

Drug Policy Alliance

Analysis of Assembly Bill A.6663 and Senate Bill S.4352 the 2007 Rocky “B” Bill

LATEST LEGSLATIVE ACTION IN THE ASSEMBLY

These bills are essentially the same that passed the Assembly in 2006 (A.8098). It is not full repeal, but contains important elements that move us closer to real reform. The bill is elaborate and very long (32 pages). It contains the following main features:

1. Makes first time non-violent class B drug defendants (possession and sale) “probation eligible”
2. Makes multiple non-violent class B drug defendants (possession and sale) “probation eligible” if the defendant is found to be drug dependent and if the crime involved less than 1/8th ounce of narcotic drugs. If the defendant is found to be drug dependent, the bill requires mandatory drug treatment as well.
3. Increases the weight thresholds for certain A, B, C and D level drug offenses thus lowering possible sentences (including A-II sales).
4. Creates or expands numerous “second chance” programs for low-level drug defendants such as CADAT (Court Approved Drug Abuse Treatment) where, upon successful completion, the case is dismissed or reduced to a misdemeanor; “shock” (six months of behind-bars, military-style “boot camp” programming followed by one year of mandatory treatment upon successful completion); “Willard” (90 days behind bars, followed by parole and one year of mandatory treatment); CASAT (prison-based Comprehensive Alcohol and Substance Abuse Treatment) which this bill makes available 3.5 years prior to parole eligibility instead of 2.5 years.
5. Places “drug courts” in every county of the state.
6. Allows re-sentencing in cases of class A-II and certain class B drug offenses, including Ashley O’Donoghue; inmates would be eligible to apply to the original sentencing court for a conversion of their sentence to a new term consistent with the sentencing reforms enacted in 2004 and those contained in this bill.
7. Contains disqualifiers for all of its provisions where defendants were involved in crimes dealing with violence, sales to children, etc.

8. Contains penalty elevators regarding drug “kingpins”, use of firearms, sales to children, etc.
9. Directs the State Comptroller to review and certify the monetary savings with regard to decreases in inmate admissions and length of stay. The accumulation of monetary savings will be known as “Crime Reduction Fund.”
10. When fully implemented, it is estimated that reduced prison admissions and drug related crime reductions which would result from this bill would save the state approximately \$123 million annually.
11. Transfer savings from “Crime Reduction Fund” to effective drug treatment curriculums (government and non-profit organizations) and community programs for individuals with substance abuse dependency.

If you have questions about this legislation—
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