

**TESTIMONY BEFORE THE PENNSYLVANIA HOUSE OF REPRESENTATIVES  
JUDICIARY COMMITTEE**

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Presented by

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THANK YOU FOR EXTENDING THE INVITATION TO APPEAR BEFORE YOU THIS AFTERNOON TO DISCUSS DRUG LAW ENFORCEMENT LEGISLATIVE INITIATIVES. I AM BRUCE FELDMAN, EXECUTIVE DIRECTOR OF GOVERNOR CASEY'S DRUG POLICY COUNCIL. MY COLLEAGUE, CHRISTOPHER LEWIS, JUST PRESENTED AN OUTLINE OF THE GOVERNOR'S LEGISLATIVE GOALS. I OFFER OUR OBSERVATIONS ABOUT OTHER BILLS PENDING IN YOUR COMMITTEE WHICH, WHEN PASSED, WILL ENHANCE PENNSYLVANIA'S ABILITY TO ADDRESS THE DRUG ABUSE CRISIS THAT BRINGS US TOGETHER TODAY.

FIRST, HOWEVER, I WISH TO PUT MY REMARKS INTO PERSPECTIVE AND TO COMMEND THIS COMMITTEE FOR ACKNOWLEDGING THE SERIOUSNESS AND COMPLEXITY OF OUR DRUG ABUSE CRISIS. I DELIBERATELY USE THE TERM "CRISIS" TO CONVEY A SENSE OF EXTREME URGENCY. I CANNOT OVERSTATE THE MAGNITUDE OF OUR PREDICAMENT. MR. LEWIS NOTED THE SAD REALITY THAT OUR CHILDREN ARE BEING KILLED OR MUTILATED IN THE VIOLENT FRENZY OF DRUG DEALING. OUR LOVED ONES, OUR NEIGHBORS AND FRIENDS ARE FALLING VICTIM TO THE SCOURGE OF DRUG ABUSE. THIS WAR AGAINST DRUGS IS OUR WAR, A WAR IN WHICH WE MUST STAND UNITED, OR RISK FALLING, ONE BY ONE.

WE ARE UNITED BEHIND THE LEGISLATIVE AGENDA UNDER DISCUSSION. THE DRUG BILLS BEFORE YOU COMPRISE NOT JUST GOVERNOR CASEY'S #1 AGENDA. AND OWNERSHIP ISN'T VESTED SOLELY WITH ATTORNEY GENERAL PREATE. NOR ARE THESE BILLS AUTHORED OR SPONSORED BY JUST A FEW MEMBERS OF THE HOUSE AND SENATE. WE ARE TESTIFYING TODAY AND TOMORROW TO PENNSYLVANIA'S LEGISLATIVE STRATEGY FOR ASSAILING DRUG ABUSE. THERE IS NO SINGLE AUTHOR -- WE ARE TALKING ABOUT EVERYBODY'S AGENDA. ALL PENNSYLVANIANS ARE

STAKEHOLDERS IN THE BILLS BEFORE THIS COMMITTEE. I'D LIKE TO SHARE WITH YOU NOW OUR THOUGHTS ABOUT A FEW OF THESE BILLS.

ONE OF LAW ENFORCEMENT'S FRUSTRATIONS IS THAT PENNSYLVANIA IS THE ONLY MIDDLE ATLANTIC JURISDICTION THAT PROHIBITS THE COMPUTERIZATION OF DRUG INTELLIGENCE AND INVESTIGATIVE INFORMATION. SECTION 9106 OF THE CRIMINAL HISTORY AND RECORDS INFORMATION ACT IMPAIRS OUR ABILITY TO WORK CLOSELY WITH OUR NEIGHBORING STATES, AND TO USE TECHNOLOGY TO OUR ADVANTAGE WITHIN THE COMMONWEALTH. YOUR HELP IS NEEDED TO REMOVE THIS IMPEDIMENT TO EFFICIENT DRUG LAW ENFORCEMENT. HOUSE BILL 1274 PROPOSES TO ELIMINATE THIS PROHIBITION BY DELETING SECTION 9106 IN ITS ENTIRETY. A COMPARABLE PROPOSAL ADVANCED BY ATTORNEY GENERAL PREATE -- HOUSE BILL 1283 -- EXPRESSLY PROHIBITS COMPUTERIZATION OF DRUG TREATMENT INFORMATION. WE AGREE THAT DRUG TREATMENT INFORMATION GENERALLY SHOULD BE EXCLUDED FROM LAW ENFORCEMENT DATA BASES. HOWEVER, THE DEPARTMENT OF CORRECTIONS AND THE BOARD OF PROBATION AND PAROLE, FOR EXAMPLE, HAVE A NEED TO COMPUTERIZE INFORMATION ABOUT DRUG TREATMENT RENDERED TO THEIR RESPECTIVE POPULATIONS. THE BOTTOM LINE IS THAT WE SUPPORT EITHER BILL SO LONG AS THE EXPRESS PROHIBITION OF HOUSE BILL 1283 DOESN'T RESTRICT CRIMINAL JUSTICE AGENCIES FROM COMPUTERIZING THEIR LEGITIMATELY MAINTAINED TREATMENT RECORDS.

