

felony, \$200,000. Those of you in Omaha have seen the drug-free zone signs which are posted around our city and this is done under a federal law which makes it a criminal offense to distribute, possess with intent to distribute or manufacture a controlled substance within this 1,000 feet of the school zones and 100 (sic) feet of playground, youth center, public swimming pool or video arcade. Generally speaking, the federal law doubles the terms of imprisonment and fines if the drug violation occurs within the drug-free school zone, and I have handed out tables which have the specific penalties that the federal law calls for. The federal law which enhanced the penalties within the drug-free school zones was enacted in 1984 and has been upheld against constitutional attacks that it violates the equal protection and due process clauses. In United States v. Holland in 1987 the United States Court of Appeals in the District of Columbia held that the federal statute imposing the enhanced punishment upon those convicted is rationally structured to affectuate the purpose of reducing drug use by children and is not overinclusive because it applies to transactions that take place in nearby private dwellings or underinclusive because it does not apply to drug transaction centers, or drug transactions that take place near nonschool playgrounds and recreational centers. The court also held that Congress' heightened interest in protecting children from both indirect and direct perils of drug traffic amply supports the decision not to require a showing of mens rea or proximity of school in order to enhance punishment to those convicted or distributing controlled substances within 1000-foot zone of school, thus the statute did not violate due process laws. In late 1988 Congress directed the federal court's study committee to examine among other things, the work load in federal courts, and the committee stated in their tentative recommendations many of the new drug cases now flooding the federal court systems could be just as federally, could be just as effectively prosecuted in state court as in the federal court. According to Robert Frohling of the National Conference of State Legislatures, at least 34 states have enacted some form of drug-free school zone legislation similar to the federal legislation. The Nebraska Drug Policy Board which consists of 27 members representing law enforcement, judiciary, prosecution, education, treatment and corrections is charged with investigating the state enforcement of activities in regard to efforts and control and improvement of enforcement of the state and local drug laws. The board, which was created in 1987, compiles information, develops a statewide strategy with