

By: Representative Banks

To: Judiciary A

HOUSE BILL NO. 1352

1 AN ACT TO AMEND SECTION 41-29-142, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR ENHANCED PENALTIES FOR THE SALE OF CONTROLLED
3 SUBSTANCES WITHIN 600 FEET OF A SCHOOL BUS STOP; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 41-29-142, Mississippi Code of 1972, is
7 amended as follows:

8 41-29-142. (1) Except as provided in subsection (f) of
9 Section 41-29-139 or in subsection (2) of this section, any person
10 who violates or conspires to violate Section 41-29-139(a)(1),
11 Mississippi Code of 1972, by selling, bartering, transferring,
12 manufacturing, distributing, dispensing or possessing with intent
13 to sell, barter, transfer, manufacture, distribute or dispense, a
14 controlled substance, in or on, or within one thousand five
15 hundred (1,500) feet of, a building or outbuilding which is all or
16 part of a public or private elementary, vocational or secondary
17 school, or any church, public park, ballpark, public gymnasium,
18 youth center or movie theater or within one thousand (1,000) feet
19 of, the real property comprising such public or private
20 elementary, vocational or secondary school, or any church, public
21 park, ballpark, public gymnasium, youth center or movie theater or
22 within six hundred (600) feet of a school bus stop shall, upon
23 conviction thereof, be punished by the term of imprisonment or a
24 fine, or both, of that authorized by Section 41-29-139(b) and, in
25 the discretion of the court, may be punished by a term of
26 imprisonment or a fine, or both, of up to twice that authorized by
27 Section 41-29-139(b).

28 (2) Except as otherwise provided in subsection (f) of
29 Section 41-29-139, any person who violates or conspires to violate
30 Section 41-29-139(a)(1), Mississippi Code of 1972, by selling,
31 bartering, transferring, manufacturing, distributing, dispensing
32 or possessing with intent to sell, barter, transfer, manufacture,
33 distribute or dispense, a controlled substance, in or on, or
34 within one thousand five hundred (1,500) feet of, a building or
35 outbuilding which is all or part of a public or private
36 elementary, vocational or secondary school, or any church, public
37 park, ballpark, public gymnasium, youth center or movie theater or
38 within one thousand (1,000) feet of, the real property comprising
39 such public or private elementary, vocational or secondary school,
40 or any church, public park, ballpark, public gymnasium, youth
41 center or movie theater or within six hundred (600) feet of a
42 school bus stop after a prior conviction under subsection (1) of
43 this section has become final, shall, upon conviction thereof, be
44 punished by a term of imprisonment of not less than three (3)
45 years and not more than life, and in the discretion of the court,
46 may be punished by a term of imprisonment of up to three (3) times
47 that authorized by Section 41-29-139(b), for a first offense, or a
48 fine of up to three (3) times that authorized by Section
49 41-29-139(b), for a first offense, or both.

50 SECTION 2. This act shall take effect and be in force from
51 and after its passage.