

## **FEAR ROCKY LAW CHANGE AIDS ILLEGAL IMMIGS**

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### **Body**

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ALBANY - A clause in the new Rockefeller drug laws could allow legal - and illegal - immigrants to escape deportation, prosecutors warn.

In most cases, drug addicts who violate the law looking to escape prison in favor of treatment programs must first plead guilty to a crime.

But an exception written into the law says a guilty plea is not required if it is likely to result in "severe collateral consequences."

Bridget Brennan, New York City's special narcotics prosecutor, said the term is most often used to protect legal immigrants who face deportation if convicted of a crime.

Brennan said the issue of protecting legal and illegal immigrants was raised during talks on how to reform the Rockefeller-era drug laws.

Staten Island District Attorney Dan Donovan, president of the state District Attorney Association, said treatment works only if a person faces a severe penalty.

"We have immigration laws for a reason," Donovan said. "We're either going to obey them or change them. But we shouldn't discard them or ignore them."

Sen. Eric Schneiderman, the Manhattan Democrat who helped craft the bill, admitted it's possible the guilty plea exception could help legal immigrants avoid deportation, but he said that was not the intent. He noted that illegal immigrants face automatic deportation.

He said it would have been unconstitutional to offer those who plead guilty different sentencing alternatives to those who don't.

Meanwhile, Police Commissioner Raymond Kelly blasted the repeal of the Rockefeller drug laws at a City Council hearing.

Kelly ripped provisions that would allow a judge to seal certain felony or misdemeanor convictions.

"You'll be able to hide your felony background from an employer," he said.

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