

**2023 HOUSE JUDICIARY**

**HB 1459**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1459  
2/8/2023

Relating to increased penalties for drug offenses within three hundred feet of a public park; and to provide a penalty.
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10:38 AM Chairman Klemin opened the hearing.

Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, and Rep. Vetter. Absent: Rep. Cory

## **Discussion Topics:**

- Selling drugs in parks.
- Substance abuse.
- Penalties

Rep. Mitskog: Introduced the bill. Testimony # 19844.

Stephanie Dassinger Engerbritson, Chief of Police Association: No written testimony.

## **Additional written testimony:**

Shannon Schutt, Executive Director NDRPA: Testimony #19666

Matthew Anderson, Chief of Police of Wapheton, ND: Testimony #19556

Hearing closed at 10:58 AM.

Delores Shimek, Committee Clerk

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Room JW327B, State Capitol

HB 1459  
2/8/2023

Relating to increased penalties for drug offenses within three hundred feet of a public park; and to provide a penalty.
---

3:27 PM Chairman Klemin opened the hearing.

Members present: Chairman Klemin, Vice Chairman Karls, Rep. Bahl, Rep. Christensen, Rep. Henderson, Rep. S. Olson, Rep. Rios, Rep. S. Roers Jones, Rep. Satrom, Rep. Schneider, Rep. VanWinkle, and Rep. Vetter. Absent Rep. Cory

### Discussion Topics:

- Selling drugs in parks.
- Amendment

Rep. Shannon Roers Jones moved amendment 23.0949.01001.  
Seconded by Rep. Schneider

Roll call vote:

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	N
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	A
Representative Donna Henderson	Y
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	N
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	Y

Motion carries. 10 Yes 2 No 1 Absent

Rep. Shannon Roers Jones moved a Do Not Pass As Amended;  
Seconded by Rep. Vetter

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	N
Representative Karen Karls	N
Representative Landon Bahl	Y
Representative Cole Christensen	Y
Representative Claire Cory	A
Representative Donna Henderson	Y
Representative SuAnn Olson	N
Representative Nico Rios	N
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	N
Representative Mary Schneider	N
Representative Lori VanWinkle	N
Representative Steve Vetter	Y

Motion failed. 5 Yes 7 No 1 Absent

Rep. VanWinkle moved a Do Pass As Amended;  
Seconded by Rep. Rios

Roll call Vote:

<b>Representatives</b>	<b>Vote</b>
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Landon Bahl	N
Representative Cole Christensen	Y
Representative Claire Cory	A
Representative Donna Henderson	N
Representative SuAnn Olson	Y
Representative Nico Rios	Y
Representative Shannon Roers Jones	N
Representative Bernie Satrom	Y
Representative Mary Schneider	Y
Representative Lori VanWinkle	Y
Representative Steve Vetter	N

Motion Carries. 8 Yes 4 No 1 Absent Carrier: Rep. Rios

Hearing closed at 3:45 PM.

Delores Shimek, Committee Clerk

23.0949.01001  
Title.02000

Prepared by the Legislative Council staff for  
Representative Mitskog  
February 8, 2023

JA 2-8-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1459

Page 1, line 19, after "substance" insert ", other than marijuana or tetrahydrocannabinol."

Page 3, line 2, overstrike "or"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1459: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1459 was placed on the Sixth order on the calendar.

Page 1, line 19, after "substance" insert ", other than marijuana or tetrahydrocannabinol."

Page 3, line 2, overstrike "or"

Renumber accordingly

**2023 SENATE JUDICIARY**

**HB 1459**

# 2023 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Peace Garden Room, State Capitol

HB 1459  
3/7/2023

A bill relating to increased penalties for drug offenses within three hundred feet of a public park; and to provide a penalty.
--

10:59 AM Chairman Larson opened the meeting.

Chairman Larson and Senators Myrdal, Luick, Estenson, Sickler, Paulson and Braunberger are present.

## **Discussion Topics:**

- Fentanyl
- Children's safety
- Drug cartels
- Addiction
- Sentencing

11:00 AM Representative Alisa Mitskog introduced the bill and provided written testimony #22605, 22606.

11:09 AM Stephanie Dassinger, Lobbyist, North Dakota Chiefs of Police Association, spoke in favor of the bill.

