

HB 2437 -- Redline

Amended to Engrossed -- drug-free homeless zones

Deletions ~~struck~~ · Insertions underlined

House Engrossed drug-free homeless zones State of Arizona House of Representatives Fifty-seventh Legislature First Regular Session HOUSE FLOORBILL AMENDMENT2437 EXPLANATIONAN BillACT Number:AMENDING TITLE 13, CHAPTER 34, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3411.01;

~~HBRELATING 2437TO GrossDRUG FloorOFFENSES. Amendment - Specifies that dangerous or narcotic drugs, that are prescribed by a physician, are still permitted in drug-free homeless service zones.~~

Amendment(TEXT explanationOF preparedBILL BEGINS ON NEXT PAGE) - i - Be it enacted by Nathanthe MLegislature Rhoneof Numberthe x3646State nmof 2/13/2025Arizona:

Section 1.

Title 13, chapter 34, Arizona Revised Statutes, is amended by adding section 13-3411.01, to read:
13-3411.01.

Sale, transfer, possession or use of dangerous drugs or narcotic drugs in a drug-free homeless service zone;

classification;

definitions A.

IT IS UNLAWFUL FOR A PERSON TO DO EITHER OF THE FOLLOWING:

1.

INTENTIONALLY BE PRESENT IN A DRUG-FREE HOMELESS SERVICE ZONE TO SELL OR TRANSFER DANGEROUS DRUGS OR NARCOTIC DRUGS.

2.

IF THE PERSON IS AN EMPLOYEE OF A FACILITY-BASED SERVICE THAT PRIMARILY SERVES HOMELESS INDIVIDUALS AND THAT RECEIVES STATE, LOCAL OR FEDERAL MONIES, KNOWINGLY VIOLATE ANY FORMAL POLICY THAT IS ADOPTED PURSUANT TO SUBSECTION F OF THIS SECTION, INCLUDING INTENTIONALLY ALLOWING THE POSSESSION OR USE OF DANGEROUS DRUGS OR NARCOTIC DRUGS IN A DRUG-FREE HOMELESS SERVICE ZONE.

B.

A PERSON WHO VIOLATES SUBSECTION A, PARAGRAPH 1 OF THIS SECTION IS GUILTY OF THE SAME CLASS OF FELONY THAT THE PERSON WOULD OTHERWISE BE GUILTY OF HAD THE VIOLATION NOT OCCURRED WITHIN A DRUG-FREE HOMELESS SERVICE ZONE, EXCEPT THAT THE PRESUMPTIVE, MINIMUM AND MAXIMUM SENTENCES 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 SECTION 13-703 OR 13-704, SECTION 13-708, SUBSECTION D OR ANY PROVISION IN THIS CHAPTER.

A PERSON IS NOT ELIGIBLE FOR SUSPENSION OF SENTENCE, PROBATION, PARDON OR RELEASE FROM CONFINEMENT ON ANY BASIS EXCEPT PURSUANT TO SECTION 31-233, SUBSECTION A OR B UNTIL THE SENTENCE IMPOSED BY THE COURT HAS BEEN SERVED OR IS COMMUTED.

C.

A PERSON WHO VIOLATES SUBSECTION A, PARAGRAPH 2 OF THIS SECTION IS GUILTY OF A CLASS 1 MISDEMEANOR.

D.

IN ADDITION TO ANY OTHER PENALTY PRESCRIBED BY THIS TITLE, THE COURT SHALL ORDER A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION TO PAY A FINE OF NOT LESS THAN \$2,000 OR THREE TIMES THE VALUE, AS DETERMINED BY THE COURT, OF THE DRUGS INVOLVED IN OR GIVING RISE TO THE CHARGE, WHICHEVER IS GREATER, AND NOT MORE THAN THE MAXIMUM AUTHORIZED BY CHAPTER 8 OF THIS TITLE.

A JUDGE MAY NOT SUSPEND ANY PART OR ALL OF THE IMPOSITION OF ANY FINE REQUIRED BY THIS SUBSECTION.

E.

EACH OPERATOR OR PROVIDER OF FACILITY-BASED SERVICES THAT PRIMARILY SERVE HOMELESS INDIVIDUALS SHALL PLACE AND MAINTAIN A PERMANENTLY AFFIXED SIGN LOCATED IN A VISIBLE MANNER INSIDE THE FACILITY AND OUTSIDE THE MAIN ENTRANCE OF THE FACILITY THAT IDENTIFIES THE BUILDING AND ITS ACCOMPANYING GROUNDS AS A DRUG-FREE HOMELESS SERVICE ZONE.

IF AN OPERATOR OR PROVIDER OF FACILITY-BASED SERVICES PRIMARILY SERVES DOMESTIC VIOLENCE VICTIMS OR FAMILIES, THE OPERATOR OR PROVIDER SHALL PLACE AND MAINTAIN A PERMANENTLY AFFIXED SIGN LOCATED IN A VISIBLE MANNER INSIDE THE FACILITY THAT IDENTIFIES THE BUILDING AS A DRUG-FREE HOMELESS SERVICE ZONE.

- 1 - F.

AN OPERATOR OF FACILITY-BASED SERVICES THAT SERVE HOMELESS INDIVIDUALS MUST ADOPT A FORMAL POLICY THAT PROHIBITS THE USE OR POSSESSION OF DANGEROUS DRUGS OR NARCOTIC DRUGS WITHIN DRUG-FREE HOMELESS SERVICE ZONES.

G.

THIS SECTION DOES NOT APPLY TO A PERSON WHO POSSESSES DANGEROUS DRUGS OR NARCOTIC DRUGS PURSUANT TO A PRESCRIPTION THAT IS PRESCRIBED BY A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.

H.

FOR THE PURPOSES OF THIS SECTION:

1.

"DRUG-FREE HOMELESS SERVICE ZONE" MEANS A LICENSED FACILITY AND ITS ACCOMPANYING GROUNDS IN WHICH SERVICES, SHELTER OR PERMANENT SUPPORTIVE HOUSING ARE PROVIDED TO INDIVIDUALS WHO ARE EXPERIENCING HOMELESSNESS.

2.

"HOMELESS INDIVIDUAL" MEANS AN INDIVIDUAL WHO DOES NOT HAVE A HOME OR PERMANENT PLACE OF RESIDENCE.

- 2 -