

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-255.2 of the Code of Virginia, relating to sale of drugs on or near*
3 *certain properties; penalty.*

4 [S 1071]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-255.2 of the Code of Virginia is amended and reenacted as follows:**

8 § 18.2-255.2. Prohibiting the sale of drugs on or near certain properties.

9 A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell,
10 give or distribute any controlled substance, imitation controlled substance or marijuana while (i) upon
11 the property, including buildings and grounds, of any public or private elementary, secondary, or post
12 secondary school, or any public or private two-year or four-year institution of higher education; (ii) upon
13 public property or any property open to public use within 1,000 feet of such school property; (iii) on
14 any school bus as defined in § 46.2-100; (iv) upon a designated school bus stop, or upon either public
15 property or any property open to public use which is within 1,000 feet of such school bus stop, during
16 the time when school children are waiting to be picked up and transported to or are being dropped off
17 from school or a school-sponsored activity; (v) upon the property, including buildings and grounds, of
18 any publicly owned or publicly operated recreation or community center facility or any public library; or
19 (vi) upon the property of any state hospital as defined in § 37.1-1 or upon public property or property
20 open to public use within 1,000 feet of such an institution. *It is a violation of the provisions of this*
21 *section if the person possessed the controlled substance, imitation controlled substance or marijuana on*
22 *the property described in clauses (i) through (vi) above, regardless of where the person intended to sell,*
23 *give or distribute the controlled substance, imitation controlled substance or marijuana.* Nothing in this
24 section shall prohibit the authorized distribution of controlled substances.

25 B. Violation of this section shall constitute a separate and distinct felony. Any person violating the
26 provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor
27 more than five years and fined not more than \$100,000. A second or subsequent conviction hereunder
28 for an offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control
29 Act (§ 54.1-3400 et seq.) or more than one-half ounce of marijuana shall be punished by a minimum,
30 mandatory term of imprisonment of one year which shall not be suspended in whole or in part and shall
31 be served consecutively with any other sentence. However, if such person proves that he sold such
32 controlled substance or marijuana only as an accommodation to another individual and not with intent to
33 profit thereby from any consideration received or expected nor to induce the recipient or intended
34 recipient of the controlled substance or marijuana to use or become addicted to or dependent upon such
35 controlled substance or marijuana, he shall be guilty of a Class 1 misdemeanor.

36 C. If a person commits an act violating the provisions of this section, and the same act also violates
37 another provision of law that provides for penalties greater than those provided for by this section, then
38 nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of
39 law or the imposition of any penalties provided for thereby.

40 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
41 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
42 **be determined for periods of imprisonment in state adult correctional facilities and is \$0 for**
43 **periods of commitment to the custody of the Department of Juvenile Justice.**

ENROLLED

SB1071ER