## **Additional written testimony:**

Ashley Lies #22394

Shannon Schutt #22408

Matthew Anderson #22435

Jeremy Ludlum #22533

11:10 AM Chairman Larson closed the public hearing.

11:10 AM Senator Myrdal moved to adopt amendment LC 23.0949.02001. Motion seconded by Senator Luick.



11:12 AM Roll call vote is taken.

<b>Senators</b>	<b>Vote</b>
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 7-0-0.

11:12 AM Senator Myrdal moved to Do Pass the bill as amended. Motion seconded by Senator Luick.

11:12 AM Roll call vote was taken.

<b>Senators</b>	<b>Vote</b>
Senator Diane Larson	Y
Senator Bob Paulson	Y
Senator Jonathan Sickler	Y
Senator Ryan Braunberger	Y
Senator Judy Estenson	N
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Motion passes 6-1-0.

Senator Myrdal will carry the bill.

This bill does not affect workforce development.

11:19 AM Chairman Larson closed the hearing.

*Rick Schuchard, Committee Clerk*

23.0949.02001  
Title.03000

Prepared by the Legislative Council staff for  
Representative Mitskog  
March 6, 2023

DR  
1/1  
3-7-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1459

Page 1, line 20, after "of" insert "the real property comprising"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1459, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1459 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 20, after "of" insert "the real property comprising"

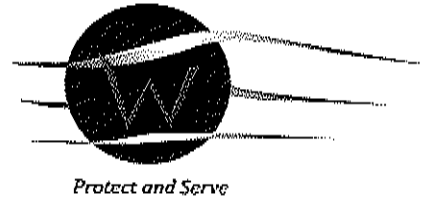
Renumber accordingly

**TESTIMONY**

**HB 1459**

# WAHPETON POLICE DEPARTMENT

920 3rd Avenue North • Wahpeton, ND 58075 • Phone: 701.642.7722 • Fax 701.642.7842



Testimony in Support of House Bill 1459  
House Judiciary Committee | February 8, 2023 | 9 am

Chairman Klemin and members of the House Judiciary Committee,

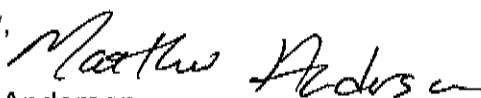
My name is Matthew Anderson, I am the Chief of Police in the City of Wahpeton. Thank you for the opportunity to submit written testimony in support of House Bill 1459.

If passed, House Bill 1459 would add penalties for drug offenses committed in public parks. The City of Wahpeton has 7 parks covering 130 acres. Our parks are recreational havens for our residents and visitors alike. When visiting, the public expects our parks to be clean and safe.

HB 1459 would treat public parks just like public schools in terms of the penalties for drug offenses. Having safe and drug-free parks is just as important as having safe and drug-free schools. Families and individuals seek out parks to recreate, relax, and enjoy the City of Wahpeton and North Dakota.

Please consider a DO PASS on HB 1459.

Sincerely,

A handwritten signature in black ink that reads "Matthew Anderson". The signature is written in a cursive, flowing style.

Matthew Anderson  
Chief of Police  
City of Wahpeton, ND

**Testimony of Shannon Schutt  
North Dakota Recreation & Park Association  
To House Judicial Committee  
In Support to HB 1459  
Wednesday, February 8, 2023**

Chairman Klemin and members of the Committee, my name is Shannon Schutt, and I am the executive director of the North Dakota Recreation & Park Association (NDRPA). We represent more than 900 members, primarily park districts, and work to advance parks, recreation and conservation for an enhanced quality of life in North Dakota.

We are in support of adding to the list of drug offenses subject to felony charges manufacturing, delivery, or possession, with intent to manufacture or deliver a controlled substance in, on, or within 300 feet of a public park.

We would also recommend amending the bill to replace “public park” with “park property” to include all property owned by park districts: parks, open space, trails, greenways, water, recreation facilities. In these spaces, we provide programs and services that have documented benefits, among them economic, health, environmental, and social/community. Drugs and crime go together. We need to be able to protect our public spaces and implementing this law would support the effort for protection.

Providing safe recreation opportunities for our citizens and visitors is essential to maintaining North Dakota’s commitment to a high quality of life that attracts and retains workforce.

Thank you for the opportunity to express our support for HB 1459 for safe areas to play and recreate.

# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Alisa Mitskog

District 25  
1001 Second Avenue North  
Wahpeton, ND 58075-4309  
[amitskog@nd.gov](mailto:amitskog@nd.gov)

**COMMITTEES:**  
Appropriations

House Judiciary Committee

HB 14591

February 8, 2023

Chairman Klemin and Committee Members:

I am Rep. Alisa Mitskog representing D25-Wahpeton.

HB 1459 would increase the penalty for selling drugs in parks.

This issue came to my attention from an elected official in my community-Wahpeton. Wahpeton has a large park system including Chahinkapa Park, Kidder Dam Recreation area as well as the airport park. In speaking with local law enforcement as well as reaching out to other law enforcement in the state I learned that the issue of drugs in parks and safety are relevant issues because of the presence of children. Considering the deadly drugs that are now in our communities, in particular, fentanyl, we need to keep our children's safe. In August, the U.S. Drug Enforcement Administration alerted the public to the existence of bright-colored fentanyl pills that resemble candy (rainbow fentanyl and gummy bears). The DEA warned that the pills were a deliberate scheme by drug cartels to sell addictive fentanyl to children and young people.

The National Recreation and Park Association has been monitoring the impact of the opioid crisis on parks and recreation. Issues like substance misuse taking place on park land, needles and syringes covering playgrounds, navigating how to respond to overdoses, and managing relationships with first responders, law enforcement and public health departments are just some of the many ways this crisis is impacting the parks and recreation community.

Several states have included parks in their drug free zones. I have distributed a handout for your reference. I am proposing that North Dakota consider adopting this language in Section 19-03.1-23.1 of the North Dakota Century Code. I am also proposing an amendment that would exclude marijuana from the list of drugs as many communities have decriminalized the substance.

In closing, the premise behind this bill is to deter drug crimes in our parks where children are often present.

I would ask the committee for your consideration.

## **Law Enforcement Comments:**

**Corey Lee** [clee@starkcountynd.gov](mailto:clee@starkcountynd.gov)

strongly support bills that penalize drug dealers and hamstring their operations.

### **Sheriff Dey Muckle, Golden Valley County Sheriff's Department**

I have no problems with HB 1459. Unless legally obtained, the more strict, the better. I have a decent amount of residents who are recovering addicts, and I want our county to be a place where they can focus on their sobriety, and not constantly be tempted with the availability, or by the presence of drugs.

### **Sheriff Chad Kaiser, Stutsman County Sheriff's Department**

I believe this is a good bill and do support this bill. I have seen first hand what goes on sometimes in our parks. I happen to live near a County Park my kids would ride bikes to the park we got to a point where we would not allow our kids to go to the park alone and only go during certain times of the day. The only devil's advocate I could see someone saying is if Law Enforcement happened to be doing a buy bust operation and it ended up in a park. That is easily solved by not penalizing them for being in a park if it should happen.

## **North Dakota Peace Officer's Association:**

"There is a majority of support for HB1459 from NDPOA, with the caveat that in the broader picture of this bill passing there would need to be an increase in funding to support it." -Adam Dvorak (701) 215-3652 North Dakota Peace Officers Association

### **Bismarck Police Department:**

"The Department is fully in support of this bill." **Lt. Glenn Ternes** 1/31/2023

### **Williams County Sheriff Verlan Kvande:**

The Williams Country Sheriff's Department is "usually on board" with these bills as they "would be able to further support in any charges." The department "agrees with the concept of this bill."

## **Park Boards/Districts:**

**Dave Bietz, Deputy Director of Operations, Fargo Park District** We would support this legislation; we currently already partner with our local school district to have park land directly adjacent to many schools in the city so those parks would be covered currently and we see value in the same coverage in all our parks. We have also reached out to our local state association, North Dakota Recreation and Parks Association (NDRPA) and encouraged a supportive position from the association. We believe someone from that association will also reach out and provide feedback about this proposed legislation.

### **Shannon Schutt, Executive Director of North Dakota Parks and Recreation Association:**

NDPRA supports HB1459, though there was questioning of the terminology and clarification of the term "public park". Would suggest, and prefer, "park property".



