

Regular Session, 2010

HOUSE BILL NO. 43

BY REPRESENTATIVE HARDY

DRUGS: Expands drug free zones from 1,000 feet to 2,000 feet from designated properties

1 AN ACT

2 To amend and reenact R.S. 17:405(A)(1)(b) and (i) and (C)(1), R.S. 40:981.3(A), (B), and
3 (D) and 1058.10(A) and (C)(1), relative to drug free zones; to expand the area of
4 drug free zones; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 17:405(A)(1)(b) and (i) and (C)(1) are hereby amended and
7 reenacted to read as follows:

8 §405. Drug free zone; notice; signs

9 A.(1) A "drug free zone" is:

10 * * *

11 (b) An area within ~~one~~ two thousand feet of any property used for school
12 purposes by any school.

13 * * *

14 (i) Any area within ~~one~~ two thousand feet of any property used for the
15 purposes of a full-time day care center.

16 * * *

17 C.(1) The state superintendent of education, with the approval of the State
18 Board of Elementary and Secondary Education, and the commissioner of higher
19 education, with the approval of the Board of Regents, shall develop a method by
20 which to mark drug free zones, including the use of signs or other markings suitable

1 to the situation. Signs or other markings shall be located in a visible manner on or
2 near each school and on and in each school bus indicating that such area is a drug
3 free zone, that such zone extends to ~~one~~ two thousand feet of school property, and
4 that a felony violation of the Uniform Controlled Dangerous Substances Law will
5 subject the offender to severe penalties under law. The state Department of
6 Education shall assist each school system with providing for the posting required in
7 this Subsection.

8 * * *

9 Section 2. R.S. 40:981.3(A), (B), and (D) and 1058.10(A) and (C)(1) are hereby
10 amended and reenacted to read as follows:

11 §981.3. Violation of Uniform Controlled Dangerous Substances Law; ~~drug-free~~
12 drug free zone

13 A.(1) Any person who violates a provision of R.S. 40:966 through 970 of the
14 Uniform Controlled Dangerous Substances Law while on any property used for
15 school purposes by any school, within ~~one~~ two thousand feet of any such property,
16 or while on a school bus, shall, upon conviction, be punished in accordance with
17 Subsection E of this Section.

18 (2) Any person who violates a provision of R.S. 40:966(A), 967(A), 968(A),
19 969(A), or 970(A) while on property used as a drug treatment facility or within ~~one~~
20 two thousand feet of any such property, when included within an area marked as a
21 ~~drug-free~~ drug free zone pursuant to R.S. 40:1058.10, shall, upon conviction, be
22 punished in accordance with Subsection E of this Section.

23 (3)(a) Any person who violates a provision of R.S. 40:966 through 970 of
24 the Uniform Controlled Dangerous Substances Law while on any religious building
25 property, public housing authority property, child day care center property, or within
26 ~~one~~ two thousand feet of any such property, if the area is posted as a ~~drug-free~~ drug
27 free zone, shall, upon conviction, be punished in accordance with Subsection E of
28 this Section.

1 (b) In order for the provisions of this Section to apply to religious buildings,
 2 public housing authority property, or child day care center property, the building
 3 must be posted as a ~~drug-free~~ drug free zone as provided herein. The design and
 4 posting of the signs shall be at the discretion of the entity that owns or has authority
 5 over the religious building, public housing authority property, or child day care
 6 center property. In order to post the area as a ~~drug-free~~ drug free zone, the signs
 7 shall be located in a visible manner on or near each religious building, public
 8 housing authority property, or child day care center property indicating that such area
 9 is a ~~drug-free~~ drug free zone, that such zone extends for a distance of ~~one~~ two
 10 thousand feet, and that a violation of the Uniform Controlled Dangerous Substances
 11 Law will subject the offender to severe penalties under law.

12 B. Lack of knowledge that the prohibited act occurred on or within ~~one~~ two
 13 thousand feet of school or drug treatment facility property shall not be a defense.

14 * * *

15 D. A violation of this Section within ~~one~~ two thousand feet of school
 16 property, a drug treatment facility, religious building property, public housing
 17 authority property, or child day care facility property shall not include an act which
 18 occurs entirely within a private residence wherein no person seventeen years of age
 19 or under was present.

20 * * *

21 §1058.10. Drug free zone; notice; signs

22 A. A drug free zone is an area inclusive of any property used as a drug
 23 treatment facility or within ~~one~~ two thousand feet of such property. For the purposes
 24 of this Section, "drug treatment facility" means all property used for the diagnostic,
 25 treatment, and rehabilitative services to patients and their families with problems
 26 related to alcohol, drug, or substance abuse.

27 * * *

28 C.(1) The secretary of the Department of Health and Hospitals shall develop
 29 a method by which to mark drug free zones, including the use of signs or other

1 marking suitable to the situation. Signs or other markings shall be located in a
 2 visible manner on or near each drug treatment facility indicating that such area is a
 3 drug free zone, that such zone extends for a distance of ~~one~~ two thousand feet, and
 4 that a felony violation of the Uniform Controlled Dangerous Substances Law will
 5 subject the offender to severe penalties under law. The Department of Health and
 6 Hospitals shall assist each drug treatment facility with providing for the posting
 7 required in this Subsection.

8 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hardy

HB No. 43

Abstract: Increases the drug free zone from 1,000 feet to 2,000 feet of any school property, a drug treatment facility, religious building property, public housing authority property, or child day care facility.

Present law provides for drug free zones.

Present law provides that a drug free zone is an area within 1,000 feet of any school property, drug treatment facility, religious building property, public housing authority property, or child day care facility.

Proposed law increases the drug free zone from 1,000 feet to 2,000 feet and otherwise retains present law.

(Amends R.S. 17:405(A)(1)(b) and (i) and (C)(1), R.S. 40:981.3(A), (B), and (D) and 1058.10(A) and (C)(1))