

Absurd and Unjust: The Case Against Tennessee's Drug-Free School Zone Law

The law: Under current Tennessee law, drug offenses committed within in 1,000 feet of a school, library, park, day-care center, or recreational center are subject to mandatory sentence enhancements. These enhancements can more than quadruple the amount of time a defendant must spend in prison.

The far-reaching 1,000 foot zone produces unjust and arbitrary sentences at a huge cost to taxpayers.

- By linking lengthy mandatory sentences to specified zones, courts are forced to ignore important factors such as age and need for treatment and focus solely on proximity to an arbitrary marker.
- Mandatory minimums triggered by proximity to schools create “cliff effects,” in which nearly the same behavior is given wildly different punishments. In Tennessee, the distribution of 0.5 grams of cocaine committed 1,000 feet from a school results in a mandatory 15-year prison sentence. This same offense committed 1,001 feet away from a school could result in 2.5 years in prison.
- This difference without distinction costs the defendant, their families, and the state a considerable amount of social and financial capital without a positive return on public safety. With an average cost of \$68.75 to house an inmate each day in a TDOC facility, Tennessee taxpayers are paying \$29,975 per day, or \$10.9 million per year, to house Tennessee's 436 drug free school zone inmates.

Non-violent, first time offenders make up a significant portion of school zone sentences.

- 146 of the 436 individuals currently serving an enhanced sentence under Tennessee's drug-free school zone law are first time offenders.
- Of the 146 first-time offenders, 137 had no violence associated with their offense.
- There are currently non-violent first time offenders serving mandatory minimum sentences longer than the minimum sentence for rape and as long as the minimum sentence for second degree murder.

Drug-free school zones are both an urban and rural problem in Tennessee.

- Due to the high concentration of schools, parks, and other protected areas in Tennessee's major cities, entire neighborhoods and districts become drug-free school zones.
- The expansive coverage of drug-free school zones has a diminishing effect on any deterrence the enhanced penalties may otherwise have. If you are unaware you are in a school zone, as many offenders are, then the enhanced penalty has absolutely zero deterrent effect.
- Drug-free school zones, however, are not simply an urban issue. Sullivan County (population of 157,047) and Maury County (population of 85,515) account for the second and third most reported school-zone sentences being served in Tennessee.

A number of conservative states have already reformed their drug-free school zone laws.

- In 2013, as Governor of Indiana, Vice President Mike Pence signed into law HB 1006 which reduced Indiana's drug-free school zone from 1,000 to 500 feet.
- Two more of Tennessee's neighboring states – Kentucky and South Carolina – have reformed their school zone laws as well.
- In 2015, the Utah state legislature reduced their 1,000 foot school zone to 100 feet and made the zone applicable only within the hours of 6 AM and 10 PM.
- In 2017, North Dakota passed legislation similar to Utah's reform, reducing their 1,000 foot zone to 300 feet and made the zone applicable only within the house of 6 AM and 10 PM.

