



General Assembly

February Session, 2006

**Raised Bill No. 5780**

LCO No. 2933

\*02933 \_\_\_\_\_ JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING SAFE SCHOOLS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-267 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) No person shall use or possess with intent to use drug  
4 paraphernalia, as defined in subdivision (20) of section 21a-240, to  
5 plant, propagate, cultivate, grow, harvest, manufacture, compound,  
6 convert, produce, process, prepare, test, analyze, pack, repack, store,  
7 contain or conceal, or to inject, ingest, inhale or otherwise introduce  
8 into the human body, any controlled substance as defined in  
9 subdivision (9) of section 21a-240. Any person who violates any  
10 provision of this subsection shall be guilty of a class C misdemeanor.

11 (b) No person shall deliver, possess with intent to deliver or  
12 manufacture with intent to deliver drug paraphernalia knowing, or  
13 under circumstances where one reasonably should know, that it will  
14 be used to plant, propagate, cultivate, grow, harvest, manufacture,  
15 compound, convert, produce, process, prepare, test, analyze, pack,  
16 repack, store, contain or conceal, or to inject, ingest, inhale or otherwise

17 introduce into the human body, any controlled substance. Any person  
18 who violates any provision of this subsection shall be guilty of a class  
19 A misdemeanor.

20 (c) Any person who violates subsection (a) or (b) of this section in or  
21 on, or within [one thousand five hundred feet] two hundred feet of the  
22 perimeter of, the real property comprising a public or private  
23 elementary or secondary school and who is not enrolled as a student in  
24 such school shall be imprisoned for a term of one year which shall not  
25 be suspended and shall be in addition and consecutive to any term of  
26 imprisonment imposed for violation of subsection (a) or (b) of this  
27 section.

28 Sec. 2. Section 21a-278a of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective October 1, 2006*):

30 (a) Any person eighteen years of age or older who violates section  
31 21a-277 or 21a-278, as amended, and who is not, at the time of such  
32 action, a drug-dependent person, by distributing, selling, prescribing,  
33 dispensing, offering, giving or administering any controlled substance  
34 to another person who is under eighteen years of age and is at least  
35 two years younger than such person who is in violation of section 21a-  
36 277 or 21a-278, as amended, shall be imprisoned for a term of two  
37 years, which shall not be suspended and shall be in addition and  
38 consecutive to any term of imprisonment imposed for violation of  
39 section 21a-277 or 21a-278, as amended.

40 (b) Any person who violates section 21a-277 or 21a-278, as  
41 amended, by manufacturing, distributing, selling, prescribing,  
42 dispensing, compounding, transporting with the intent to sell or  
43 dispense, possessing with the intent to sell or dispense, offering, giving  
44 or administering to another person any controlled substance in or on,  
45 or within [one thousand five hundred feet] two hundred feet of the  
46 perimeter of, the real property comprising a public or private  
47 elementary or secondary school, a public housing project or a licensed

48 child day care center, as defined in section 19a-77, as amended, that is  
49 identified as a child day care center by a sign posted in a conspicuous  
50 place shall be imprisoned for a term of three years, which shall not be  
51 suspended and shall be in addition and consecutive to any term of  
52 imprisonment imposed for violation of section 21a-277 or 21a-278, as  
53 amended. To constitute a violation of this subsection, an act of  
54 transporting or possessing a controlled substance shall be with intent  
55 to sell or dispense in or on, or within [one thousand five hundred feet]  
56 two hundred feet of the perimeter of, the real property comprising a  
57 public or private elementary or secondary school, a public housing  
58 project or a licensed child day care center, as defined in section 19a-77,  
59 as amended, that is identified as a child day care center by a sign  
60 posted in a conspicuous place. For the purposes of this subsection,  
61 "public housing project" means dwelling accommodations operated as  
62 a state or federally subsidized multifamily housing project by a  
63 housing authority, nonprofit corporation or municipal developer, as  
64 defined in section 8-39, pursuant to chapter 128 or by the Connecticut  
65 Housing Authority pursuant to chapter 129.

66 (c) Any person who employs, hires, uses, persuades, induces,  
67 entices or coerces a person under eighteen years of age to violate  
68 section 21a-277 or 21a-278, as amended, shall be imprisoned for a term  
69 of three years, which shall not be suspended and shall be in addition  
70 and consecutive to any term of imprisonment imposed for violation of  
71 section 21a-277 or 21a-278, as amended.