## Appendix. Drug-Free School Zone Laws by State

State	Statute	Zone Size	Covered Locations	Covered Offenses	Penalties	Limitations
Alabama	Code of Ala. § 13A-12-250	15,460 ft.	Schools (includes colleges), public housing projects	Sale	5-year mand min, no parole	N/A
Alaska	AK Stat. § 11.71.040-41	500 ft.	Schools, school buses, youth and recreation centers	Possession w/ recklessness (either 3rd or 4th degree felony)	Class C or Class B felony	Private residence + personal
Arizona	A.R.S. § 13-3411	300 ft. (private property); 1,000 ft. (public property)	Schools	Sale, possession, manufacture	Increases presumptive min and max by 1 year	N/A
Arkansas	A.C.A. § 5-64-411	1,000 ft.	Public parks, schools (includes colleges and universities), school bus stops, skating rinks, YMCAs, community centers, public housing complexes, substance abuse treatment facilities, day care centers, churches	Possession, delivery, manufacture, sale	10-year additional sentence (concurrent or consecutive), no parole	N/A
California	Ann. Cal. Health & Safety Code § 11353.6	1,000 ft.	Schools	Possession w/ intent, delivery, sale, manufacture	3-5 years discretionary	Defendant > 18 years old; school hours only; only applies to places children expected to be
Colorado	C.R.S.A § 18-1.3-407	1,000 ft.	Schools, school buses	Possession w/ intent, delivery, sale, manufacture	8-year mandatory min	N/A
Connecticut	C.G.S.A. § 21a-278a	1,500 ft.	Schools, public housing complexes, day care centers	Possession w/ intent, delivery, sale, manufacture	3-year mand min additional (consec)	N/A
Delaware	16 Del.C. § 4701	300 ft.	Schools, parks, churches, rec. areas	Possession w/ intent, delivery, sale, manufacture	Aggravating Factor (Min. Class D Felony)	N/A
District of Columbia	DC ST § 48-904.07a	1,000 ft.	Schools (including universities), day care centers, public swimming pools, playgrounds, arcades, youth centers, public housing complexes	Distribution, possession w/ intent to distribute	Up to 2x fine Up to 2x maximum sentence	N/A
Florida	F.S.A. § 893.13	1,000 ft.	Schools (including universities), day care centers, churches, public housing complexes, parks	Possession w/ intent, delivery, sale, manufacture	3-year man min	Effective only 6am-midnight (schools only)
Georgia	Ga. Code Ann. § 16-13-32.4	1,000 ft.	Schools, parks, playgrounds, recreation centers, public housing complexes	Possession w/ intent, delivery, sale, manufacture	Up to 20 years + \$20,000 fine (consecutive)	Private residence + personal + no child < 17 present
Hawaii	HRS § 712-1249.6	750 ft.	Schools, school buses, parks, public housing complexes	Possession w/ intent, delivery, sale	Class C or Class D felony	N/A

State	Statute	Zone Size	Covered Locations	Covered Offenses	Penalties	Limitations
Nebraska	Neb.Rev.St. § 28.416	1,000 ft.	Schools, playgrounds, colleges (1,000 ft.); youth centers, video arcades, public pools (100 ft.)	Possession w/ intent, delivery, sale, manufacture	+1 Felony Level	Defendant > 18 years old
Nevada	N.R.S. 453.3345	1,000 ft.	Schools, campuses, school bus stops playgrounds, parks, pools, video centers, arcades	Manufacture, delivery, sale	Aggravating Factor	Within 1 hour of school hours (school bus stop only)
New Hampshire	N.H. Rev. Stat. §193-B:1	1,000 ft.	Schools, school buses	Possession w/ intent, delivery, sale, manufacture	1 year mand min + 2x maximum penalty for underlying offense	N/A
New Jersey	N.J.S.A. 2C:35-7	1,000 ft.	Schools, school buses	Possession w/ intent, delivery, sale	3 year mand min, no parole	Judge may adjust parole ineligibility based on mitigating factors; private residence + no child < 18 present + not for profit
New Mexico	N. M. S. A. 1978, § 30-31-2(Y)	1,000 ft.	Schools	Possession, delivery, manufacture, sale	First-class Felony	Possession limited to defendants > 18 years old
New York	McKinney's Penal Law § 220.44	1,000 ft.	Schools, day care centers	Trafficking	Class B Felony	Limited to areas "accessible" to public; some drugs require knowledge of zone
North Carolina	N.C.G.S.A. § 90-95	1,000 ft.	Schools, child care centers, parks	Possession w/ intent, delivery, sale, manufacture	Class E Felony	< 5 g marijuana excepted
North Dakota	NDCC, 19-03.1-23(3)(a)	1,000 ft.	Schools	Possession w/ intent, delivery, sale, manufacture	8-year sentence; If defendant > 21, 8-year mand min	Marijuana excepted
Ohio	R.C. § 2925.01(P)	1,000 ft.	Schools	Sale	Min. 4th Degree Felony	N/A
Oklahoma	63 Okl. St. Ann. § 2-401(F)	2,000 ft.	Schools (including universities), parks, public housing complexes, child care centers	Possession w/ intent, delivery, sale	2x max sentence	N/A
Oregon	O.R.S. § 475.904	1,000 ft.	Schools	Delivery, manufacture	Class A Felony	N/A
Pennsylvania	18 Pa.C.S.A. § 6317	1,000 ft.	Schools, parks, playgrounds; school buses (250 ft)	Possession w/ intent, delivery, sale	2-year mand min	N/A
Rhode Island	Gen.Laws 1956, § 21-28-4.07.1	900 ft.	Schools, parks, playgrounds	Distribution, manufacture	2x max sentence 2x max fine	N/A

