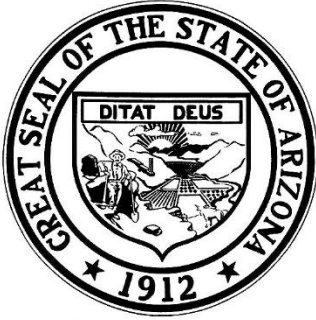


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2437**

Gress Floor Amendment

-
- Specifies that dangerous or narcotic drugs, that are prescribed by a physician, are still permitted in drug-free homeless service zones.

Amendment explanation prepared by Nathan M

Phone Number x3646

nm

2/13/2025

GRESS FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2437
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[~~GREEN STRIKEOUT IN BRACKETS~~] indicates new text removed from statute or previously enacted session law.

[~~Green strikeout in brackets~~] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<~~Green strikeout in carets~~>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

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.

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

8 E. EACH OPERATOR OR PROVIDER OF FACILITY-BASED SERVICES THAT
9 PRIMARILY SERVE HOMELESS INDIVIDUALS SHALL PLACE AND MAINTAIN A
10 PERMANENTLY AFFIXED SIGN LOCATED IN A VISIBLE MANNER INSIDE THE FACILITY
11 AND OUTSIDE THE MAIN ENTRANCE OF THE FACILITY THAT IDENTIFIES THE BUILDING
12 AND ITS ACCOMPANYING GROUNDS AS A DRUG-FREE HOMELESS SERVICE ZONE. IF AN
13 OPERATOR OR PROVIDER OF FACILITY-BASED SERVICES PRIMARILY SERVES DOMESTIC
14 VIOLENCE VICTIMS OR FAMILIES, THE OPERATOR OR PROVIDER SHALL PLACE AND
15 MAINTAIN A PERMANENTLY AFFIXED SIGN LOCATED IN A VISIBLE MANNER INSIDE THE
16 FACILITY THAT IDENTIFIES THE BUILDING AS A DRUG-FREE HOMELESS SERVICE
17 ZONE.

18 F. AN OPERATOR OF FACILITY-BASED SERVICES THAT SERVE HOMELESS
19 INDIVIDUALS MUST ADOPT A FORMAL POLICY THAT PROHIBITS THE USE OR
20 POSSESSION OF DANGEROUS DRUGS OR NARCOTIC DRUGS WITHIN DRUG-FREE HOMELESS
21 SERVICE ZONES.

22 [G. THIS SECTION DOES NOT APPLY TO A PERSON WHO POSSESSES DANGEROUS
23 DRUGS OR NARCOTIC DRUGS PURSUANT TO A PRESCRIPTION THAT IS PRESCRIBED BY A
24 PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER 13 OR 17.]

25 [G.] [H.]FOR THE PURPOSES OF THIS SECTION:

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

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

31 Enroll and engross to conform

32 Amend title to conform

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