

**House Study Bill 705 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON PUBLIC  
SAFETY BILL BY CHAIRPERSON  
VONDRAN)

**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.

13 b. "*Facility-based service*" means any emergency or temporary  
14 shelter, transitional housing provider, or permanent supportive  
15 housing entity that receives government funding for the purpose  
16 of providing shelter to homeless persons.

17 c. "*Operator*" means the sole proprietorship, organization,  
18 association, corporation, partnership, joint venture, limited  
19 partnership, limited liability partnership, limited liability  
20 company, or other entity or business association that is the  
21 direct recipient of government funding for the provision of  
22 facility-based services.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 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

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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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