



Drug-Free Zones

A Presentation to Senate Appropriations Subcommittee on
Criminal and Civil Justice

Claire K. Mazur

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Drug-Free Zone Description



- Drug-free zones were implemented with the intention of reducing drug activity and drug-related crimes within zone boundaries; zones aim to improve public safety, reduce nuisance, and improve quality of life
- Nationwide, zones were often designated in places where children were expected to be such as schools and public parks
- People committing drug offenses within drug-free zones face enhanced penalties

Florida's Drug-Free Zone



Zone Types

Within 1,000 feet of a

- Child care facility
- Public or private elementary, middle, or secondary school
- Park, community center, or recreational facility
- Public or private college or university
- Physical place of worship
- Convenience business
- Public housing facility
- Assisted living facility

Florida's Drug-Free Zone (continued)



Offense and Sentencing

s. 893.13, *Florida Statutes*

- Offense: Sale; manufacture; delivery; or possession with intent to sell, manufacture, or deliver a controlled substance
- Penalty: Dependent on scheduling of controlled substance; enhanced by one degree when offense committed in zone
- Mandatory Minimum: Offenses that occur in some zones (school, park, community center, or recreational facility) are subject to a 3-year mandatory prison term

Florida's Drug-Free Zone (continued)



Limitations

- Child Care Facility: Law does not apply to crimes committed within 1,000 feet of a child care facility unless the operator conspicuously posts a sign identifying the facility
- Schools: Law only applies to crimes committed within 1,000 feet of a school between the hours of 6:00 a.m. and midnight

Drug-Free Zone Offense Data

Of 96,790 inmates in prison as of October 31, 2017

2,315 inmates (2.4%)