23.0949.01001  
Title.

Prepared by the Legislative Council staff for  
Representative Mitskog

February 6, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1459

Page 1, line 19, after "substance" insert ", other than marijuana or tetrahydrocannabinol,"

Page 3, line 2, overstrike "or"

Renumber accordingly

## North Dakota State's Attorneys' Association

March 6, 2023

Senate Judiciary

**RE: House Bill No. 1459**

Chairman Larson, Vice-Chair Paul, Vice-Chair Sickler, and Members of the Senate Judiciary:

The North Dakota State's Attorneys' Association (NDSAA) is submitting this letter to express a concern with House Bill 1459 as written and to request clarification.

The proposed amendment to N.D.C.C. 19-03.1-23.1 provides increased penalties for certain drug offenses occurring in, on, or within three hundred feet of a public park, but it does not define what a public park is. Our concern is that in trying to enforce this law, there will be too much ambiguity as it is currently written.

Does a baseball diamond owned by Parks & Rec qualify as a public park? Does a communal play area located between four buildings in an apartment complex qualify? As written, there is no clarification for what the intent of the Bill is and we would appreciate clarification and definition before any action is taken on this Bill.

Thank you for taking the time to hear our concerns.

On behalf of the North Dakota State's Attorneys:

  
Ashley L. Lies, Executive Director

**Testimony of Shannon Schutt  
North Dakota Recreation & Park Association  
To Senate Judiciary Committee  
In Support to HB 1459  
Tuesday, March 7, 2023**

Chair Larson and members of the Committee, my name is Shannon Schutt, and I am the executive director of the North Dakota Recreation & Park Association (NDRPA). We represent more than 900 members, primarily park districts, and work to advance parks, recreation and conservation for an enhanced quality of life in North Dakota.

We are in support of HB 1459 in an effort to deter the sale of drugs in or near parks. We have also requested to amend the bill to replace “public park” with “park property.” We feel an amendment would provide clarity as to what property is covered. As the bill is written someone may argue a trail, the parking lot of a park, etc. are not a “public park.” However, majority of park property are areas where children and families play and recreate such as open spaces, trails, greenways, and water and recreation facilities. Providing safe recreation opportunities for our citizens and visitors is essential to maintaining North Dakota’s commitment to a high quality of life.

Thank you for the opportunity to express our support for HB 1459 for safe areas to play and recreate.

# WAHPETON POLICE DEPARTMENT

920 3rd Avenue North • Wahpeton, ND 58075 • Phone: 701.642.7722 • Fax 701.642.7842



Testimony in Support of House Bill 1459  
Senate Judiciary Committee | March 7, 2023 | 11 am

Chairperson Larson and members of the Senate Judiciary Committee,

My name is Matthew Anderson, I am the Chief of Police in the City of Wahpeton. Thank you for the opportunity to submit written testimony in support of House Bill 1459.

If passed, House Bill 1459 would add penalties for drug offenses committed in public parks. The City of Wahpeton has 7 parks covering 130 acres. Our parks are recreational havens for our residents and visitors alike. When visiting, the public expects our parks to be clean and safe.

