

TESTIMONY BEFORE THE PENNSYLVANIA HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE

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Presented by

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I'D LIKE TO THANK THE COMMITTEE FOR INVITING ME HERE TODAY TO PRESENT GOVERNOR CASEY'S INITIATIVES ON DRUG LAW ENFORCEMENT. MY NAME IS CHRISTOPHER LEWIS. I'M THE EXECUTIVE DEPUTY IN THE GOVERNOR'S OFFICE OF GENERAL COUNSEL. WITH ME TODAY IS BRUCE FELDMAN, WHO IS THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S DRUG POLICY COUNCIL.

GOVERNOR CASEY HAS RECOGNIZED DRUGS AND ADDICTION AS THE SINGLE GREATEST THREAT TO FAMILY LIFE IN PENNSYLVANIA TODAY. IN HIS BUDGET MESSAGE TO THE GENERAL ASSEMBLY, IN FEBRUARY, THE GOVERNOR ANNOUNCED THE FIRST COMPREHENSIVE ATTACK ON DRUG ABUSE EVER PROPOSED BY A PENNSYLVANIA GOVERNOR. THAT ATTACK HAD THREE COMPONENTS:

- TOUGHER LAW ENFORCEMENT, TO CUT THE SUPPLY

OF DRUGS;

- EXPANDED ANTI-DRUG EDUCATION, TO CUT THE

DEMAND FOR DRUGS; AND

- EXPANDED TREATMENT PROGRAMS, TO CUT THE BALL

AN CHAIN OF DRUG ADDICTION.

YOUR COMMITTEE HAS CRITICAL RESPONSIBILITY FOR THE FIRST COMPONENT--THE PASSAGE OF EFFECTIVE LEGISLATION TO ENHANCE DRUG LAW ENFORCEMENT. AND THAT IS THE ISSUE I WILL ADDRESS TODAY.

THE PROBLEM OF DRUGS IS NOT A PARTISAN ISSUE; IT IS A PEOPLE ISSUE THAT AFFECTS EVERY ASPECT OF OUR SOCIETY. THE GENERAL ASSEMBLY AND MEMBERS OF THIS COMMITTEE HAVE WORKED HARD TO STRENGTHEN OUR DRUG LAWS. LAST YEAR, THE GENERAL ASSEMBLY ENACTED, AND THE GOVERNOR SIGNED INTO LAW, NEW MANDATORY MINIMUM SENTENCES AND ASSET FORFEITURE LAWS. IN HIS BUDGET MESSAGE, FOLLOWING DISCUSSIONS WITH ATTORNEY GENERAL

ERNIE PREATE, THE GOVERNOR RECOMMENDED THIS YEAR THAT WE
DOUBLE STATE SPENDING FOR DRUG LAW ENFORCEMENT.

NOW, AT THE GOVERNOR'S REQUEST, TWO BILLS HAVE BEEN
INTRODUCED IN THE HOUSE OF REPRESENTATIVES THAT CALL FOR
SWEEPING CHANGES IN THE PENALTIES APPLICABLE TO DRUG
TRAFFICKING. THOSE BILLS ARE HOUSE BILL 1274 AND HOUSE BILL
1275. MY PURPOSE HERE TODAY IS TO URGE THIS COMMITTEE TO GIVE
THOSE BILLS ITS EXPEDITIOUS AND UNQUALIFIED ENDORSEMENT.

IN DISCUSSING THESE TWO BILLS, I WOULD LIKE TO BEGIN
WHERE I KNOW THE GOVERNOR WOULD BEGIN--WITH THE NEED TO
PROTECT THE MOST VULNERABLE IN OUR SOCIETY, OUR CHILDREN.

