

By: Representatives Busby, Bennett

To: Drug Policy

HOUSE BILL NO. 705

1 AN ACT TO AMEND SECTION 41-29-142, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR ENHANCEMENT OF PENALTIES FOR THE SALE OF DRUGS
3 WITHIN 1500 FEET OF A DRUG OR ALCOHOL TREATMENT OR REHABILITATION
4 FACILITY; AND FOR RELATED 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 * * * any facility protected under this section shall,
17 upon conviction thereof, be punished by the term of imprisonment
18 or a fine, or both, of that authorized by Section 41-29-139(b)
19 and, in the discretion of the court, may be punished by a term of



20 imprisonment or a fine, or both, of up to twice that authorized by
21 Section 41-29-139(b).

22 (2) Except as otherwise provided in subsection (f) of
23 Section 41-29-139, any person who violates or conspires to violate
24 Section 41-29-139(a)(1), Mississippi Code of 1972, by selling,
25 bartering, transferring, manufacturing, distributing, dispensing
26 or possessing with intent to sell, barter, transfer, manufacture,
27 distribute or dispense, a controlled substance, in or on, or
28 within one thousand five hundred (1,500) feet of, a building or
29 outbuilding which is all or part of * * * any facility protected
30 under this section or within one thousand (1,000) feet of, the
31 real property comprising * * * a facility protected under this
32 section after a prior conviction under subsection (1) of this
33 section has become final, shall, upon conviction thereof, be
34 punished by a term of imprisonment of not less than three (3)
35 years and not more than life, and in the discretion of the court,
36 may be punished by a term of imprisonment of up to three (3) times
37 that authorized by Section 41-29-139(b), for a first offense, or a
38 fine of up to three (3) times that authorized by Section
39 41-29-139(b), for a first offense, or both.

40 (3) For the purposes of this section, the term "facility
41 protected under this section" means a public or private
42 elementary, vocational or secondary school, or any church, public
43 park, ballpark, public gymnasium, drug or alcohol treatment or
44 rehabilitation facility, youth center or movie theater.



45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2016.

