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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH  
SESSION

HOUSE FILE No. **1213**

February 22, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act  
1.2 relating to public safety; expanding drug free and prostitution free zones;  
1.3 appropriating money for pilot projects in Minneapolis and St. Paul; amending  
1.4 Minnesota Statutes 2006, sections 152.01, by adding subdivisions; 152.021,  
1.5 subdivision 1; 152.022, subdivision 1; 152.023, subdivision 2; 152.024,  
1.6 subdivision 1; 609.3242.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2006, section 152.01, is amended by adding a  
1.9 subdivision to read:

1.10 Subd. 23. **Child care center zone.** "Child care center zone" has the meaning given  
1.11 in Minnesota Rules, part 9503.0005, subpart 5, and includes the area within 300 feet of the  
1.12 center's property, or one city block, whichever distance is greater.

1.13 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
1.14 committed on or after that date.

1.15 Sec. 2. Minnesota Statutes 2006, section 152.01, is amended by adding a subdivision  
1.16 to read:

1.17 Subd. 24. **Crisis nursery zone.** "Crisis nursery zone" means a center that offers  
1.18 temporary care for children who are abused or neglected, and those children at high risk  
1.19 of abuse or neglect, and includes the area within 300 feet of the center's property, or one  
1.20 city block, whichever distance is greater.

1.21 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
1.22 committed on or after that date.

2.1 Sec. 3. Minnesota Statutes 2006, section 152.01, is amended by adding a subdivision  
2.2 to read:

2.3 Subd. 25. **Public transit stop zone.** "Public transit stop zone" means a designated  
2.4 area where passengers board or disembark public transit services as defined in section  
2.5 174.22, subdivision 7, and includes the area within 300 feet of the stop, or one city block,  
2.6 whichever distance is greater.

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
2.8 committed on or after that date.

2.9 Sec. 4. Minnesota Statutes 2006, section 152.021, subdivision 1, is amended to read:

2.10 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in  
2.11 the first degree if:

2.12 (1) on one or more occasions within a 90-day period the person unlawfully sells one  
2.13 or more mixtures of a total weight of ten grams or more containing cocaine, heroin, or  
2.14 methamphetamine;

2.15 (2) on one or more occasions within a 90-day period the person unlawfully sells one  
2.16 or more mixtures of a total weight of 50 grams or more containing a narcotic drug other  
2.17 than cocaine, heroin, or methamphetamine;

2.18 (3) on one or more occasions within a 90-day period the person unlawfully sells  
2.19 one or more mixtures of a total weight of 50 grams or more containing amphetamine,  
2.20 phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units,  
2.21 equaling 200 or more dosage units; or

2.22 (4) on one or more occasions within a 90-day period the person unlawfully sells  
2.23 one or more mixtures of a total weight of 50 kilograms or more containing marijuana or  
2.24 Tetrahydrocannabinols, or one or more mixtures of a total weight of 25 kilograms or more  
2.25 containing marijuana or Tetrahydrocannabinols in a school zone, a park zone, a public  
2.26 housing zone, a child care center zone, a crisis nursery zone, a public transit stop zone, or  
2.27 a drug treatment facility.

2.28 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
2.29 committed on or after that date.

2.30 Sec. 5. Minnesota Statutes 2006, section 152.022, subdivision 1, is amended to read:

2.31 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime  
2.32 in the second degree if:

3.1 (1) on one or more occasions within a 90-day period the person unlawfully sells one  
 3.2 or more mixtures of a total weight of three grams or more containing cocaine, heroin, or  
 3.3 methamphetamine;

3.4 (2) on one or more occasions within a 90-day period the person unlawfully sells one  
 3.5 or more mixtures of a total weight of ten grams or more containing a narcotic drug other  
 3.6 than cocaine, heroin, or methamphetamine;

3.7 (3) on one or more occasions within a 90-day period the person unlawfully sells  
 3.8 one or more mixtures of a total weight of ten grams or more containing amphetamine,  
 3.9 phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units,  
 3.10 equaling 50 or more dosage units;

3.11 (4) on one or more occasions within a 90-day period the person unlawfully sells  
 3.12 one or more mixtures of a total weight of 25 kilograms or more containing marijuana or  
 3.13 Tetrahydrocannabinols;

3.14 (5) the person unlawfully sells any amount of a schedule I or II narcotic drug to a  
 3.15 person under the age of 18, or conspires with or employs a person under the age of 18 to  
 3.16 unlawfully sell the substance; or

3.17 (6) the person unlawfully sells any of the following in a school zone, a park zone, a  
 3.18 public housing zone, a child care center zone, a crisis nursery zone, a public transit stop  
 3.19 zone, or a drug treatment facility:

3.20 (i) any amount of a schedule I or II narcotic drug, lysergic acid diethylamide (LSD),  
 3.21 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

3.22 (ii) one or more mixtures containing methamphetamine or amphetamine; or

3.23 (iii) one or more mixtures of a total weight of five kilograms or more containing  
 3.24 marijuana or Tetrahydrocannabinols.

3.25 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
 3.26 committed on or after that date.