SCARCELY A WEEK GOES BY WITHOUT THE NEWSPAPERS REPORTING
ANOTHER CHILLING EXAMPLE OF THE DEVASTATION THAT "CRACK" HAS
INFLICTED ON OUR CHILDREN. HERE, IN PHILADELPHIA, CHILDREN
FIVE AND SIX YEARS OF AGE HAVE BEEN SHOT DOWN IN COLD BLOOD,
KILLED OR PARALYZED FOR LIFE. SOME HAVE BEEN ENSLAVED IN
"CRACK HOUSES", DEALING DRUGS FOR HOURS ON END--WITHOUT FOOD,
WATER OR SANITARY FACILITIES. "CRACK" IS INSTANTLY AND

INSIDIOUSLY ADDICTIVE. WITHOUT EFFECTIVE DETERRENENTS, TOO MANY OF OUR CHILDREN WILL BE TRAPPED INTO A BLEAK LIFE OF ADDICTION, POVERTY AND DESPAIR.

HOUSE BILLS 1274 AND 1275 ARE DESIGNED TO REMOVE OUR CHILDREN FROM THE BATTLEGROUND OF THE DRUG WAR. FIRST, HOUSE BILL 1274 EXPANDS THE APPLICATION OF MANDATORY MINIMUM SENTENCING FOR TRAFFICKING DRUGS TO MINORS. LAST YEAR, WITH THE HELP OF THIS COMMITTEE, THE GOVERNOR SIGNED INTO LAW A BILL CREATING DRUG-FREE SCHOOL ZONES. UNDER THE LAW, ANYONE CONVICTED OF SELLING DRUGS TO A MINOR WITHIN ONE THOUSAND FEET OF A PUBLIC OR PRIVATE SCHOOL, COLLEGE OR UNIVERSITY MUST RECEIVE A MANDATORY MINIMUM SENTENCE OF AT LEAST THREE YEARS OF IMPRISONMENT.

THE LAW HAS A SIGNIFICANT LOOPHOLE. IT COVERS DRUG SALES TO MINORS, BUT NOT DRUG SALES TO ADULTS, LIKE UNDERCOVER POLICE OFFICERS. CONSEQUENTLY, THE POLICE CANNOT USE UNDERCOVER "BUY/BUST" OPERATIONS TO INVOKE THE LAW.

HOUSE BILL 1274 CLOSES THIS LOOPHOLE BY MAKING THE MANDATORY MINIMUM SENTENCE APPLICABLE TO ALL DRUG SALES WITHIN THE ONE THOUSAND FOOT DRUG-FREE SCHOOL ZONE.

OUR CONCERN FOR CHILDREN CANNOT STOP AT THE SCHOOLS. THE MOST DESPICABLE AND OFFENSIVE PRACTICE OF DRUG DEALERS TODAY IS THE PROFLIGATE USE OF CHILDREN AS EMPLOYEES IN THE DRUG TRADE. WE CANNOT ALLOW DRUG TRAFFICKERS TO CONTAMINATE AND CORRUPT OUR YOUNG. HOUSE BILL 1275 WILL MAKE IT A FELONY, PUNISHABLE BY A PRISON SENTENCE MAXIMUM OF AT LEAST TEN YEARS AND A FINE OF \$300,000, TO EMPLOY ANY MINOR IN THE DRUG TRADE IN ANY WAY--AS A SELLER, AS A COURIER OR EVEN AS A LOOKOUT.

THE GOVERNOR ALSO RECOGNIZES THAT CHILDREN THEMSELVES MUST FACE A MEANINGFUL AND REALISTIC SANCTION FOR INVOLVEMENT WITH DRUGS. TO THIS END, HOUSE BILL 1274 REQUIRES THE MANDATORY SUSPENSION OF THE DRIVER'S LICENSE OF ANYONE UNDER THE AGE OF 18 WHO IS CONVICTED OF ANY DRUG RELATED OFFENSE. LET ME REPEAT THAT; ANY DRUG RELATED OFFENSE. WHETHER OR NOT THE MINOR IS DRIVING AT THE TIME IS IRRELEVANT. IF YOU ARE A

MINOR AND ARE CAUGHT WITH DRUGS, YOUR LICENSE WILL BE
SUSPENDED. IF YOU ARE NOT OLD ENOUGH TO HOLD A DRIVER'S
LICENSE, THE SUSPENSION PERIOD WILL WAIT UNTIL YOU ARE OLD
ENOUGH TO OBTAIN A LEARNER'S PERMIT AND WILL GO INTO EFFECT AT
THAT TIME. USERS MUST BE LOSERS.