HB 1459 would treat public parks just like public schools in terms of the penalties for drug offenses. Having safe and drug-free parks is just as important as having safe and drug-free schools. Families and individuals seek out parks to recreate, relax, and enjoy the City of Wahpeton and North Dakota.

Please consider a DO PASS on HB 1459.

Sincerely,

Matthew Anderson  
Chief of Police  
City of Wahpeton, ND





Testimony in Support of House Bill 1459  
Senate Judiciary Committee | March 7, 2023 | 11:00 am

Chairperson Larson and members of the Senate Judiciary Committee,

My name is Jeremy Ludlum and I am the Parks Director for Williams County. Thank you for the opportunity to submit written testimony in support of House Bill 1459.

If passed, House Bill 1459 would add penalties for drug offenses committed in public parks. In Williams County, the Parks Department, under direction from the Williams County Park Board, oversees six parks that are open year-round. Five of the parks also have campgrounds.

Williams County is located in the heart of the oilfields. During the oil boom in the early 2010s, our parks were mostly frequented by temporary workers, many of which called the parks home. As time went on and more housing options became available, our parks once again became recreational havens for our residents and visitors alike. When visiting, the public expects our parks to be clean and safe.

HB 1459 would treat public parks just like public schools in terms of the penalties for drug offenses. Having safe and drug-free parks is just as important as having safe and drug-free schools. Families and individuals seek out parks to recreate, relax, and enjoy North Dakota.

Please consider a DO PASS on HB 1459.

Sincerely,

Jeremy Ludlum  
Williams County Parks Director

23.0949.02001  
Title.

Prepared by the Legislative Council staff for  
Representative Mitskog  
March 6, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1459

Page 1, line 20, after "of" insert "the real property comprising"

Renumber accordingly





## POLICY BRIEF: DRUG-FREE ZONE LAWS

## Appendix. Drug-Free School Zone Laws by State

State	Statute	Zone Size	Covered Locations	Covered Offenses	Penalties	Limitations
Alabama	Code of Ala. § 13A-12-250	15,460 ft.	Schools (includes colleges), public housing projects	Sale	5-year mand min, no parole	N/A
Alaska	AK Stat. § 11.71.040-41	500 ft.	Schools, school buses, youth and recreation centers	Possession w/ recklessness (either 3rd or 4th degree felony)	Class C or Class B felony	Private residence + personal
Arizona	A.R.S. § 13-3411	300 ft. (private property); 1,000 ft. (public property)	Schools	Sale, possession, manufacture	Increases presumptive min and max by 1 year	N/A
Arkansas	A.C.A. § 5-64-411	1,000 ft.	Public parks, schools (includes colleges and universities), school bus stops, skating rinks, YMCAs, community centers, public housing complexes, substance abuse treatment facilities, day care centers, churches	Possession, delivery, manufacture, sale	10-year additional sentence (concurrent or consecutive), no parole	N/A
California	Ann.Cal. Health & Safety Code § 11353.6	1,000 ft.	Schools	Possession w/ intent, delivery, sale, manufacture	3-5 years discretionary	Defendant > 18 years old; school hours only; only applies to places children expected to be
Colorado	C.R.S.A § 18-1.3-407	1,000 ft.	Schools, school buses	Possession w/ intent, delivery, sale, manufacture	8-year mandatory min	N/A
Connecticut	C.G.S.A. § 21a-278a	1,500 ft.	Schools, public housing complexes, day care centers	Possession w/ intent, delivery, sale, manufacture	3-year mand min additional (consec)	N/A
Delaware	16 Del.C. § 4701	300 ft.	Schools, parks, churches, rec. areas	Possession w/ intent, delivery, sale, manufacture	Aggravating Factor (Min. Class D Felony)	N/A
District of Columbia	DC ST § 48-904.07a	1,000 ft.	Schools (including universities), day care centers, public swimming pools, playgrounds, arcades, youth centers, public housing complexes	Distribution, possession w/ intent to distribute	Up to 2x fine Up to 2x maximum sentence	N/A
Florida	F.S.A. § 893.13	1,000 ft.	Schools (including universities), day care centers, churches, public housing complexes, parks	Possession w/ intent, delivery, sale, manufacture	3-year man min	Effective only 6am-midnight (schools only)
Georgia	Ga. Code Ann. § 16-13-32.4	1,000 ft.	Schools, parks, playgrounds, recreation centers, public housing complexes	Possession w/ intent, delivery, sale, manufacture	Up to 20 years + \$20,000 fine (consecutive)	Private residence + personal + no child < 17 present
Hawaii	HRS § 712-1249.6	750 ft.	Schools, school buses, parks, public housing complexes	Possession w/ intent, delivery, sale	Class C or Class D felony	N/A

