

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:

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
4 person 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
10 homeless service zone that primarily serves homeless
11 individuals and that receives state, local, or federal funding,
12 and the person allows an individual accessing services to
13 possess or use a controlled substance on the premises of the
14 facility.

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

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

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

33 5. In addition to any other penalty, a person convicted
34 of an offense under this title shall be punished by a fine of
35 not less than two thousand dollars or three times the value

1 as determined by the court of the drugs involved in or giving
2 rise to the offense, whichever is greater. No fine under
3 this subsection shall be suspended, in part or whole, for any
4 reason.

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

13 7. For the purposes of this section:

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

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

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

26 EXPLANATION

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

29 This bill establishes drug-free homeless service zones.

30 The bill prohibits a person from intentionally or knowingly
31 doing any of the following: the person sells or transfers
32 or attempts to sell or transfer a controlled substance while
33 present within a drug-free homeless service zone; or the
34 person operates or has authority to enforce the policies and
35 requirements of a facility-based drug-free service zone that

1 primarily serves homeless individuals and that receives state,
2 local, or federal funding, and the person allows an individual
3 accessing services to possess or use a controlled substance on
4 the premises of the facility.

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

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

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

32 The bill requires the operator of a facility-based service
33 that primarily serves homeless individuals to place and
34 maintain permanently affixed signs located in a conspicuous
35 manner clearly visible to the public at the main entrance of

1 the facility that identifies the building and its accompanying
2 grounds as a drug-free homeless service zone. Such signs shall
3 be written in both English and Spanish and in contrasting
4 colors with block letters at least one inch in height.
5 The bill defines "drug-free homeless service zone",
6 "facility-based services", and "operator".