HOUSE BILL 1274 ALSO CONTAINS NEW CRIMINAL PENALTIES FOR
MAKING PROPERTY AVAILABLE FOR USE AS A "CRACK HOUSE". IF YOU
FEED OFF THE DRUG TRADE BY KNOWINGLY ALLOWING YOUR PROPERTY TO
BE USED AS A "CRACK HOUSE", A SHOOTING GALLERY, A DRUG
WAREHOUSE OR MANUFACTURING LABORATORY, YOU WILL FACE A PENALTY
OF ONE YEAR IN PRISON, A FINE OF \$100,000 OR BOTH.

IF YOU FORTIFY A "CRACK HOUSE", OR KNOWINGLY ALLOW
SOMEONE ELSE TO FORTIFY THE PROPERTY, YOU WILL FACE A PENALTY
OF TWO YEARS IN PRISON, A FINE OF \$300,000 OR BOTH.
BARRICADING PROPERTY TO KEEP THE POLICE OUT WILL NOT BE
TOLERATED.

FINALLY, IF YOU ARE THE CRIMINAL WHO ACTUALLY OPENS AND USES THE PROPERTY AS A "CRACK HOUSE", YOU WILL FACE A PENALTY OF THREE YEARS IN PRISON, A STIFF FINE OF \$300,000 OR BOTH.

EACH OF THESE PENALTIES IS ON TOP OF AND IN ADDITION TO ANY OTHER PENALTIES THAT THE DEALER WOULD FACE FOR DRUG TRAFFICKING. THE MESSAGE OF THESE PROVISIONS IS UNMISTAKABLE: OWNERS AND OPERATORS OF DRUG HOUSES WILL NOT BE ALLOWED TO AVOID CRIMINAL RESPONSIBILITY FOR THEIR ROLE IN THE DRUG BUSINESS.

AS THIS COMMITTEE KNOWS, DRUG ADDICTION HAS MANY TRAGEDIES. BUT NONE IS MORE DEEP OR SAD THAN THE RAPIDLY GROWING PROBLEM OF MATERNAL ADDICTION. JUST THIS WEEK, NEW STATISTICS WERE RELEASED SHOWING THAT THE CITY OF PHILADELPHIA'S INFANT MORTALITY RATES HAVE RISEN TO THE HIGHEST LEVELS SINCE 1972. AND MOST OF THE INCREASE IS DUE TO "CRACK". OUR HOSPITAL'S NURSERIES ARE CROWDED WITH THE DRUG WAR'S MOST INNOCENT VICTIMS--NEWBORN INFANTS WHO ARE ADDICTED

BEFORE BIRTH TO THE ILLEGAL DRUGS THEIR MOTHERS ABUSED DURING PREGNANCY.

AS PART OF HIS COMPREHENSIVE ATTACK ON DRUG ABUSE, GOVERNOR CASEY HAS PIONEERED A STATEWIDE NETWORK OF TREATMENT CENTERS FOR ADDICTED MOTHERS WITH YOUNG CHILDREN. TO COMPLEMENT THIS EFFORT, HOUSE BILL 1274 WILL MAKE IT A SEPARATE CRIME, WITH A MANDATORY MINIMUM SENTENCE, FOR ANYONE TO SELL ILLICIT DRUGS TO PREGNANT WOMEN.

