



## **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.<sup>1</sup>
- 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.<sup>2</sup>
- School zone laws are so ineffective that the Pennsylvania Commission on Sentencing recommended that legislators repeal them.<sup>3</sup>
- 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:<sup>4</sup>**

- 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.<sup>5</sup>

**Reinstating school zone laws would exacerbate existing racial disparities:<sup>6</sup>**

- 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.

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<sup>1</sup> Pennsylvania Statutes Title 18 Pa.C.S.A. Crimes and Offenses § 6317

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

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

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

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