



Tennessee's 2020 Drug-free School Zone Reform SB 2734

What the new law does: SB 2734 was passed by the Tennessee General Assembly on June 17, 2020, and went into effect on September 1, 2020. The new law reforms Tennessee's drug-free school zone law, which was one of the harshest in the nation. FAMM supported SB 2734 and began working for this reform in 2018.

Who the new law applies to: The new law applies to people who committed drug-free zone offenses **on or after** September 1, 2020, the date the new law went into effect. **The new law is not retroactive and does not reduce the sentences of people who committed their offenses before September 1, 2020.**

However, people who committed a drug-free zone offense before September 1, 2020, may file a clemency request with the Tennessee Department of Correction using this form: <https://www.tn.gov/correction/drug-free-school-zone-convictions.html> Only the governor can grant clemency, and clemency is not a guarantee.

The reforms in the new law: Under old Tennessee law, any drug trafficking offense that occurred on school grounds or within 1,000 feet of “the real property that comprises a public or private elementary school, middle school, [or] secondary school” required a mandatory minimum prison sentence that was one felony classification higher than the minimum sentence that would otherwise be required for the same offense – and 100 percent of that minimum sentence was required to be served. The effect of this enhancement was that drug offenses committed in school zones were punished far more harshly – even if the sale occurred at a person's home, between adults, after school hours, or in a place where no children were present. Tennessee's 1,000-foot zones were so big that they covered entire towns and cities, so most people did not even know when they were inside a zone.

SB 2734 reforms 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 federal highway, whichever is less.
- **Making the sentencing enhancement optional for courts and creating a presumption that the enhanced sentence does NOT apply.** To impose the mandatory minimum sentence, the court must find that the drug offense “exposed vulnerable persons to the distractions and dangers that are incident to the occurrence of illegal drug activity.”
- **Allowing people sentenced for a drug-free zone offense to receive earned time,** and be eligible for parole, unless the court imposes the mandatory minimum sentence.
- **Eliminating the requirement of fines for people who violate the school-zone law.**
- **Changing the sentencing for distributing to a minor while in a school-zone:** Distributing drugs to minors and distributing drugs while in a school zone are separate charges that each have their own sentence enhancements. Under old law, sentences for



people who distribute drugs to minors while in a school zone could only be enhanced for one of those offenses, not both. SB 2734 allows prosecutors to seek a sentence enhancement for either or both offenses – but courts would still have discretion to apply the enhanced sentences.