THROUGHOUT THE COMMONWEALTH, THE USE OF HIGHLY POTENT DRUGS SUCH AS "CRACK", "CHINA WHITE" AND "BAD HEROIN", HAS RESULTED IN A SPATE OF DEATHS. UNDER CURRENT LAW, SELLERS CANNOT BE HELD CRIMINALLY LIABLE FOR THESE DEATHS WITHOUT A FINDING OF INTENT, KNOWLEDGE, RECKLESSNESS OR NEGLIGENCE. HOUSE BILL 1275 WILL CREATE A NEW OFFENSE FOR SALES OF DRUGS THAT RESULT IN THE DEATH OF THE USER. UNDER THE BILL, THOSE SALES WILL BE PUNISHABLE AS A FIRST DEGREE FELONY, WITH A MAXIMUM PRISON TERM OF TWENTY YEARS AND A FINE A \$100,000.

THOSE ARE THE HIGHLIGHTS OF THE GOVERNOR'S LEGISLATIVE DRUG LAW ENFORCEMENT INITIATIVES. HOWEVER, I DON'T WANT TO LEAVE THIS COMMITTEE WITH THE IMPRESSION THAT THEY ARE THE ONLY INITIATIVES THAT THE GOVERNOR WILL SUPPORT. THE GOVERNOR HAS ALSO ENDORSED MANY RECOMMENDATIONS MADE BY THE ATTORNEY GENERAL, MEMBERS OF THE LEGISLATURE AND THIS COMMITTEE. BRUCE FELDMAN, WHO WILL BE FOLLOWING ME SHORTLY, WILL DISCUSS THOSE.

I WOULD LIKE TO CLOSE MY REMARKS BY DIRECTING THE COMMITTEE'S ATTENTION TO A BILL THAT IS NOT PENDING BEFORE IT BUT IS NEVERTHELESS VITAL TO THE DRUG LAW ENFORCEMENT EFFORT. I AM NOW SPEAKING OF HOUSE BILL 1355, WHICH WILL AMEND THE STATE'S MILITARY CODE TO ALLOW VOLUNTEERS FROM THE STATE NATIONAL GUARD TO ENGAGE IN SPECIAL STATE ANTI-DRUG DUTIES.

UNDER CURRENT LAW, THE NATIONAL GUARD MAY BE ORDERED AT THE DISCRETION OF THE GOVERNOR TO SERVE SPECIAL STATE DUTY. BUT UNDER THE MILITARY CODE, ONLY COMMISSIONED OFFICERS ARE ENTITLED TO PAY AND ALLOWANCES FOR SPECIAL STATE DUTY.

NONCOMMISSIONED OFFICERS AND ENLISTED MEN ARE NOT AUTHORIZED TO RECEIVE COMPENSATION. IN ADDITION, SPECIAL STATE DUTY IS LIMITED TO CERTAIN EMERGENCIES.

HOUSE BILL 1355 WILL EXPAND THE TYPES OF STATE DUTY THAT GUARDSMEN CAN SERVE AND WILL ALLOW ALL GUARDSMEN TO BE PAID TO THE EXTENT THAT THE GENERAL ASSEMBLY APPROPRIATES FUNDS TO SUPPORT SUCH DUTY. AN ANNUAL SEPARATE LINE ITEM APPROPRIATION WOULD BE REQUIRED. THIS WILL ALLOW THE GUARD TO ASSIST THE STATE POLICE AND OTHER LAW ENFORCEMENT AGENCIES, ON A LIMITED BASIS, IN ANTI-DRUG ACTIVITIES FOR WHICH FEDERAL FUNDS ARE UNAVAILABLE.

THE AGENDA FOR STATE GOVERNMENT IS LONG AND COMPLEX. BUT FREEING OUR CITIZENS FROM THE RAVAGES OF DRUGS IS THE MOST IMPORTANT TASK WE FACE OVER THE NEXT DECADE. ON BEHALF OF GOVERNOR CASEY, I URGE YOU TO APPROVE THESE LEGISLATIVE INITIATIVES AS SWIFTLY AS POSSIBLE.