THE GOVERNOR ENDORSES SEVERAL BILLS PROMOTED BY MR. PREATE TO LIMIT THE VIOLENCE ASSOCIATED WITH DRUG TRAFFICKING, E.G.,

DEATH PENALTY AMENDMENTS; INCLUSION OF CERTAIN DRUG OFFENSES IN SECOND DEGREE MURDER; ASSAULT ON GOVERNMENT OFFICIALS; AND POSSESSION OF FIREARMS DURING THE COMMISSION OF CERTAIN DRUG OFFENSES:

◆ HOUSE BILL 1276 EXPANDS THE CIRCUMSTANCES FOR WHICH THE DEATH PENALTY MAY BE INVOKED, TO INCLUDE KILLINGS OF GOVERNMENT OFFICIALS, PROSECUTORS, INFORMERS, ETC. AND KILLINGS COMMITTED IN FURTHERANCE OF A DRUG CRIME.

◆ HOUSE BILL 1281 PROVIDES THAT DRUG FELONS WHO CAUSE SOMEONE'S DEATH WHILE COMMITTING A DRUG OFFENSE WILL BE GUILTY OF SECOND DEGREE MURDER AND RECEIVE A MANDATORY SENTENCE OF LIFE IMPRISONMENT.

◆ HOUSE BILL 1288 EXPANDS THE CLASS OF INDIVIDUALS AGAINST WHOM AGGRAVATED ASSAULT CHARGES MAY BE BROUGHT - TO INCLUDE GOVERNMENT OFFICIALS, PROSECUTORS, INFORMERS, ETC.

◆ HOUSE BILL 1289 IMPOSES A MANDATORY MINIMUM SENTENCE FOR DRUG DISTRIBUTORS AND MANUFACTURERS WHO POSSESS FIREARMS DURING THE COMMISSION OF DRUG OFFENSES.

WE ALSO FAVOR SEVERAL OTHER LEGISLATIVE INITIATIVES PROMOTED BY THE ATTORNEY GENERAL:

◆ HOUSE BILL 1277: FINANCIAL TRANSACTIONS THAT ATTEMPT TO CONCEAL ILLICIT PROCEEDS, AVOID CURRENCY REPORTING REQUIREMENTS OR PROMOTE OTHER UNLAWFUL ACTIVITY BECOME DISTINCT CRIMINAL OFFENSES UNDER THIS BILL.

◆ HOUSE BILL 1279: STREET DEALERS AVOID MANDATORY PRISON SENTENCES BY ENGAGING IN A SERIES OF DRUG SALES INVOLVING QUANTITIES SLIGHTLY BELOW THRESHOLDS ESTABLISHED FOR SUCH MANDATORY SENTENCES. THE BILL IMPOSES MANDATORY SENTENCING UPON CONVICTION OF THREE OR MORE DRUG SALES VIOLATIONS WITHIN 90 DAYS.

◆ HOUSE BILL 1284: CLARIFIES CIVIL LIABILITY OF MUNICIPAL POLICE OFFICERS ENGAGED IN STATE LAW ENFORCEMENT AGENCY TASK FORCE OPERATIONS, BY ELIMINATING A BARRIER TO LOCAL POLICE INVOLVEMENT.

◆ HOUSE BILL 1298 CONTAINS TWO PROVISIONS SUPPORTED BY GOVERNOR CASEY -- THE FIRST PROVIDES FOR MANDATORY LIFE IMPRISONMENT AFTER A THIRD DRUG TRAFFICKING OFFENSE. THE SECOND IMPOSES A MANDATORY MINIMUM FINE OF \$500 FOR CONVICTION OF ILLEGAL DRUG POSSESSION, CREATING A DETERRENT TO CASUAL DRUG USERS.