State	Statute	Zone Size	Covered Locations	Covered Offenses	Penalties	Limitations
Idaho	I.C. § 37-2739B	1,000 ft.	Schools	Possession w/ intent, delivery, sale, manufacture	5-year mand min to life	N/A
Illinois	720 ILCS 570/407	1,000 ft.	Schools, school buses, public housing complexes, public parks, churches, nursing homes	Possession w/ intent, delivery, sale, manufacture	Class X Felony	N/A
Indiana	IC 35-48-4-16	500 ft.	Schools, parks	Possession, delivery	Level 4 Felony	Defenses: 1) Briefly in zone while minor was present; 2) No minor present; 3) Law officer requested or stopped in zone
Iowa	I.C.A. § 124.401A	1,000 ft.	Schools	Possession w/ intent, delivery, sale, manufacture	Up to 5 year enhancement	Defendant > 18 years old
Kansas	K.S.A. 21-5705	1,000 ft.	Schools	Possession w/ intent, sale	+1 Felony Level	N/A
Kentucky	KRS § 218A.1411	1,000 ft.	Schools	Trafficking	Class D Felony	N/A
Louisiana	LSA-R.S. 40:981.3	2,000 ft.	Schools (including universities), drug treatment facilities, religious facilities, public housing complexes, day care centers	Possession w/ intent, sale	Maximum fine + up to 1.5 times maximum sentence	Private residence + no child < 18 present
Maine	17-A M.R.S.A § 1105-A	1,000 ft.	Schools, school buses	Trafficking	Varies based on drug	N/A
Maryland	M.D. Code, Criminal Law, § 5-627	1,000 ft.	Schools, school buses	Possession w/ intent, delivery, sale, manufacture	Up to 20 years (1st offense); 5-year mand min (2nd+)	N/A
Massachusetts	M.G.L.A. 94C § 32J	300 ft.	Schools, preschools; parks (100 ft.)	Possession w/ intent, delivery, sale, manufacture	2-15 years	5am-midnight only
Michigan	M.C.L.A. 333.7410	1,000 ft.	Schools, libraries	Possession w/ intent, delivery, sale, manufacture	2-year minimum (judge may modify)	N/A
Minnesota	M.S.A. § 152.01	300 ft.	Schools, parks, public housing complexes	Possession, delivery, manufacture, sale	Sentence degree enhancement	N/A
Mississippi	Miss. Code Ann. §41-29-142	1,500 ft. from building; 1,000 ft. from property line	Schools, churches, public parks, ballparks, public gyms, youth centers, movie theaters	Possession w/ intent, delivery, sale, manufacture	3 year mand min to life	N/A
Missouri	V.A.M.S. 195.214	2,000 ft.	Schools (including universities), school buses	Distribution, sale	Class A Felony	N/A
Montana	MCA 45-9-109	1,000 ft.	Schools	Distribution, sale	3 year mand min to life	Private residence + no child < 18 present



