



Pennsylvania's School Zone Laws: Racially Biased and Ineffective

The status of drug-free school zone laws:

- Before the Pennsylvania Supreme Court struck down mandatory minimum sentences as unconstitutional in 2015, the drug-free school zone statute required a mandatory prison term of two years for any person convicted of distributing drugs on a school bus, within 1,000 feet of a school (including colleges), or within 250 feet of a recreational center or playground.¹
- The two-year mandatory sentence is an enhancement, meaning it is added to the punishment a person receives for the primary offense of selling drugs.
- In recent sessions, the Pennsylvania House has passed bills reinstating drug-free school zone laws and their mandatory sentences, and is expected to try again in 2019 and 2020.

School zone laws do not reduce drug crime or protect children:

- Pennsylvania's school zones are so big that they cover entire areas of major cities, including people's homes – most people do not even know they are in a school zone when committing an offense.
- The school zone sentence enhancement is triggered by distance alone and does not take into account whether children are actually present during the offense.
- The enhancement applies even if the offense occurs outside of school hours, including summer breaks, and even if the sale was to an adult.
- New Jersey's Sentencing Commission found that drug-free school zones “had no measurable deterrent effect” and did not meet their objective of keeping drug activity away from children.²
- School zone laws are so ineffective that the Pennsylvania Commission on Sentencing recommended that legislators repeal them.³
- Taxpayers pay more for longer, mandatory school zone law sentences, without getting less drug abuse or drug crime in their neighborhoods.

School zone laws disproportionately target urban neighborhoods where Black and Hispanic residents are most likely to live:⁴

- Using a sample of offenders sentenced for drug delivery offenses in school zones from 1999 to 2002, the Pennsylvania Commission on Sentencing found that:
 - People of color and urban residents were most impacted by the school zone statute. In fact, 84% of school zone offenders came from urban counties.
 - Black and Hispanic residents accounted for 43% and 41% of school zone offenders, respectively. That's a total of 84% of all school zone offenders.
 - About 50% of school zone cases came from Berks County, which has Pennsylvania's second-highest Hispanic population.
 - Nearly 82% of all school zone offenders received the two-year mandatory sentence. Hispanic offenders (96%) were more likely than Black offenders (75%) or white offenders (65%) to receive the mandatory sentence.



- Similar disparities were found in other states: Black and Hispanic people made up 80% of individuals who received school zone sentence enhancements in Massachusetts and 96% in New Jersey.⁵

Reinstating school zone laws would exacerbate existing racial disparities:⁶

- Black Pennsylvanians are incarcerated at a rate almost nine times higher than whites.
- Black residents make up less than 11% of the state’s population, but almost half of the prison population.
- Pennsylvania also has the second highest Hispanic incarceration rate in the country.

School zone laws create unjust and arbitrary sentencing disparities:

- School zone laws punish less culpable people as harshly as more culpable people, based solely on whether the person was in a school zone at the time.
 - Example: Two people sell drugs – one to an adult in their own home at midnight, and one to a teenager at lunchtime in front of a school. If both sales occur within a school zone, both people will receive the same enhanced sentence.
- School zone laws create different punishments for people who commit the same crime in the same way, based solely on whether the person was in a school zone at the time.
 - Example: Two people sell drugs in their own homes, on the same street. One home falls within a school zone and the other falls just outside of it – one person will get an enhanced sentence and the other will not.

¹ Pennsylvania Statutes Title 18 Pa.C.S.A. Crimes and Offenses § 6317

² Justice Policy Institute, “[Disparity by Design: How Drug-free Zone Laws Impact Racial Disparity and Fail to Protect Youth](#),” 2006.

³ Pennsylvania Commission on Sentencing, “[A Study on the Use and Impact of Mandatory Minimum Sentences](#),” October 2009

⁴ Pennsylvania Commission on Sentencing, “[A Study on the Use and Impact of Mandatory Minimum Sentences](#),” October 2009

⁵ Justice Policy Institute, “[Disparity by Design: How Drug-free Zone Laws Impact Racial Disparity and Fail to Protect Youth](#),” 2006.

⁶ The Sentencing Project, “[The Color of Justice: Racial and Ethnic Disparity in State Prisons](#),” 2016.