WE ARE IN HARMONY WITH AND ENDORSE CERTAIN OTHER LEGISLATIVE CONCEPTS CONTAINED IN BILLS REFERRED TO THE HOUSE JUDICIARY COMMITTEE. FOR EXAMPLE:

◆ HOUSE BILL 176. POSSESSION OF FIREARMS SHOULD BE PROHIBITED FOR THOSE COMMITTING DRUG LAW OFFENSES AS WELL AS OTHER VIOLENT CRIMES.

◆ HOUSE BILL 810. YOUNG PEOPLE ENGAGE IN COMMERCIAL DRUG ENTERPRISE WHILE ON SCHOOL PROPERTY THROUGH THE USE OF PAGERS AND BEEPERS. STUDENTS MUST BE PROHIBITED FROM EMPLOYING SUCH DEVICES, ALTHOUGH WE MUST SAFEGUARD THE LEGITIMATE USE OF MEDICAL MONITORING AND TRANSMITTAL DEVICES.

◆ HOUSE BILL 962. PUBLICATION OF THE ARREST AND OTHER LAW ENFORCEMENT RECORDS OF MINORS MAY DETER VIOLATIONS OF THE CONTROLLED SUBSTANCES ACT, AND WE ENCOURAGE SUCH PUBLICATION SO LONG AS IT IS CONFINED TO FELONY DRUG VIOLATIONS.

◆ HOUSE BILL 964. MAKES IT A FELONY TO FURNISH CONTRABAND ALCOHOL AND OTHER DRUGS TO PRISON INMATES. WE SUPPORT THIS UPGRADE IN OFFENSE AS ONE WAY OF ADDRESSING THE SERIOUS CONTRABAND PROBLEM THAT MANIFESTS ITSELF IN OUR STATE PRISONS AND COUNTY JAILS. WE RECOMMEND THAT INTRODUCTION OF SUCH CONTRABAND INTO MENTAL HEALTH INSTITUTIONS REMAIN A MISDEMEANOR.

◆ HOUSE BILL 965. ENHANCED FINES AND SENTENCES FOR DRUG KINGPINS IS JUSTIFIABLE, AND WE SUPPORT THE PROVISIONS OF THIS BILL TO THE EXTENT THAT THEY ARE CONFINED TO THE LEADERS AND FINANCIERS OF CRIMINAL ENTERPRISES.

◆ HOUSE BILL 1157. GOVERNOR CASEY SUPPORTS A REASONABLE FORM OF EARNED TIMED LEGISLATION AS ONE EFFECTIVE WAY OF REDUCING THE STRAIN ON THE LIMITED CAPACITY OF OUR PRISONS AND JAILS.

◆ HOUSE BILL 1360. THIS BILL EXPANDS THE JURISDICTION OF THE MINOR JUDICIARY TO INCLUDE MISDEMEANOR DRUG OFFENSES. THE PROPOSAL APPEARS TO OFFER SOME RELIEF TO THE COURTS OF COMMON PLEAS, AND WE ENCOURAGE SERIOUS CONSIDERATION OF THIS PROPOSAL.

A PANOPLY OF LEGISLATIVE OPTIONS IS BEFORE YOU, PRESENTING A DIFFICULT SERIES OF CHOICES. THESE MANY OPTIONS OFFER CRITICAL IMPROVEMENTS TO PENNSYLVANIA'S STATUTORY SCHEME. THEY ARE AN IMPORTANT ADJUNCT TO THE PROGRAMS THAT GOVERNMENTS IMPLEMENT IN OUR WAR AGAINST DRUG ABUSE. GOVERNOR CASEY HAS SAID THAT FREEING

THE PEOPLE FROM THE RAVAGES OF DRUG ABUSE IS THE MOST IMPORTANT TASK OF GOVERNMENT NOW AND FOR THE COMING DECADE. AS WE ENTER THE 1990'S AND APPROACH THE 21ST CENTURY, LET US RESOLVE TO WORK TOGETHER UNFAILINGLY TO BRING AN END TO THIS GREATEST THREAT TO FAMILY LIFE AND HUMAN POTENTIAL THAT WE HAVE EVER CONFRONTED. OUR FUTURE AND THAT OF OUR CHILDREN AND OUR CHILDREN'S CHILDREN IS AT STAKE. WE MUST FIGHT THE GOOD FIGHT...AND WE MUST WIN...

MAY YOU BE ENLIGHTENED BY THESE HEARINGS AND DISCOVER THE PATIENCE AND UNDERSTANDING NEEDED TO CHOOSE FROM AMONG THE MANY OPTIONS BEFORE YOU.

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