State	Statute	Zone Size	Covered Locations	Covered Offenses	Penalties	Limitations
Nebraska	Neb.Rev.St. § 28.416	1,000 ft.	Schools, playgrounds, colleges (1,000 ft.); youth centers, video arcades, public pools (100 ft.)	Possession w/ intent, delivery, sale, manufacture	+1 Felony Level	Defendant > 18 years old
Nevada	N.R.S. 453.3345	1,000 ft.	Schools, campuses, school bus stops playgrounds, parks, pools, video centers, arcades	Manufacture, delivery, sale	Aggravating Factor	Within 1 hour of school hours (school bus stop only)
New Hampshire	N.H. Rev. Stat. §193-B:1	1,000 ft.	Schools, school buses	Possession w/ intent, delivery, sale, manufacture	1 year mand min + 2x maximum penalty for underlying offense	N/A
New Jersey	N.J.S.A. 2C:35-7	1,000 ft.	Schools, school buses	Possession w/ intent, delivery, sale	3 year mand min, no parole	Judge may adjust parole ineligibility based on mitigating factors; private residence + no child < 18 present + not for profit
New Mexico	N. M. S. A. 1978, § 30-31-2(Y)	1,000 ft.	Schools	Possession, delivery, manufacture, sale	First-class Felony	Possession limited to defendants > 18 years old
New York	McKinney's Penal Law § 220.44	1,000 ft.	Schools, day care centers	Trafficking	Class B Felony	Limited to areas "accessible" to public; some drugs require knowledge of zone
North Carolina	N.C.G.S.A. § 90-95	1,000 ft.	Schools, child care centers, parks	Possession w/ intent, delivery, sale, manufacture	Class E Felony	< 5 g marijuana excepted
North Dakota	NDCC, 19-03.1-23(3)(a)	1,000 ft.	Schools	Possession w/ intent, delivery, sale, manufacture	8-year sentence; If defendant > 21, 8-year mand min	Marijuana excepted
Ohio	R.C. § 2925.01(P)	1,000 ft.	Schools	Sale	Min. 4th Degree Felony	N/A
Oklahoma	63 Okl. St. Ann. § 2-401(F)	2,000 ft.	Schools (including universities), parks, public housing complexes, child care centers	Possession w/ intent, delivery, sale	2x max sentence	N/A
Oregon	O.R.S. § 475.904	1,000 ft.	Schools	Delivery, manufacture	Class A Felony	N/A
Pennsylvania	18 Pa.C.S.A. § 6317	1,000 ft.	Schools, parks, playgrounds; school buses (250 ft)	Possession w/ intent, delivery, sale	2-year mand min	N/A
Rhode Island	Gen.Laws 1956, § 21-28-4.07.1	900 ft.	Schools, parks, playgrounds	Distribution, manufacture	2x max sentence 2x max fine	N/A

State	Statute	Zone Size	Covered Locations	Covered Offenses	Penalties	Limitations
South Carolina	Code 1976 § 44-53-445	2,640 ft.	Schools (including universities), parks, playgrounds	Possession w/ intent, delivery, sale, manufacture	Up to 10-year sentence	Defendant must know of zone; police cannot stop within zone
South Dakota	SDCL § 22-42-19	1,000 ft.	Schools, youth centers, public swimming pools; video arcades (500 ft.)	Possession, delivery, manufacture, sale	Class 4 Felony = 5 year mand min	Judge may adjust sentence
Tennessee	T. C. A. § 39-17-432	1,000 ft.	Schools, child care centers, libraries, rec. centers, parks	Possession w/ intent, delivery, sale, manufacture	+1 Felony Level	N/A
Texas	V.T.C.A., Health & Safety Code § 481.134	1,000 ft.	Schools (including universities), playgrounds, video arcades, youth centers,; public swimming pools (300 ft.)	Possession, delivery, manufacture, sale	+5 year max sentence	Possession excepted if inside private residence + no child < 18 present
Utah	U.C.A. 1953 § 58-37-8(4)	1,000 ft.	Schools (including universities), child care centers, parks, arcades, rec. centers, amusement parks, churches, shopping malls, sports facilities, movie theaters, playhouses, parking lots, libraries	Possession w/ intent, delivery, sale, manufacture	First Degree Felony	N/A
Vermont	18 V.S.A. § 4237	500 ft.	Schools, school buses	Distribution, sale	Up to 10-year sentence	N/A
Virginia	18 V.S.A. § 4237	1,000 ft.	Schools, school buses, school bus stops, day care centers, mental health facilities	Possession w/ intent, delivery, sale, manufacture	1-5 years mand min	Public property only; school bus stop limited to when children are present
Washington	West's RCWA 69.50.435	1,000 ft.	Schools, school buses, school bus stops	Possession w/ intent, delivery, sale, manufacture	2x max sentence	Private residence + no child < 18 present + not for profit
West Virginia	W. Va. Code, § 60A-4-406	1,000 ft.	Schools (including universities)	Distribution, sale	No probation for 3 years	Defendant > 18 years old
Wyoming	W.S.1977 § 35-7-1036	500 ft.	Schools, school buses	Possession w/ intent, delivery, sale, manufacture	2-year mand min	Penalties less for minors and for possession