3.27 Sec. 6. Minnesota Statutes 2006, section 152.023, subdivision 2, is amended to read:

3.28 Subd. 2. **Possession crimes.** A person is guilty of controlled substance crime in  
 3.29 the third degree if:

3.30 (1) on one or more occasions within a 90-day period the person unlawfully possesses  
 3.31 one or more mixtures of a total weight of three grams or more containing cocaine, heroin,  
 3.32 or methamphetamine;

3.33 (2) on one or more occasions within a 90-day period the person unlawfully possesses  
 3.34 one or more mixtures of a total weight of ten grams or more containing a narcotic drug  
 3.35 other than cocaine, heroin, or methamphetamine;

4.1 (3) on one or more occasions within a 90-day period the person unlawfully possesses  
4.2 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and  
4.3 equals 50 or more dosage units;

4.4 (4) on one or more occasions within a 90-day period the person unlawfully  
4.5 possesses any amount of a schedule I or II narcotic drug or five or more dosage  
4.6 units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or  
4.7 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing  
4.8 zone, a child care center zone, a crisis nursery zone, a public transit stop zone, or a drug  
4.9 treatment facility;

4.10 (5) on one or more occasions within a 90-day period the person unlawfully possesses  
4.11 one or more mixtures of a total weight of ten kilograms or more containing marijuana or  
4.12 Tetrahydrocannabinols; or

4.13 (6) the person unlawfully possesses one or more mixtures containing  
4.14 methamphetamine or amphetamine in a school zone, a park zone, a public housing  
4.15 zone, a child care center zone, a crisis nursery zone, a public transit stop zone, or a drug  
4.16 treatment facility.

4.17 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
4.18 committed on or after that date.

4.19 Sec. 7. Minnesota Statutes 2006, section 152.024, subdivision 1, is amended to read:

4.20 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in  
4.21 the fourth degree if:

4.22 (1) the person unlawfully sells one or more mixtures containing a controlled  
4.23 substance classified in schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

4.24 (2) the person unlawfully sells one or more mixtures containing a controlled  
4.25 substance classified in schedule IV or V to a person under the age of 18;

4.26 (3) the person conspires with or employs a person under the age of 18 to unlawfully  
4.27 sell a controlled substance classified in schedule IV or V; or

4.28 (4) the person unlawfully sells any amount of marijuana or Tetrahydrocannabinols  
4.29 in a school zone, a park zone, a public housing zone, a child care center zone, a crisis  
4.30 nursery zone, a public transit stop zone, or a drug treatment facility, except a small amount  
4.31 for no remuneration.

4.32 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
4.33 committed on or after that date.

5.1 Sec. 8. Minnesota Statutes 2006, section 609.3242, is amended to read:

5.2 **609.3242 PROSTITUTION CRIMES COMMITTED IN SCHOOL ~~OR~~, PARK,**  
5.3 **CHILD CARE CENTER, OR BUS ZONES; INCREASED PENALTIES.**

5.4 Subdivision 1. **Definitions.** As used in this section:

5.5 (1) "park zone" has the meaning given in section 152.01, subdivision 12a; ~~and~~

5.6 (2) "school zone" has the meaning given in section 152.01, subdivision 14a, and  
5.7 also includes school bus stops established by a school board under section 123B.88, while  
5.8 school children are waiting for the bus;

5.9 (3) "child care center zone" has the meaning given in section 152.01, subdivision 23;

5.10 (4) "crisis nursery zone" has the meaning given in section 152.01, subdivision 24; and

5.11 (5) "public transit stop zone" has the meaning given in section 152.01, subdivision  
5.12 25.

5.13 Subd. 2. **Increased penalties.** Any person who commits a violation of section  
5.14 609.324 while acting other than as a prostitute while in a school ~~or~~ zone, park zone,  
5.15 child care center zone, crisis nursery zone, or public transit stop zone may be sentenced  
5.16 as follows:

5.17 (1) if the crime committed is a felony, the statutory maximum for the crime is three  
5.18 years longer than the statutory maximum for the underlying crime;

5.19 (2) if the crime committed is a gross misdemeanor, the person is guilty of a felony  
5.20 and may be sentenced to imprisonment for not more than two years or to payment of a  
5.21 fine of not more than \$4,000, or both; and

5.22 (3) if the crime committed is a misdemeanor, the person is guilty of a gross  
5.23 misdemeanor.

5.24 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
5.25 committed on or after that date.

5.26 Sec. 9. **MINNEAPOLIS AND ST. PAUL DRUG FREE AND PROSTITUTION**  
5.27 **FREE ZONES; PILOT PROJECT.**

5.28 (a) \$..... in fiscal year 2008 and \$..... in fiscal year 2009 are appropriated from  
5.29 the general fund to the commissioner of public safety to disburse grants to the cities of  
5.30 Minneapolis and St. Paul for drug free and prostitution free zone pilot projects. Sixty  
5.31 percent of the grant shall be distributed to the city of Minneapolis and 40 percent of the  
5.32 grant shall be distributed to the city of St. Paul. The cities shall identify geographic areas  
5.33 with the highest crime rates for controlled substance crimes and prostitution crimes and  
5.34 designate some or all of those areas for the pilot project.

- 6.1 (b) The grant money shall be used by the cities to:
- 6.2 (1) purchase special purpose signs that indicate that the designated area is a drug free
- 6.3 and prostitution free zone as defined in sections 152.01 to 152.024 and section 609.3242;
- 6.4 (2) increase law enforcement in the designated areas;
- 6.5 (3) collect data on the number of arrests and convictions for controlled substance
- 6.6 crimes and prostitution crimes in the designated areas immediately before and during
- 6.7 the pilot project; and
- 6.8 (4) analyze the effectiveness of the pilot project.
- 6.9 (c) By February 1, 2010, the cities shall report to the chairs and ranking minority
- 6.10 members of the senate and house of representatives committees having jurisdiction over
- 6.11 criminal justice funding and policy on the results of the pilot projects in their respective
- 6.12 areas.