72 Sec. 3. Section 21a-279 of the general statutes is repealed and the  
73 following is substituted in lieu thereof (*Effective October 1, 2006*):

74 (a) Any person who possesses or has under his control any quantity  
75 of any narcotic substance, except as authorized in this chapter, for a  
76 first offense, may be imprisoned not more than seven years or be fined  
77 not more than fifty thousand dollars, or be both fined and imprisoned;  
78 and for a second offense, may be imprisoned not more than fifteen  
79 years or be fined not more than one hundred thousand dollars, or be

80 both fined and imprisoned; and for any subsequent offense, may be  
81 imprisoned not more than twenty-five years or be fined not more than  
82 two hundred fifty thousand dollars, or be both fined and imprisoned.

83 (b) Any person who possesses or has under his control any quantity  
84 of a hallucinogenic substance other than marijuana or four ounces or  
85 more of a cannabis-type substance, except as authorized in this  
86 chapter, for a first offense, may be imprisoned not more than five years  
87 or be fined not more than two thousand dollars or be both fined and  
88 imprisoned, and for a subsequent offense may be imprisoned not more  
89 than ten years or be fined not more than five thousand dollars or be  
90 both fined and imprisoned.

91 (c) Any person who possesses or has under his control any quantity  
92 of any controlled substance other than a narcotic substance, or a  
93 hallucinogenic substance other than marijuana or who possesses or has  
94 under his control less than four ounces of a cannabis-type substance,  
95 except as authorized in this chapter, for a first offense, may be fined  
96 not more than one thousand dollars or be imprisoned not more than  
97 one year, or be both fined and imprisoned; and for a subsequent  
98 offense, may be fined not more than three thousand dollars or be  
99 imprisoned not more than five years, or be both fined and imprisoned.

100 (d) Any person who violates subsection (a), (b) or (c) of this section  
101 in or on, or within [one thousand five hundred feet] two hundred feet  
102 of the perimeter of, the real property comprising a public or private  
103 elementary or secondary school and who is not enrolled as a student in  
104 such school or a licensed child day care center, as defined in section  
105 19a-77, as amended, that is identified as a child day care center by a  
106 sign posted in a conspicuous place shall be imprisoned for a term of  
107 two years, which shall not be suspended and shall be in addition and  
108 consecutive to any term of imprisonment imposed for violation of  
109 subsection (a), (b) or (c) of this section.

110 (e) As an alternative to the sentences specified in subsections (a) and

111 (b) and specified for a subsequent offense under subsection (c) of this  
112 section, the court may sentence the person to the custody of the  
113 Commissioner of Correction for an indeterminate term not to exceed  
114 three years or the maximum term specified for the offense, whichever  
115 is the lesser, and at any time within such indeterminate term and  
116 without regard to any other provision of law regarding minimum term  
117 of confinement, the Commissioner of Correction may release the  
118 convicted person so sentenced subject to such conditions as he may  
119 impose including, but not limited to, supervision by suitable authority.  
120 At any time during such indeterminate term, the Commissioner of  
121 Correction may revoke any such conditional release in his discretion  
122 for violation of the conditions imposed and return the convicted  
123 person to a correctional institution.

124 (f) To the extent that it is possible, medical treatment rather than  
125 criminal sanctions shall be afforded individuals who breathe, inhale,  
126 sniff or drink the volatile substances defined in subdivision (49) of  
127 section 21a-240.

128 Sec. 4. (NEW) (*Effective October 1, 2006*) A municipality shall post on  
129 each traffic sign that indicates the presence of a public or private  
130 elementary or secondary school a sign stating that the area is a drug-  
131 free zone and that the sale or possession of drugs or drug  
132 paraphernalia within two hundred feet of the school grounds carries a  
133 mandatory prison sentence.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	21a-267
Sec. 2	<i>October 1, 2006</i>	21a-278a
Sec. 3	<i>October 1, 2006</i>	21a-279
Sec. 4	<i>October 1, 2006</i>	New section

**Statement of Purpose:**

To revise the boundaries of the area near schools, day care centers or public housing projects where the enhanced penalty for the sale or

possession of controlled substances or drug paraphernalia applies, and require the posting of drug-free school zone signs.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*