

House File 2584 - Introduced

HOUSE FILE 2584

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 705)

A BILL FOR

1 An Act establishing drug-free homeless service zones, and
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. **716.15 Drug-free homeless service**
2 **zones.**

3 1. A person commits a violation of this section if the person
4 intentionally or knowingly does any of the following:

5 a. The person is present within a drug-free homeless service
6 zone and sells or transfers or attempts to sell or transfer a
7 controlled substance.

8 b. The person operates or has authority to enforce the
9 policies and requirements of a facility-based drug-free homeless
10 service zone that primarily serves homeless individuals and that
11 receives state, local, or federal funding, and the person allows
12 an individual accessing services to possess or use a controlled
13 substance on the premises of the facility.

14 2. An offense under subsection 1, paragraph "a", is
15 punishable as the same class of criminal violation for which
16 the offense would be punishable under existing law had the
17 violation not occurred within a drug-free homeless service zone,
18 except that the presumptive, minimum, and maximum sentence for
19 the offense shall be increased by one year. The additional
20 sentence imposed under this subsection is in addition to any
21 enhanced punishment that may be applicable under subsection 4.
22 Notwithstanding any other law to the contrary, a person convicted
23 under this section is not eligible for a deferred judgment, a
24 deferred or suspended sentence, probation, or work release.

25 3. A person who violates subsection 1, paragraph "b", is
26 guilty of an aggravated misdemeanor.

27 4. An operator of a facility-based drug-free homeless service
28 zone who violates subsection 1, paragraph "b", is ineligible to
29 apply for homelessness assistance grants from the state for a
30 period of three years from the date of conviction.

31 5. In addition to any other penalty, a person convicted of an
32 offense under this title shall be punished by a fine of not less
33 than two thousand dollars or three times the value as determined
34 by the court of the drugs involved in or giving rise to the
35 offense, whichever is greater. No fine under this subsection

1 shall be suspended, in part or whole, for any reason.

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

10 7. For the purposes of this section:

11 a. *"Drug-free homeless service zone"* means the area within
12 three hundred feet of the premises of a facility-based service.

b. "Facility-based service" means any emergency or temporary shelter, transitional housing provider, or permanent supportive housing entity that receives government funding 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 funding for the provision of facility-based services.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

26 This bill establishes drug-free homeless service zones.

27 The bill prohibits a person from intentionally or knowingly
28 doing any of the following: the person sells or transfers or
29 attempts to sell or transfer a controlled substance while present
30 within a drug-free homeless service zone; or the person operates
31 or has authority to enforce the policies and requirements of
32 a facility-based drug-free service zone that primarily serves
33 homeless individuals and that receives state, local, or federal
34 funding, and the person allows an individual accessing services
35 to possess or use a controlled substance on the premises of the

1 facility.

2 The bill provides that a person who sells or transfers
3 a controlled substance, or attempts to sell or transfer a
4 controlled substance within a drug-free homeless service zone is
5 punishable as the same class of criminal violation for which the
6 offense would be punishable under existing law had the violation
7 not occurred within a drug-free homeless service zone, except
8 that the minimum and maximum sentence for the offense shall be
9 increased by one year. A person convicted of this offense is
10 not eligible for a deferred judgment, a deferred or suspended
11 sentence, probation, or work release.

12 The bill provides that a person who operates or has authority
13 to enforce the policies and requirements of a facility-based
14 drug-free service zone who allows an individual accessing
15 services to possess or use a controlled substance on the premises
16 of the facility is guilty of an aggravated misdemeanor. An
17 aggravated misdemeanor is punishable by confinement for no more
18 than two years and a fine of at least \$855 but not more than
19 \$8,540. An operator of a facility-based drug-free service zone
20 who violates the bill is ineligible to apply for homelessness
21 assistance grants from the state for a period of three years from
22 the date of conviction.

23 The bill provides that in addition to any other penalty, a
24 person convicted of an offense under the bill shall be punished
25 by a fine of not less than \$2,000 or three times the value
26 as determined by the court of the drugs involved in or giving
27 rise to the offense, whichever is greater. The fine may not be
28 suspended, in part or whole, for any reason.

29 The bill requires the operator of a facility-based service
30 that primarily serves homeless individuals to place and maintain
31 permanently affixed signs located in a conspicuous manner clearly
32 visible to the public at the main entrance of the facility
33 that identifies the building and its accompanying grounds as a
34 drug-free homeless service zone. Such signs shall be written
35 in both English and Spanish and in contrasting colors with block

1 letters at least one inch in height.

2 The bill defines "drug-free homeless service zone",
3 "facility-based services", and "operator".

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