerous substances: heroin; coca leaves and any salt, compound,**
 40 **derivative, or preparation thereof which is chemically equivalent**
 41 **or identical with any of these substances, except that the substances**
 42 **shall not include decocainized coca leaves or extractions which do**
 43 **not contain cocaine or ecogine; lysergic acid diethylamide; phen-**
 44 **cyclidine; or methamphetamine, including its salts, isomers, and**
 45 **salts of isomers, shall be sentenced to a term of imprisonment by**
 46 **the court whenever:**

47 (1) The offense occurred within 1,000 feet of the property of any
 48 public or nonpublic school or any center, facility, or other educa-
 49 tional institution under the supervision of the Department of Edu-
 50 cation in this State which provides for the precollegiate instruction
 51 of children, or

52 (2) The person to whom one of the controlled dangerous sub-
 53 stances specified in this subsection was distributed or dispensed
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55 The term of imprisonment shall include a minimum term of five
 56 years during which the defendant shall not be eligible for parole.

57 The court may not suspend this sentence or make any other
 58 alternative noncustodial disposition.

1 *2. A conveyance, which shall include but not be limited to a
 2 vehicle, a motorized bicycle, or a device moved by human power in,
 3 upon, or by which a person or property may be transported upon
 4 a highway, used by a person in the course of committing an offense
 5 under section 19 or section 20 of P. L. 1970, c. 236 (C. 24:21-19 or

6 C. 24:31-20), shall be impounded upon the person's arrest and
7 shall be considered property subject to forfeiture under chapter 61
8 of Title 2C of the New Jersey Statutes upon the person's conviction. Ownership of the conveyance by the person arrested or convicted shall not be necessary in order for the conveyance to be impounded or forfeited pursuant to this section.

1 "[2.] 3." This act shall take effect immediately, but shall not
2 affect the sentencing of a person convicted of a violation occurring
3 before the effective date.

CRIMINAL JUSTICE

Establishes mandatory term of imprisonment for certain drug offenses.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2449

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1986

The Assembly Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2449.

As amended, this bill requires that a person convicted of distributing or dispensing controlled dangerous substances or controlled substance analog within 1,000 feet of the property of a public or non-public elementary or secondary school or school bus, or while on any school bus, will serve a mandatory minimum term of imprisonment of between one-half and one-third of the sentence, or three years, whichever is greater, without parole eligibility. Where the violation involves 25 grams or less of marijuana, the minimum term shall be fixed at, or between, one-third and one-half of the sentence, or one year, whichever is greater.

SENATE, No. 2449

STATE OF NEW JERSEY

INTRODUCED JULY 29, 1986

By Senators GRAVES, RUSSO, DiFRANCESCO, GAGLIANO, ORECHIO, LYNCH, CAUFIELD, O'CONNOR, COWAN, PAL-LONE, COSTA and WEISS

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***supplement chapter 35 of Title 2C of the New Jersey Statutes (now pending before the Legislature as Assembly Bill No. 3270 of 1986)**.*

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2 *of New Jersey:*

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8 (2) To create, distribute, or possess or have under his control
9 with intent to distribute, a counterfeit controlled dangerous
10 substance.

11 b. Any person who violates subsection a. with respect to:

12 (1) A substance, in a quantity of less than one ounce including
13 any adulterants or diluents, classified in Schedules I or II which
14 is a narcotic drug, or in a quantity of one ounce or more with there
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16 I or II narcotic drug, is guilty of a high misdemeanor and shall be

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**—Assembly committee amendments adopted December 8, 1986.

17 punished by imprisonment for not more than 12 years, a fine of
18 not more than \$25,000.00, or both; or

19 (2) A substance, in a quantity of one ounce or more including
20 any adulterants or dilutants, classified in Schedules I or II which
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22 grams of the pure free base Schedule I or II narcotic drug, is guilty
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24 up to life, a fine of not more than \$25,000.00, or both; or

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26 Schedules I, II, III or IV is guilty of a high misdemeanor and
27 shall be punished by imprisonment for not more than five years, a
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34 *1,000 feet of the property surrounding any school in this State*
35 *which provides instruction for children up to and including the age*
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37 *court.]** **c. Any person convicted of an offense under subsection*
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44 *cyclidine; or methamphetamine, including its salts, isomers, and*
45 *salts of isomers, shall be sentenced to a term of imprisonment by*
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49 *tional institution under the supervision of the Department of Edu-*
50 *cation in this State which provides for the precollegiate instruction*
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53 *stances specified in this subsection was distributed or dispensed*
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56 *years during which the defendant shall not be eligible for parole.*

