

REFERENCE TITLE: cannabis possession; school zones; definition

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2664

Introduced by
Representative Biasiucci

AN ACT

AMENDING SECTION 13-3411, ARIZONA REVISED STATUTES; RELATING TO DRUG
OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3411, Arizona Revised Statutes, is amended to
3 read:

4 13-3411. Possession, use, sale or transfer of marijuana,
5 peyote, prescription drugs, dangerous drugs or
6 narcotic drugs or manufacture of dangerous drugs
7 in a drug free school zone; classification;
8 definitions

9 A. It is unlawful for a person to do any of the following:

10 1. Intentionally be present in a drug free school zone to sell or
11 transfer marijuana, CANNABIS, peyote, prescription-only drugs, dangerous
12 drugs or narcotic drugs, BY ANY FORM OR MEDIUM.

13 2. Possess or use marijuana, CANNABIS, peyote, dangerous drugs or
14 narcotic drugs ~~in~~, BY ANY FORM OR MEDIUM, WITHIN a drug free school zone.

15 3. Manufacture dangerous drugs in a drug free school zone.

16 B. IN ACCORDANCE WITH SECTION 36-2851, PARAGRAPH 9, AND
17 NOTWITHSTANDING SECTION 36-2853, a person who violates subsection A of
18 this section is guilty of the same class of felony AS APPLICABLE TO THE
19 CORRESPONDING OFFENSES UNDER SECTIONS 13-701 AND 13-702 AND CHAPTER 34 OF
20 THIS TITLE ~~that the person would otherwise be guilty of had the violation~~
21 ~~not occurred within a drug free school zone~~, except that the presumptive,
22 minimum and maximum sentence shall be increased by one year. The
23 additional sentence imposed under this subsection is in addition to any
24 enhanced punishment that may be applicable under section 13-703, section
25 13-704, section 13-708, subsection D or any provision in this chapter. A
26 person is not eligible for suspension of sentence, probation, pardon or
27 release from confinement on any basis except pursuant to section 31-233,
28 subsection A or B until the sentence imposed by the court has been served
29 or commuted.

30 C. In addition to any other penalty prescribed by this title, the
31 court shall order a person who is convicted of a violation of this section
32 to pay a fine of not less than ~~two thousand dollars~~ \$2,000 or three times
33 the value as determined by the court of the drugs involved in or giving
34 rise to the charge, whichever is greater, and not more than the maximum
35 authorized by chapter 8 of this title. A judge shall not suspend any part
36 or all of the imposition of any fine required by this subsection.

37 D. Each school district's governing board or its designee, or the
38 chief administrative officer in the case of a nonpublic school, shall
39 place and maintain permanently affixed signs located in a visible manner
40 at the main entrance of each school that identifies the school and its
41 accompanying grounds as a drug free school zone.

42 E. The drug free school zone map prepared pursuant to title 15
43 shall constitute an official record as to the location and boundaries of
44 each drug free school zone. The school district's governing board or its
45 designee, or the chief administrative officer in the case of any nonpublic

1 school, shall promptly notify the county attorney of any changes in the
2 location and boundaries of any school property and shall file with the
3 county recorder the original map prepared pursuant to title 15.

4 F. All school personnel who observe a violation of this section
5 shall immediately report the violation to a school administrator. The
6 administrator shall immediately report the violation to a peace
7 officer. It is unlawful for any school personnel or school administrator
8 to fail to report a violation as prescribed in this section.

9 G. School personnel having custody or control of school records of
10 a student involved in an alleged violation of this section shall make the
11 records available to a peace officer ~~upon~~ ON written request signed by a
12 magistrate. Records disclosed pursuant to this subsection are
13 confidential and may be used only in a judicial or administrative
14 proceeding. A person furnishing records required under this subsection or
15 a person participating in a judicial or administrative proceeding or
16 investigation resulting from the furnishing of records required under this
17 subsection is immune from civil or criminal liability by reason of such
18 action unless the person acted with malice.

19 H. A person who violates subsection F of this section is guilty of
20 a class 3 misdemeanor.

21 I. For the purposes of this section:

22 1. "CANNABIS" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3401.

23 ~~1.~~ 2. "Drug free school zone" means the area within three hundred
24 feet of a school or its accompanying grounds, any public property within
25 one thousand feet of a school or its accompanying grounds, a school bus
26 stop or on any school bus or bus contracted to transport pupils to any
27 school.

28 3. "MARIJUANA" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3401.

29 4. "PERSON" MEANS ANY INDIVIDUAL REGARDLESS OF AGE OR ATTENDANCE AT
30 A SCHOOL.

31 ~~2.~~ 5. "School" means any public or nonpublic kindergarten program,
32 common school or high school.