FEDERAL SENTENCING LAWS

Federal sentencing laws for drug offenses require penalties to be doubled or tripled when an illegal drug is sold within 1000 feet of a school or other locations where children congregate. <u>The 1000-foot requirement has been interpreted by several federal courts to require a straight-line calculation</u>. The rationale for utilizing a straight-line calculation is summarized in the following excerpt from the case of <u>U.S. v. Watson</u>, 887 F.2d 980 (9th Cir., 1989):

"The appellant's first contention is that the measurement from the school to the location of the sale should not be as the crow flies, but as children walk. Assuming the straight line distance from the property line of the school to the actual point of sale was less than 1,000 feet, appellant argues that the walking route taken by school children to the point of sale was more than 1,000 feet. For that reason he maintains the requirements of the statute were not satisfied. The Second Circuit rejected the same argument in *United States v. Ofarril,* 779 F.2d 791 (2d Cir.1985) (per curiam), *cert. denied,* 475 U.S. 1029, 106 S.Ct. 1231, 89 L.Ed.2d 340 (1986), and we agree fully with its reasoning. Requiring speculation about pedestrian routes would create uncertainty in a statute which was meant to establish clear lines of demarcation. As the Second Circuit observed: "Such a tortuous reading would violate the plain meaning of the statute. Moreover, it would generate needless and time-consuming debate, and ultimately hamper the statute's enforcement." *Id.* at 792 (citations omitted). As Judge Kram noted in *United States v. Cunningham,* 615 F.Supp. 519 (D.C.N.Y.1985), "the statute is designed to protect school-children from the direct and indirect dangers posed by the narcotics trade." *Id.* at 520. School children are not known for taking what adults may conclude would be the most appropriate routes to and from school. Only a straight line measurement creates a readily ascertainable zone of protection."