



Bill Summary: Drug-free School Zone Reform SB 2734, Sen. Bell

Bill Purpose: SB 2734 would reform the state’s drug-free school zone law, which is one of the harshest in the nation.

FAMM’s Position on the Bill: Support

Bill Status: *This bill is not a law yet.* To become law, this bill must go through the committee process, pass through both the Senate and House, and be signed by the governor.

Who the bill would apply to: If passed, the bill would apply to people sentenced after the date the governor signs the bill into law – **the bill would not be retroactive.**

What the bill would do: Under current Tennessee law, any drug trafficking offense that occurs on school grounds or within 1,000 feet of “the real property that comprises a public or private elementary school, middle school, secondary school, preschool, child care agency, or public library, recreational center or park” requires a mandatory minimum prison sentence that is one felony classification higher than the minimum sentence that would otherwise be required for the same offense. The effect of this enhancement is that drug offenses committed in school zones are punished far more harshly – even if the sale occurred between adults, after school hours, or in a place where no children were present.

SB 2734 would remedy Tennessee’s arbitrary and unfair drug-free school zone law by:

- Reducing the size of drug-free school zones from 1,000 feet to 500 feet of or within the area between the relevant property and a highway, whichever is less;
- Granting courts the discretion to waive the school zone sentence enhancement if the drug offense happened:
 - 1) in a private residence,
 - 2) in a vehicle stopped by the police within the school zone, or
 - 3) within the school zone but during a time when children aren’t present;
- Eliminating the requirement that a person sentenced for a school-zone violation must serve their entire minimum sentence before being eligible for parole;
- Eliminating the requirement that people who violate the school-zone law must also be sentenced to pay a fine; and
- Changing the sentencing for delivery, dispensing or sale to a minor: Under current law, those who deliver, dispense or sell drug to a minor receive an enhanced sentence one-felony *classification* higher. SB 2734 would change the enhancement to one sentencing *range* higher. This means that sales to minors would still be sentenced more harshly – just not as harshly as current law requires, in many cases.