

*Sponsorship has changed since the bill was introduced

REFERENCE TITLE: schools; drug violations; reporting options

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2007

*Introduced by
Representative Rodriguez

AN ACT

AMENDING SECTION 13-3411, ARIZONA REVISED STATUTES; RELATING TO DRUG FREE
SCHOOL ZONES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3411, Arizona Revised Statutes, is amended to
3 read:

4 13-3411. Possession, use, sale or transfer of marijuana,
5 peyote, prescription drugs, dangerous drugs or
6 narcotic drugs or manufacture of dangerous drugs
7 in a drug free school zone; violation;
8 classification; definitions

9 A. It is unlawful for a person to do any of the following:

10 1. Intentionally be present in a drug free school zone to sell or
11 transfer marijuana, peyote, prescription-only drugs, dangerous drugs or
12 narcotic drugs.

13 2. Possess or use marijuana, peyote, dangerous drugs or narcotic
14 drugs in a drug free school zone.

15 3. Manufacture dangerous drugs in a drug free school zone.

16 B. A person who violates subsection A of this section is guilty of
17 the same class of felony that the person would otherwise be guilty of had
18 the violation not occurred within a drug free school zone, except that the
19 presumptive, minimum and maximum sentence shall be increased by one year.
20 The additional sentence imposed under this subsection is in addition to
21 any enhanced punishment that may be applicable under section 13-703,
22 section 13-704, section 13-708, subsection D or any provision in this
23 chapter. A person is not eligible for suspension of sentence, probation,
24 pardon or release from confinement on any basis except pursuant to section
25 31-233, subsection A or B until the sentence imposed by the court has been
26 served or commuted.

27 C. In addition to any other penalty prescribed by this title, the
28 court shall order a person who is convicted of a violation of this section
29 to pay a fine of not less than ~~two thousand dollars~~ \$2,000 or three times
30 the value as determined by the court of the drugs involved in or giving
31 rise to the charge, whichever is greater, and not more than the maximum
32 authorized by chapter 8 of this title. A judge shall not suspend any part
33 or all of the imposition of any fine required by this subsection.

34 D. Each school district's governing board or its designee, or the
35 chief administrative officer in the case of a nonpublic school, shall
36 place and maintain permanently affixed signs located in a visible manner
37 at the main entrance of each school that identifies the school and its
38 accompanying grounds as a drug free school zone.

39 E. The drug free school zone map prepared pursuant to title 15
40 shall constitute an official record as to the location and boundaries of
41 each drug free school zone. The school district's governing board or its
42 designee, or the chief administrative officer in the case of any nonpublic
43 school, shall promptly notify the county attorney of any changes in the
44 location and boundaries of any school property and shall file with the
45 county recorder the original map prepared pursuant to title 15.

1 F. All school personnel who observe a violation of this section
2 shall immediately report the violation to a school administrator. The
3 administrator shall ~~EITHER~~ immediately report the violation to a peace
4 officer ~~OR, IF THE VIOLATION INVOLVES A STUDENT, REFER THE STUDENT TO AN~~
5 ~~APPROPRIATE PROGRAM FOR AT-RISK STUDENTS THAT IS SELECTED BY THE SCHOOL.~~
6 It is unlawful for any school personnel or school administrator to fail to
7 report a violation ~~OR REFER A STUDENT~~ as prescribed in this section.

8 G. School personnel having custody or control of school records of
9 a student involved in an alleged violation of this section shall make the
10 records available to a peace officer ~~upon~~ ~~ON~~ written request signed by a
11 magistrate. Records disclosed pursuant to this subsection are
12 confidential and may be used only in a judicial or administrative
13 proceeding. A person furnishing records required under this subsection or
14 a person participating in a judicial or administrative proceeding or
15 investigation resulting from the furnishing of records required under this
16 subsection is immune from civil or criminal liability by reason of such
17 action unless the person acted with malice.

18 H. A person who violates subsection F of this section is guilty of
19 a class 3 misdemeanor.

20 I. For the purposes of this section:

21 1. "Drug free school zone" means the area within three hundred feet
22 of a school or its accompanying grounds, any public property within one
23 thousand feet of a school or its accompanying grounds, a school bus stop
24 or on any school bus or bus contracted to transport pupils to any school.

25 2. "School" means any public or nonpublic kindergarten program,
26 common school or high school.