Are serving a sentence for a drug-free zone offense

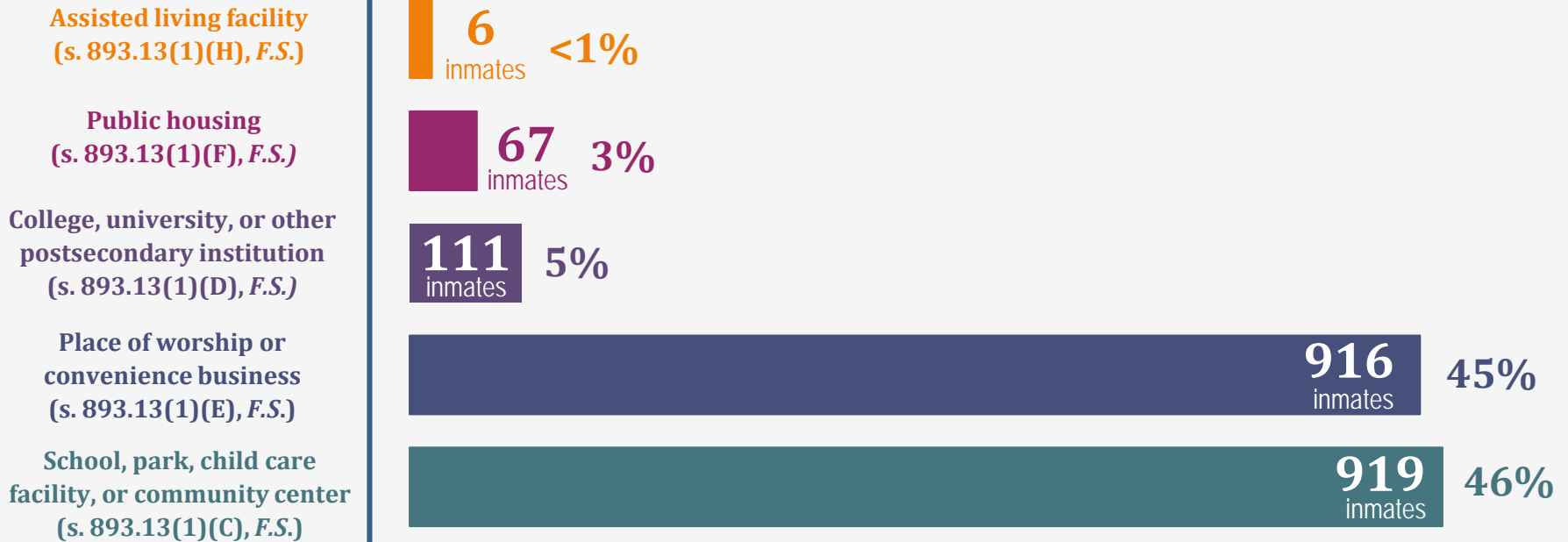
2,019 inmates

Had a drug-free zone crime as their primary
(highest) offense of conviction

868 inmates

Primary offense that would
qualify for a 3-year
mandatory sentence

Inmates With Primary Offense of a Drug-Free Zone Violation

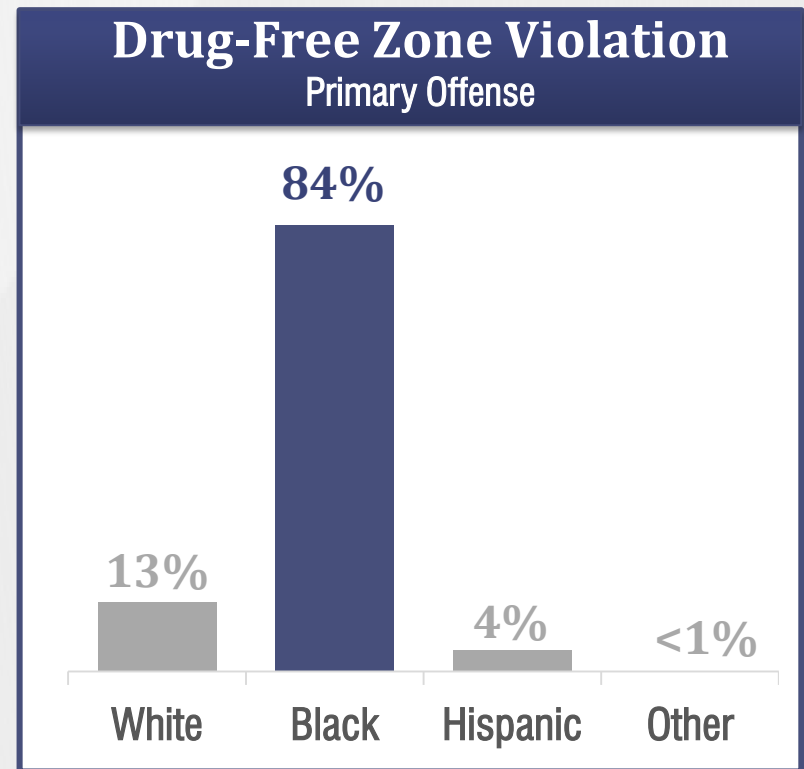
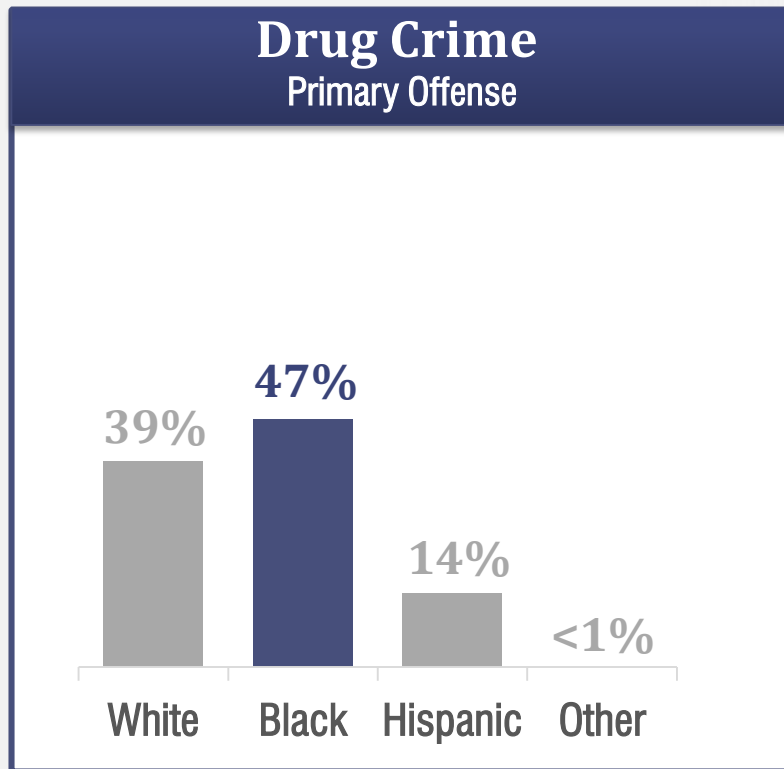


N=2,019 inmates in state prison as of October 31, 2017, with a primary offense of a drug-free zone violation

Source: OPPAGA analysis of Department of Corrections data.

Demographics of Inmates With Primary Offense of a Drug-Free Zone Violation

Slightly less than one-half of drug offenders in Florida prisons are black, **however they represent a higher proportion of inmates with drug-free zone violations**



Options to Modify Drug-Free Zone Law

Decrease number and type of drug-free zones

- Kansas, Maryland, and New Mexico limit drug-free zones to schools
- Indiana eliminated zones around public housing complexes and youth program centers

Reduce size of drug-free zones

- Indiana, Massachusetts, Minnesota, and Utah have zone sizes of less than 1,000 feet (with zones of 100, 300, and 500 feet)

Options to Modify Drug-Free Zone Law (continued)

Exclude possession with intent to sell

- New York, Oregon, and Rhode Island only punish sales or manufacturing and distribution within the zone

Limit application of the zone

- Arizona, Colorado, New York, and Virginia restrict the state's drug-free zones to areas that are accessible to the public; in Georgia and New Jersey it is an affirmative defense if the certain conduct took place entirely within a private residence
- In Indiana it is an affirmative defense and in South Carolina the person cannot be convicted, if the defendant is only present in the zone because law enforcement stopped the defendant there

Options to Modify Drug-Free Zone Law (continued)

Require defendant to be a minimum age

- California, Iowa, Nebraska, and West Virginia require the defendant to be at least 18 years of age; Nebraska also requires that the defendant be selling drugs to a person under 18 years of age

Require hours during which the zone applies

- California, Massachusetts, and Nevada impose some form of time restrictions on their drug-free zones so that they apply when children can reasonably be expected to be present; Florida currently has time restrictions that apply only to school drug-free zones

Questions?

THE FLORIDA LEGISLATURE'S
OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations.

Contact Information

Claire K. Mazur

(850) 717-0575

mazur.claire@oppaga.fl.gov

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