



NEW YORK STATE SENATOR

Michael F. Nozzolio

While State is Losing Jobs, Assembly Democrats Instead Focus on Releasing Drug Felons

MICHAEL F. NOZZOLIO March 29, 2009

Albany- State Senator Mike Nozzolio joined several of his Republican colleagues today in pledging to fight legislation proposed by the State Assembly Democrats that would allow thousands of dangerous drug offenders back onto the streets. The Assembly Democrats have pushed for an ill-advised and potentially dangerous plan to weaken New York State's Rockefeller Drug Laws and newspapers are reporting that they have reached an agreement on the legislation in closed meetings with Governor Paterson and Senate Majority Leader Malcolm Smith.

"This outrageous legislation being pushed by the Downstate Democrats amounts to nothing more than a drug dealer protection act that will release over 5,000 felons onto our streets, neighborhoods and schoolyards," said Senator Nozzolio. "Under the New York City Democrats's legislation, drug offenders with as many as four or five prior convictions would be returned to the streets under community-based treatment instead of jail, even if they have failed that treatment in the past. Even felons who commit a violent offense will be able to avoid jail if they make a special application to the court. This is not the right message to send our families and communities."

The Democrats' proposal could potentially release thousands of drug dealers who were convicted of serious class B drug felonies and are serving prison sentences for selling significant quantities of illegal drugs including heroin and cocaine.

Instead of being released as a separate piece of legislation, the change in the Rockefeller Laws will reportedly be buried in the State Budget bill being negotiated away from the public eye by the Governor, Majority Leader Smith and Assembly Speaker Sheldon Silver.

"It is deceitful and arrogant to hide this harmful legislation in a budget that is going to be hundreds of pages long and kept secret until it is enacted. This is as far from government transparency and real reform as you can get," said Senator Nozzolio.

The Rockefeller Drug Laws, a series of stringent anti-drug measures enacted in 1973 which were once considered among the most strongest in the nation, were already dramatically reformed in 2004. Amendments made to the drug laws in 2004 provided for reduced sentences for nonviolent drug offenders. Since then, New York has been the only state in the union to see a drop in incarceration and violent crime rates.

"When we enacted a more up-to-date reform of the Drug Laws in 2004, we worked with the District Attorneys' Association and held public discussions for three weeks," Senator Nozzolio said. "This plan is being developed without any input from the District Attorneys, who would be stripped of their power to protect the public by a provision of this law that allows judges to divert certain cases to drug court without their consent."

As former Chairman of the Senate Crime Victims, Crime & Correction Committee, Senator Nozzolio was credited for establishing the Willard Drug Treatment prison. Willard was the first prison of its kind, in the state and nation, to focus on drug and alcohol criminals. Senator Nozzolio believes real reform would be expanding the Willard Program, not to give

drug dealers a “ get out jail free” card to prey on the citizens of our state.

“The new legislation being pushed by the New York City Democrats is not about real, reasonable drug policy reform. It is about the degeneration of the criminal justice system and protecting dangerous felons. If this plan is enacted, it will undo all of our hard-fought progress in reducing violent drug-related crime in our streets and communities. Under the Assembly’s legislation, crime has nowhere to go but up,” concluded Senator Nozzolio.