

Drug-Free Homeless Service Zones

SECTION 1. Title and Purpose.

- A. This Act shall be known and may be cited as “The Drug-Free Homeless Service Zones Act.”
- B. The purpose of this Act is to protect vulnerable and at-risk populations from the predation of distributors of illicit substances by increasing penalties for distributing illicit substances within the perimeter of a homeless service zone.

SECTION 2.

- A. An offense of this Act is committed if a person intentionally or knowingly:
 - a. Is present in a drug-free homeless service zone with the intention to sell or transfer dangerous drugs or narcotic drugs.
 - b. Allows individuals to possess or use a controlled substance on the premises of a facility-based service that:
 - i. Primarily serves homeless individuals; and
 - ii. Receives state, local, and federal monies.
- B. An offense under subsection (A)(a) of this section is punishable as the same class of felony for which the offense would be punishable under existing law had the violation not occurred within a drug-free homeless service zone, except that the presumptive, minimum, and maximum sentence for the offense shall be increased by one year. The additional sentence imposed under this subsection is in addition to any enhanced punishment that may be applicable under subsection D. Notwithstanding any other law, a person is not eligible for suspension of sentence, probation, pardon, or release from confinement on any basis for an offense punishable under subsection (A)(a).
- C. A person who violates subsection (A)(b) of this section is guilty of a class [1 or A] misdemeanor.
- D. An operator who violates subsection (A)(b) of this section is ineligible to apply for homelessness assistance grants from the state for a period of three years.
- E. In addition to any other penalty prescribed by this title, a person adjudged guilty of an offense under this title shall be punished by a fine of not less than two thousand dollars or three times the value as determined by the court of the drugs involved in or giving rise to the offense, whichever is greater. No fine under this subsection shall be suspended, in part or whole, for any reason.

F. Each operator of a facility-based service that primarily serve homeless individuals shall place and maintain permanently affixed signs located in a conspicuous manner clearly visible to the public at the main entrance of the facility that identifies the building and its accompanying grounds as a drug-free homeless service zone. Such signs shall be written in both English and Spanish and in contrasting colors with block letters at least one inch in height.

G. For the purposes of this section:

- a. “Drug-free homeless service zone” means the area within three hundred feet of the premises of a facility-based service.
- b. “Facility-based services” means any emergency or temporary shelter, transitional housing provider, or permanent supportive housing entity that receives government funds for the purpose of providing shelter to homeless persons.
- c. “Operator” means the sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association that is the direct recipient of government funds for the provision of facility-based services.