

REFERENCE TITLE: drug-free homeless zones

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2437

Introduced by
Representatives Gress: Carter P; Senator Kavanagh

AN ACT

AMENDING TITLE 13, CHAPTER 34, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-3411.01; RELATING TO DRUG OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 13, chapter 34, Arizona Revised Statutes, is
3 amended by adding section 13-3411.01, to read:

4 13-3411.01. Sale, transfer, possession or use of dangerous
5 drugs or narcotic drugs in a drug-free homeless
6 service zone; classification; definitions

7 A. IT IS UNLAWFUL FOR A PERSON TO DO EITHER OF THE FOLLOWING:

8 1. INTENTIONALLY BE PRESENT IN A DRUG-FREE HOMELESS SERVICE ZONE TO
9 SELL OR TRANSFER DANGEROUS DRUGS OR NARCOTIC DRUGS.

10 2. IF THE PERSON IS AN EMPLOYEE OF A FACILITY-BASED SERVICE THAT
11 PRIMARILY SERVES HOMELESS INDIVIDUALS AND THAT RECEIVES STATE, LOCAL OR
12 FEDERAL MONIES, KNOWINGLY VIOLATE ANY FORMAL POLICY THAT IS ADOPTED
13 PURSUANT TO SUBSECTION F OF THIS SECTION, INCLUDING INTENTIONALLY ALLOWING
14 THE POSSESSION OR USE OF DANGEROUS DRUGS OR NARCOTIC DRUGS IN A DRUG-FREE
15 HOMELESS SERVICE ZONE.

16 B. A PERSON WHO VIOLATES SUBSECTION A, PARAGRAPH 1 OF THIS SECTION
17 IS GUILTY OF THE SAME CLASS OF FELONY THAT THE PERSON WOULD OTHERWISE BE
18 GUILTY OF HAD THE VIOLATION NOT OCCURRED WITHIN A DRUG-FREE HOMELESS
19 SERVICE ZONE, EXCEPT THAT THE PRESUMPTIVE, MINIMUM AND MAXIMUM SENTENCES
20 SHALL BE INCREASED BY ONE YEAR. THE ADDITIONAL SENTENCE IMPOSED UNDER
21 THIS SUBSECTION IS IN ADDITION TO ANY ENHANCED PUNISHMENT THAT MAY BE
22 APPLICABLE UNDER SECTION 13-703 OR 13-704, SECTION 13-708, SUBSECTION D OR
23 ANY PROVISION IN THIS CHAPTER. A PERSON IS NOT ELIGIBLE FOR SUSPENSION OF
24 SENTENCE, PROBATION, PARDON OR RELEASE FROM CONFINEMENT ON ANY BASIS
25 EXCEPT PURSUANT TO SECTION 31-233, SUBSECTION A OR B UNTIL THE SENTENCE
26 IMPOSED BY THE COURT HAS BEEN SERVED OR IS COMMUTED.

27 C. A PERSON WHO VIOLATES SUBSECTION A, PARAGRAPH 2 OF THIS SECTION
28 IS GUILTY OF A CLASS 1 MISDEMEANOR.

29 D. IN ADDITION TO ANY OTHER PENALTY PRESCRIBED BY THIS TITLE, THE
30 COURT SHALL ORDER A PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION
31 TO PAY A FINE OF NOT LESS THAN \$2,000 OR THREE TIMES THE VALUE, AS
32 DETERMINED BY THE COURT, OF THE DRUGS INVOLVED IN OR GIVING RISE TO THE
33 CHARGE, WHICHEVER IS GREATER, AND NOT MORE THAN THE MAXIMUM AUTHORIZED BY
34 CHAPTER 8 OF THIS TITLE. A JUDGE MAY NOT SUSPEND ANY PART OR ALL OF THE
35 IMPOSITION OF ANY FINE REQUIRED BY THIS SUBSECTION.

36 E. EACH OPERATOR OR PROVIDER OF FACILITY-BASED SERVICES THAT
37 PRIMARILY SERVE HOMELESS INDIVIDUALS SHALL PLACE AND MAINTAIN A
38 PERMANENTLY AFFIXED SIGN LOCATED IN A VISIBLE MANNER INSIDE THE FACILITY
39 AND OUTSIDE THE MAIN ENTRANCE OF THE FACILITY THAT IDENTIFIES THE BUILDING
40 AND ITS ACCOMPANYING GROUNDS AS A DRUG-FREE HOMELESS SERVICE ZONE. IF AN
41 OPERATOR OR PROVIDER OF FACILITY-BASED SERVICES PRIMARILY SERVES DOMESTIC
42 VIOLENCE VICTIMS OR FAMILIES, THE OPERATOR OR PROVIDER SHALL PLACE AND
43 MAINTAIN A PERMANENTLY AFFIXED SIGN LOCATED IN A VISIBLE MANNER INSIDE THE
44 FACILITY THAT IDENTIFIES THE BUILDING AS A DRUG-FREE HOMELESS SERVICE
45 ZONE.

1 F. AN OPERATOR OF FACILITY-BASED SERVICES THAT SERVE HOMELESS
2 INDIVIDUALS MUST ADOPT A FORMAL POLICY THAT PROHIBITS THE USE OR
3 POSSESSION OF DANGEROUS DRUGS OR NARCOTIC DRUGS WITHIN DRUG-FREE HOMELESS
4 SERVICE ZONES.

5 G. FOR THE PURPOSES OF THIS SECTION:

6 1. "DRUG-FREE HOMELESS SERVICE ZONE" MEANS A FACILITY AND ITS
7 ACCOMPANYING GROUNDS IN WHICH SERVICES, SHELTER OR PERMANENT SUPPORTIVE
8 HOUSING ARE PROVIDED TO INDIVIDUALS WHO ARE EXPERIENCING HOMELESSNESS.

9 2. "HOMELESS INDIVIDUAL" MEANS AN INDIVIDUAL WHO DOES NOT HAVE A
10 HOME OR PERMANENT PLACE OF RESIDENCE.