

By: Senator(s) Furniss

To: Judiciary

## SENATE BILL NO. 2452

1 AN ACT TO AMEND SECTION 41-29-142, MISSISSIPPI CODE OF 1972,  
2 TO CREATE A DRUG-FREE ZONE IN, ON OR AROUND ANY PUBLIC HOUSING  
3 DEVELOPMENT; TO PROVIDE DEFINITIONS; AND FOR RELATED PURPOSES.

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

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

7 41-29-142. (1) Except as provided in subsection (f) of  
8 Section 41-29-139 or in subsection (2) of this section, any person  
9 who violates or conspires to violate Section 41-29-139(a)(1),  
10 Mississippi Code of 1972, by selling, bartering, transferring,  
11 manufacturing, distributing, dispensing or possessing with intent  
12 to sell, barter, transfer, manufacture, distribute or dispense, a  
13 controlled substance, in or on, or within one thousand five  
14 hundred (1,500) feet of, a building or outbuilding which is all or  
15 part of a public or private elementary, vocational or secondary  
16 school, or any church, public park, ballpark, public gymnasium,  
17 public housing development, youth center or movie theater or  
18 within one thousand (1,000) feet of, the real property comprising  
19 such public or private elementary, vocational or secondary school,  
20 or any church, public park, ballpark, public gymnasium, public  
21 housing development, youth center or movie theater shall, upon  
22 conviction thereof, be punished by the term of imprisonment or a  
23 fine, or both, of that authorized by Section 41-29-139(b) and, in  
24 the discretion of the court, may be punished by a term of  
25 imprisonment or a fine, or both, of up to twice that authorized by  
26 Section 41-29-139(b).

27           (2) Except as otherwise provided in subsection (f) of  
28 Section 41-29-139, any person who violates or conspires to violate  
29 Section 41-29-139(a)(1), Mississippi Code of 1972, by selling,  
30 bartering, transferring, manufacturing, distributing, dispensing  
31 or possessing with intent to sell, barter, transfer, manufacture,  
32 distribute or dispense, a controlled substance, in or on, or  
33 within one thousand five hundred (1,500) feet of, a building or  
34 outbuilding which is all or part of a public or private  
35 elementary, vocational or secondary school, or any church, public  
36 park, ballpark, public gymnasium, public housing development,  
37 youth center or movie theater or within one thousand (1,000) feet  
38 of, the real property comprising such public or private  
39 elementary, vocational or secondary school, or any church, public  
40 park, ballpark, public gymnasium, public housing development,  
41 youth center or movie theater after a prior conviction under  
42 subsection (1) of this section has become final, shall, upon  
43 conviction thereof, be punished by a term of imprisonment of not  
44 less than twenty (20) years and not more than life, and in the  
45 discretion of the court, may be punished by a term of imprisonment  
46 of up to three (3) times that authorized by Section 41-29-139(b),  
47 but not less than five (5) years, for a first offense, or a fine  
48 of up to three (3) times that authorized by Section 41-29-139(b),  
49 for a first offense, or both.

50           (3) For the purpose of this section, the term "public  
51 housing development" means any low-income housing project of any  
52 state, county, municipal, or other governmental entity or public  
53 body owned and operated by a public housing authority which has an  
54 on-site manager; it shall not include single-family dispersed  
55 housing or small or large clusters of dispersed housing which have  
56 no on-site manager.

57           SECTION 2. This act shall take effect and be in force from  
58 and after July 1, 1999.