

Limited Rockefeller Reform Bill Signed

Written by Keith ID1849

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Governor George Pataki signed a bill into law Tuesday that will allow an estimated 540 people convicted of drug offenses under the Rockefeller Drug Laws to apply for resentencing and possibly leave prison early. Advocates for reforming the Drug Laws applauded the small reform, but emphasized that this is only a step in truly reforming the draconian Rockefeller Drug Laws.

"We took two steps forward with the reforms in December, and one more step yesterday," said Ethan Nadelmann, executive director of the Drug Policy Alliance. "But we still have ten steps more to go."

Last December, Governor Pataki signed a bill that allowed 446 people serving over 15 years to life on A1 felonies to petition for release after serving 8 ½ years. The new law signed yesterday builds on the December reforms by allowing people serving 7 years to life on A2 felonies to petition for release after serving 3 years.

After the reforms in December, advocates expected the new law to be followed so that eligible people could come home. But the resentencing process has proved unnecessarily difficult. "These reforms are just symbolic if they're not implemented," said Bill Gibney, lawyer with the Legal Aid Society. "The vast majority of people eligible to petition for early release are still behind bars. The Governor and Legislature shouldn't pat themselves on the back until they've ensured that these reforms are duly acted upon." Added Gibney, "The Governor needs to give the parole board and the district attorneys a kick start, because they're a major roadblock to enacting reform."

While advocates and family members are encouraged by the small reforms, they are clear that the latest reforms don't impact the majority of people behind bars. Most people behind bars on Rockefeller charges are lower-level or class-B felons and neither this law or the changes enacted last year affect them. "Like the limited reforms from last December, this legislation will help only a small number of people," said Cheri

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O'Donoghue, whose son is incarcerated under the Rockefeller Drug Laws. "This will not help

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my son, or thousands like him who have B-class felonies. What is needed is the full repeal of the Rockefeller drug laws, including the restoration of judicial discretion and substantial sentencing reforms."

A staggering 93% of the 16,000 people locked up under the draconian Rockefeller Drug Laws are Black and Latino. Many of those incarcerated under the Rockefeller Drug Laws are people convicted of first time non-violent offenses. Under these laws, people convicted of drug offenses face the same penalties as those convicted of murder, and harsher penalties than those convicted of rape.

"As long as families continue to be ripped apart, and millions of dollars are wasted, families and advocates will continue to demand Real Reform of the Rockefeller drug laws," said Gabriel Sayegh, policy analyst with the Drug Policy Alliance.

Members of the Real Reform New York Coalition (www.realreformny.com), which includes survivors of the Rockefeller drug laws, families of incarcerated people, advocates and experts, define Real Reform as:

Reducing sentences to levels proportionate to those for other non-violent crimes, and to bring New York into line with national standards.

Restoring judicial discretion so judges can fashion just sentences based on consideration of the particular case, and to sentence low-level offenders to community-based treatment.

Delivering retroactive sentencing relief to currently incarcerated Rockefeller inmates serving unjustly long sentences.

Expanding drug treatment programs and other alternatives to incarceration for diverted low-level offenders.

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