



THE
AMERICAN
CONSERVATIVE
UNION

May 29, 2020

The Honorable Michael G. Curcio
425 5th Avenue North
Suite 630 Cordell Hull Bldg.
Nashville, TN 37243

Via Electronic Delivery

Dear Chairman Curcio,

Tennessee, the nation, and the world have all been severely impacted by COVID-19 in the past months, ranging from physical sickness and economic hardships, to mental health episodes brought on by uncertainty of what the future holds. Alongside the individual adversity, state budgets have also taken a dramatic hit, with Tennessee projected to face a budgetary short fall this year approaching \$1 billion.

As you begin to take up the hard work of getting Tennessee's economy up and running and people back to work safely, we urge you to seriously consider legislation that will improve the state's budget picture while ensuring the continued safety of all Tennesseans.

Fortunately, improving the safety of Tennessee's communities while reducing budget expenditures doesn't require radical change or an experiment with bad policy. Prior to COVID striking the state, respected members of the legislature were working tirelessly to craft and vet criminal justice reform legislation that would achieve these goals.

One bill under consideration is House Bill 2517/Senate Bill 2734, which reforms Tennessee's outdated "drug-free school zone" law. The original legislation was rightfully intended to punish individuals peddling drugs to kids at schools with enhanced penalties. However, it required judges to sentence those possessing drugs within 1,000 feet of a school park, or recreation center to long mandatory prison terms. The judge has no power to consider any facts of the case, and oftentimes these enhancements lead to an individual spending more time in prison than an individual who commits a serious violent crime.

The most problematic aspect of the current statute is the distance from any school: 1,000 feet. Given the ubiquity of such facilities, it has resulted in far too many people being prosecuted – not for dealing drugs to children, but rather for drug use in their homes. While drug use is indeed a serious matter, the sentencing enhancement has resulted in prisons filled with casual users facing decades behind bars. This is a ridiculously expensive and ineffective way to address the scourge of addiction. It costs too much and provides little return in terms of public safety.

The legislation to reform the drug-free school zone statute would reduce the size of Tennessee's drug-free school zones from 1,000 feet to 500 feet, and give judges more discretion in sentencing by being able to consider all the facts of each case. By no means is this a signal that it is somehow safer to sell drugs to kids now. Instead, Tennessee will ensure that the government is tailoring use of its criminal justice resources in a more effective manner.

While still retaining the original intent of the law, we can simultaneously ensure we are not sending people with substance abuse issues to prison for decades, because they happened to be 995 feet away from a school in the middle of the night getting their fix.

Not only is this good policy, but it also comes with a significant cost savings. By ensuring the drug free school zone law is only applied to those with the sick intention of pushing drugs to kids, the state can save over \$18 million annually in incarceration expenditures, while still preserving public safety.

The reforms under consideration are neither new or untested concepts. In recent years, states like Utah and Indiana have taken significant steps towards reforming their drug free school zone laws to make sure resources are being used to focus on the truly dangerous elements of our society, rather than people we are mad at. Similar reforms have allowed these states to reduce incarcerated populations, increase public safety, and save millions of dollars from being poured into a failing approach.

In a post-pandemic budgetary environment, it is too hard to ignore millions in cost savings that will also make Tennessee safer. As the state continues to emerge from stay-at-home orders and works to rebuild the thriving economy of just a few months ago, it is critical you prioritize legislation that will help all Tennesseans get back to their feet without further overstretching the budget.

Not often does a win-win situation appear like this in public policy, so when does, it is best to capitalize on it. As such, we urge you to support this legislation.

Respectfully,

A handwritten signature in black ink, appearing to read "Patrick Plein". The signature is fluid and cursive, with a large initial "P" and "P" at the start.

Patrick Plein
American Conservative Union