



The Honorable Cameron Sexton
Speaker of the Tennessee House of Representatives
425 5th Avenue North
Suite 600 Cordell Hull Bldg.
Nashville, Tennessee 37243

Dear Speaker Sexton:

We, the undersigned, which includes bipartisan, non-partisan, conservative, and faith-based organizations, write in support of the reforms set forth in HB 2517 and SB 2734, sponsored by Judiciary Chairmen Michael Curcio and Mike Bell respectively. Reforming Tennessee’s current drug-free school zone policy promotes good government and fiscal responsibility.

In 1995, Tennessee enacted the Drug-Free School Zone Act—contained within § 39-17-432—for the stated “purpose of providing vulnerable persons in this state an environment in which they can learn, play and enjoy themselves without the distractions and dangers that are incident to the occurrence of illegal drug activities.”

Without question, creating drug-free environments for children is necessary and must always be a priority. Public safety demands it. However, the considerable size of Tennessee’s 1,000-foot zones function as an expansive web, capturing individuals whose acts—though still criminal in nature—fall outside the scope of the legislature’s intended purpose. In other words, these zones are so large that they often encapsulate residential dwellings, commercial and retail facilities, parking garages, vehicles, etc. As a consequence, most of Nashville, Memphis, Knoxville, and other cities is a drug-free school zone. Make no mistake, the scope of the zone also impacts rural counties; Sullivan, Maury, and Clay are three prime examples.

Further, the breadth of the drug-free school zone can result in draconian sentences that cost Tennessee taxpayers a lot of money while returning no additional public-safety benefit. For example, a person convicted of selling a half-ounce of marijuana in their residence to another adult—in July at midnight, with no children present—can be prosecuted under the drug-free school zone law if their residence is situated 990 feet from a park. Thus, this person is convicted of a Class D felony—rather than a Class E—and must serve a mandatory two years in prison without parole eligibility. Due to the mandatory minimum sentencing requirement under this law, the prosecutor enjoys the discretion to consider the underlying facts and determine whether to pursue the drug-free school zone enhancement, and the judge has no such discretion in sentencing if the enhancement is charged and the defendant is convicted.

[HB 2517 and SB 2734](#) will narrowly tailor the zone to 500 feet and insert judicial discretion into the equation. These reforms ensure that the application of the enhancement is aligned with the legislature’s intended purpose. These good government reforms are the product of stakeholder insight, including the Tennessee District Attorneys General Conference, the Tennessee Sheriffs’ Association, and the Tennessee Association of Chiefs of Police, who have communicated to the bill sponsors that they are unopposed to the bill

Finally, reducing the drug-free school zone from 1,000 feet to 500 feet, and inserting judicial discretion into the process, also makes fiscal sense, which is of particular importance during COVID-19-related budget shortfalls. The General Assembly’s Fiscal Review Committee estimates that this bill alone will save the state millions of dollars for reduced incarceration alone.

Similar reforms have passed in a number of states in recent years that have also seen reductions in crime and incarceration simultaneously. These bills have received overwhelming support in both the House and Senate

Judiciary Committees, and recently received a unanimous vote in the Senate Judiciary Committee. We, the undersigned, trust that both the House and Senate will carefully consider these reforms as policies supportive of good government, public safety, and which ensure optimal stewardship of precious Tennessee tax dollars.

CC: Members of the Tennessee Senate

