



NEW YORK STATE SENATOR

Frank Padavan

## Padavan Strongly Opposes Inclusion of Changes to Drug Laws in State Budget

FRANK PADAVAN March 26, 2009

New York State Senator Frank Padavan (Queens) today proclaimed his staunch opposition to the so-called reforms of the Rockefeller Drug Laws that have been announced by Speaker Silver and Senate Majority Leader Smith following secret budget discussions with Governor Paterson.

“Any attempt to include radical changes to the state law that has effectively combated drug dealing and has helped keep our community safe within the state budget is the highest form of political chicanery,” Padavan said “To link “so-called reforms” to the Rockefeller Drug Law with the state budget is an attempt at the complete avoidance of the rigorous and comprehensive debate that is required for such a plan and is intended to misdirect the public from the impact these dangerous changes will have on public safety. I stand in strong opposition to the three men in a room current course of action on this important criminal justice issue.”

The Rockefeller Drug Laws were established in 1973 during the heroin epidemic in New York City and throughout the state. As a result of the state drug laws, New York has lead the war on drugs and our communities have been safer and stronger.

Over the years, the state Legislature has taken proactive steps to reform New York drug laws with the inclusion of programs that serve as alternative to incarceration including “shock” prison programs and treatment and diverting certain prison bound drug offenders to treatment instead of prison. The last major reforms were enacted in 2004 with the reduction of prison sentence for non-violent drug offenders. These reforms were deemed enough by the District Attorneys Association of the State of New York.

“While we have been successful making our streets and neighborhoods safer, we cannot and must not weaken the very laws that have been instrumental in our successful efforts. By taking power out of the hands of district attorneys law enforcement will be lacking a powerful tool to effectively prosecute drug crimes. Simply put, this plan is a step too far and will have dangerous consequences for our future. Enactment of this legislation will lead to the opening of prison doors and allow criminals back on the streets before the end of their prison sentence. This is outrageous and wrong.”

District attorneys throughout the state including Queens County DA Richard Brown have indicated their concerns with provisions surrounding the current changes to the Rockefeller Drug Laws. The District Attorneys Association of the State of New York has specifically expressed concern over giving judge more discretion on sentencing, sealing of criminal records and elimination of mandatory minimum sentences.

“This Democrat agreement is a fundamental shift in the state laws targeted at drug-related crimes and will lead to more problems than solutions. When the Assembly passed their bill just a few weeks ago a New York Daily News editorial dubbed the Assembly reforms the ‘Drug Dealer Protection Act.’ Under this plan, families and communities will be hurt the most.” Padavan said.

“Now our worst suspicions have come true regarding the Rockefeller Drug Law reform and

the state budget. The changes and alleged reforms will undermine years of effectively fighting crime in our communities here in Queens and throughout New York state and send us down a perilous path for years to come. Instead of using the federal stimulus funds for investments in education and health care, tens of millions of dollars will be going to starting up these dangerous and flawed reforms. There is no denying this is the wrong approach for Governor Paterson, Speaker Silver and Senate Majority Leader Smith to take when it comes to the safety of our communities. ”