

HOUSE BILL 238

By Cepicky

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 4 and Section 49-2-116, to enact the Student Protection and Zone Equity Act.

WHEREAS, violations of Tennessee Code Annotated, Section 39-17-417 within a drug-free school zone carry the potential for a significant increase in prison-sentence service through felony enhancement and mandatory-minimum-sentence service; and

WHEREAS, drug-free school zones are currently the grounds or facilities of any school or within 1,000 feet of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, or child care agency, or public library, recreational center, or park; and

WHEREAS, drug-free school zones currently apply to all of Tennessee, regardless of the pervasiveness of drug-free school zones in Tennessee's densely populated cities and the much smaller amount of drug-free school zones in Tennessee's rural counties; and

WHEREAS, the current law results in the potential for uneven application of this consequential sentencing enhancement and mandatory-minimum-sentence service based on which county a person is in when violating the law; and

WHEREAS, this proposal does not remove the drug-free school zone, but rather provides for more even enforcement across all of Tennessee; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Student Protection and Zone Equity Act."

SECTION 2. Tennessee Code Annotated, Section 39-17-432(b)(1), is amended by deleting the subdivision and substituting instead the following:

(1)

(A) Except as provided in subdivision (b)(1)(B), a violation of § 39-17-417 or § 39-17-418(b), or a conspiracy to violate either, that occurs on the grounds or facilities of any school or within one thousand feet (1,000') of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, or child care agency, or public library, recreational center, or park shall be punished one (1) classification higher than is provided in § 39-17-417(b)-(i) or § 39-17-418 for such violation.

(B) In any county having a population of three hundred thousand (300,000) or more, according to the 2010 federal census or any subsequent federal census, a violation of § 39-17-417 or § 39-17-418(b), or a conspiracy to violate either, that occurs on the grounds or facilities of any school or within five hundred feet (500') of the real property that comprises a public or private elementary school, middle school, secondary school, preschool, or child care agency, or public library, recreational center, or park shall be punished one (1) classification higher than is provided in § 39-17-417(b)-(i) or § 39-17-418 for such violation.

SECTION 3. Tennessee Code Annotated, Section 49-2-116(c), is amended by deleting the subsection and substituting instead the following:

(c)

(1) Except as provided in subdivision (c)(2), a school safety zone is the territory located within one thousand feet (1,000') of school property.

(2) In any county having a population of three hundred thousand (300,000) or more, according to the 2010 federal census or any subsequent federal census, a school safety zone is the territory located within five hundred feet (500') of school property.

SECTION 4. Tennessee Code Annotated, Section 49-2-116(d), is amended by deleting the subsection and substituting instead the following:

(d) The director of schools, with the approval of the board of education, may develop a method of marking school safety zones, including the use of signs. Signs or other markings must be located in a visible manner on or near each school indicating that such area is a school safety zone, that such zone extends the applicable amount of feet from school property as described in subsection (c), and that the delivery or sale of a controlled substance or controlled substance analogue to a minor in the school safety zone will subject the offender to an enhanced punishment. The state board of education shall assist the LEA in complying with the posting provisions of this subsection (d).

SECTION 5. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to offenses occurring on or after that date.