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GOVERNOR PATERSON SIGNS ROCKEFELLER DRUG REFORMS INTO LAW

Sweeping Reform Ends Harsh Sentences for Non-Violent Addicts

Focuses on Treatment Rather than Punishment to End the Cycle of Addiction

Governor David A. Paterson signed into law sweeping reforms of the Rockefeller Drug Laws. The reforms, which were enacted as part of the 2009-10 budget, eliminate the harsh sentences that the Rockefeller Drug Laws mandated by giving judges total authority to divert non-violent addicts to treatment and greatly expanding drug treatment programs. The law strikes a careful and appropriate balance to ensure that non-violent addicted offenders get the treatment they need while predatory kingpins get the punishment they deserve.

Governor Paterson held the ceremonial signing at Elmcour Youth and Adult Activities, Inc., a New York State Office of Alcoholism and Substance Abuse Services (OASAS) funded drug treatment facility in Queens surrounded by legislative leaders, advocates and members of the law enforcement community.

"This is a proud day for me and so many of my colleagues who have fought for so long to overhaul the drug laws and restore judicial discretion in narcotics cases," said Governor Paterson. "For years, thousands of New Yorkers have spoken out against the Rockefeller Drug Laws. At times, the odds seemed insurmountable but we stood together and fought together on behalf of the millions of everyday New Yorkers and their families who were harmed by these laws."

"Today, we have succeeded. With a stroke of a pen, the regime of the Rockefeller Drug Laws will end. We are reforming these laws to treat those who suffer from addiction and to punish those who profit from it," added Governor Paterson. "But to be successful we must not only overhaul the drug laws, we must also provide an infrastructure to ensure that we successfully rehabilitate those who are addicted with programs like this one at Elmcour which exemplifies our approach to focus on treatment, not punishment."

The laws will give judges the discretion to divert non-violent drug addicted individuals to treatment alternatives that are shown to be far more successful than prison in ending the cycle of addiction. Crucially, it also commits tens of millions of dollars to existing and new treatment programs.

There are three significant pieces of the new laws. First, they create a drug treatment program to be administered by drug court judges. Second, the agreement relieves new offenders from some of the old

Rockefeller Drug Law's mandatory sentencing provisions and provides opportunities for additional relief to some offenders who remain incarcerated under the old laws. Third, the agreement ensures that offenders who are not addicted, but who profit from the addictions of others, are appropriately sentenced to State prison.

The Governor believes that law enforcement should target drug kingpins instead of low-level drug users and this law creates a new drug "kingpin" offense that targets organized drug traffickers who profit from and prey on drug users. The law also creates new crimes to ensure that adults who sell drugs to children are appropriately required to serve time in State prison.

Additional quotes provided include:

Senate Majority Leader Smith said: "Today marks the beginning of a new era for New York's sentencing laws. Rockefeller Drug Law reform will reverse years of ineffective criminal laws, protect communities and save taxpayers millions of dollars that were wasted on the current policy. With more money going toward treatment instead of costly imprisonment, our State will finally have a smarter policy, giving families a fighting chance in the war on drugs."

Assembly Speaker Silver said: Assembly Speaker Sheldon Silver said: "Today, thanks to these changes in the Rockefeller Drug Laws, drug use and addiction will no longer be treated as solely a criminal matter in this State, but a public health matter as well. We know that drug addiction is a disease for which there are better, more humane, more effective and less costly alternatives than prison."

Senator Ruth Hassell-Thompson said: "Today, the Governor and the Legislature have agreed on a major change in public policy. We have created a balanced approach to drug addiction and crime. Our ability to reduce the flow of drugs in our communities is dependent on our ability to reduce the demand. We are now shifting resources to treat drug addiction as a medical problem. By diverting addicts to drug treatment courts, we believe we can get people off drugs and thereby reduce the demand for them. Study after study shows that our policies will make our communities safer and save the taxpayers millions of dollars. Today, we begin anew, offering offenders an opportunity to receive treatment, while maintaining that the safety and security of our neighborhoods, cities, and State remains paramount."

Senator John L. Sampson said: "This is a promise made, and a promise kept. The Rockefeller Drug Laws have decimated communities and destroyed lives. Our Democratic conference said that once in the Majority we would be instrumental in making changes that positively impact all people across our State. Taking on this issue in our first year as the Majority shows the people that the Senate is serious and will not back down from the big issues. Reforms we made in 2004 were just a down payment, we've now paid off the mortgage. So I congratulate the Governor and members of the Assembly. I also congratulate my colleagues, Senators Schneiderman and Hassell-Thompson, who along with myself, were at the table and the forefront of the push to reform the Rockefeller Drug Laws."

Senator Eric T. Schneiderman said: "This legislation delivers a big dose of sanity to our State's sentencing practices. It will make our communities safer, save money and, most importantly, save lives. Thousands of people from every corner of this State will benefit from these reforms. Today New York chooses treatment over incarceration—30 years is enough."

Assemblyman Jeffrion L. Aubry, Chair of the Assembly Correction Committee, said: "Thirty-five years of a drug policy focused on punishing drug users and spending billions of dollars on incarceration has failed to reduce drug use or drug-related crime. Unfortunately, we have spent hundreds of millions of dollars locking up individuals, mostly African-Americans and Latinos, with drug-abuse problems rather than offering them needed drug treatment. The reform legislation enacted as part of the 2009 budget is based on the more enlightened and effective policy that drug addiction is a public health crisis and that drug treatment works. This historic reform enacts a sensible, comprehensive and cost-effective approach for dealing with non-violent drug offenders and will ensure that drug abusers are able to access effective substance abuse

treatment and counseling. The legislation will reduce recidivism, make our communities safer and save New York millions of dollars in reduced health care and incarceration costs in the coming years.”

Assemblyman Joseph R. Lentol said: “I have spent my entire career fighting against the Rockefeller Drug Laws since voting against their enactment 36 years ago. It is far easier to be “tough on crime” than to be smart on crime and do what actually works. But with these reforms I think New York is finally on the path to being smart on crime, public health and drug policy and I am proud to be a part of that.”

Assemblywoman Helene E. Weinstein said: “Judicial discretion has always been one of the core principles for which the Assembly has fought. With the expansion of drug courts and other options to treat addicts, we are moving toward dealing with the underlying problems of drug offenders – giving them the opportunity to get treatment and reduce recidivism in New York.”

OASAS Commissioner Karen M. Carpenter-Palumbo said: “OASAS is proud to partner with Governor Paterson and the Legislature on insuring that appropriate treatment is available to those individuals that can be diverted from State prison to the OASAS system of care. Governor Paterson is to be congratulated for delivering on his promise to reform the Rockefeller Drug Laws. By agreeing to these historic reforms, the Governor and the Legislature recognize that addiction is a chronic illness that is better to treat than to incarcerate.”