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58 *alternative noncustodial disposition.]***

1 ***1. Any person who violates subsection u. of N. J. S. 2C:35-5*

2 (now pending before the Legislature as Assembly Bill No. 3270 of
3 1986) by distributing, dispensing or possessing with intent to dis-
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6 is owned by any elementary or secondary school or school board,
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21 section b. of N. J. S. 2C:43-3, a fine of up to \$100,000.00 may also
22 be imposed upon any conviction for a violation of this section.

23 Notwithstanding the provisions of N. J. S. 2C:1-8 or any other
24 provisions of law, a conviction arising under this section shall not
25 merge with a conviction for a violation of subsection a. of N. J. S.
26 2C:35-5 (manufacturing, distributing or dispensing) (now pend-
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31 section that the actor was unaware that the prohibited conduct took
32 place while on or within 1,000 feet of any school property.

33 It is an affirmative defense to prosecution for a violation of this
34 section that the prohibited conduct took place entirely within a
35 private residence, that no person 17 years of age or younger was
36 present in such private residence at any time during the commis-
37 sion of the offense, and that the prohibited conduct did not involve
38 distributing, dispensing or possessing with the intent to distribute
39 or dispense any controlled dangerous substance or controlled sub-
40 stance analog for profit. The affirmative defense established in this
41 section shall be proved by the defendant by a preponderance of the
42 evidence. Nothing herein shall be construed to establish an affirma-
43 tive defense with respect to a prosecution for an offense defined
44 in any other section of this chapter.**

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 2 vehicle, a motorized bicycle, or a device moved by human power in,
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 9 tion. Ownership of the conveyance by the person arrested or con-
 10 victed shall not be necessary in order for the conveyance to be im-
 11 pounded or forfeited pursuant to this section.】**

1 *[2.] *[*3.]* **2.** This act shall take effect immediately,
 2 but shall not affect the sentencing of a person convicted of a viola-
 3 tion occurring before the effective date **but shall be inoperative
 4 until the enactment into law of Assembly Bill No. 3270 of 1986**.

CRIMINAL JUSTICE

Establishes mandatory term of imprisonment for certain drug
 offenses.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

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Release: WED., APR. 15, 1987

Distributing drugs within 1,000 feet of a school building or a school bus will now net the offender a mandatory minimum prison term of one year or three years under legislation signed today by Governor Thomas H. Kean.

The bill --- a component of the Governor's "Blueprint for a Drug Free New Jersey" --- was signed at a ceremony in front of the St. Joseph's Church and school in Paterson.

The legislation, S-2449, was sponsored by Senator Frank Graves, D-Passaic. Identical legislation, A-3072, was enacted in the Assembly under the sponsorship of Assemblymen Nicholas Felice, R-Passaic, and John Girgenti, D-Passaic.

"This is a declaration of war and, in this war, we will take prisoners," Kean said. "This legislation tells the pushers and the dealers that they don't belong around our schools or our children and if they don't believe it, their skepticism will get them a jail term --- all of which they must serve."

The legislation provides a minimum mandatory jail term of one year for a person convicted of distributing, dispensing or possessing with intent to distribute 25 grams of marijuana or less within 1,000 feet of a school building, school property or school bus.

- more -

For an offense involving more than that amount or involving other controlled dangerous substances, the minimum mandatory sentence shall be three years.

Violators may also be fined up to \$100,000.

"This new law and its mandatory minimum sentence provision is separate and apart from any other penalty which might be imposed by the court for other drug violations," Kean said. "A person who pushes drugs in the vicinity of a school, for instance, is subject to a jail term for possession or distribution, as well as for violating the law involving the school property."

The bill signed today by Kean will become effective upon enactment of companion legislation, "The Comprehensive Drug Reform Act of 1986," scheduled to be signed next week, and legislative passage of a \$150 million prison construction bond issue.

"A failure to provide for the cell space to hold those convicted of narcotics offenses will undermine our anti-drug program and it would be irresponsible to enact minimum mandatory sentences in the absence of specific prison construction legislation," the Governor said.

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