

By: Senator(s) Furniss

To: Judiciary

SENATE BILL NO. 2172

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, 2003.

