

**SCOTT BIGGS**  
State Representative  
District 51



**TIMOTHY J. DOWNING**  
State Representative  
District 42

*House of Representatives*  
STATE OF OKLAHOMA

February 20, 2017

**RE: A Drug-Free School Zone Was Stricken From Law and Hidden From the Public**

Dear Superintendents and Educators,

We are contacting you to inform you about the loss of your drug-free school zone and asking for your input. To begin, we will share a message from one of your colleagues about the removal of a drug-free zone from schools, effective this July, as a result of State Question 780.

“State Question 780 deleted drug-free school zones,” said Mike Martin, superintendent of Pauls Valley Schools. “This was intentionally held from voters, and as educators we must support House Bill 1482 to fix this.”

First, it is important to explain the current protection you have, and will lose without the passage of HB1482. The U.S. and all 50 states have laws for drug-free school zones. These laws are critical to deter the presence of drugs on and around your school and students, by increasing the penalty for those offenders. Prior to SQ780, your drug-free school zone enhanced the penalty to a felony for possession of drugs on or within 1,000 feet of your school. The distance is approximately 2.5 small city blocks, a standard safety zone, and typical distance a student may walk or ride a bicycle to school. The drug-free zone law provided a strong deterrent to tell potential offenders if they come near your school or children their punishment can be increased. However, it still allowed discretion for any offense to be reduced to a misdemeanor and the use of drug court or deferred or suspended sentences.

What you may not know, and were prevented from knowing, is that the state question repealed your drug-free school zone for possession of drugs, which means there will no longer be any added deterrent for drugs to be on and near your school and students. Without a drug-free zone, possession is always a misdemeanor. It does not matter the drug (heroin or marijuana), it does not matter how many times they offend (1 or 1,000), and it does not matter the location (a school or a night club), it is always misdemeanor.

Had the schools and public been informed and voted for this we would not be contacting you, and we would honor the will of the public. But you were not informed, and the people did not vote on this. This was not an inadvertent omission. This was deliberately hidden, because proponents of the state question did not want you to know.

Proponents of SQ780 fought a legal battle to strike from the original ballot language the very clear explanation that passage would remove the enhancement when “The person possessed the drug within 1,000 feet of a public or private school or public park.” The argument to the court to remove this

language was that listing the drug-free school zone would “appeal to public emotion and fear.” Accordingly, all that voters read in the ballot box was that passage “changes the classification of certain drug possession crimes,” and there was no mention of schools or children.

Further, even if a voter did their own research to learn about the statutory changes, they would not have seen a single word in the statutes about striking drug-free zones in the 141 page document on the Election Board’s website, because it does not show repealed language. You can review all of this information for yourself at: <https://www.sos.ok.gov/documents/questions/780.pdf>

Simply put, the voters did not vote on the removal of your drug-free zones, and in fact were intentionally prevented from voting on it for fear they would reject it. Accordingly, HB1482 was filed not only to preserve your drug free school zones, but also to preserve the right of the people to vote on such an important issue, if that is truly the desire of SQ780 proponents. They could do that November 2018.

Moreover, this bill is not intended to advocate for or against future changes to a drug-free school zone, it is only a vehicle to require that any change would be done with the knowledge and input of schools and the public. There are very sincere concerns from both sides about drug-free zones, and any member can file a bill in the future if they want to make changes, allowing the public to know and schools and voters to influence that process. This is about preserving that right for the people. HB1482 leaves the totality of SQ780 fully intact in every square inch of Oklahoma, outside the presence of children and locations with children, including your school.

We are asking that you consider the dangers to the children in your care and to your schools if SQ780 is allowed to take full effect without restoring these protections. If you agree or disagree that HB1482 should be enacted, then please contact your representative and senator and let them know. We want to represent our district and our schools and we are seeking your input on this very important issue.

Thank you for your time and attention to this critical matter.

Sincerely,  
State Rep. Scott Biggs  
State Rep. Tim Downing

P.S. The effort to protect your schools and request your input has gained substantial support, including:

- Rep. Leslie Osborn – Chair Appropriations & Budget
- Rep. Mike Sanders – Majority Leader
- Rep. Michael Rogers – Chair Common Education
- Rep. Bobby Cleveland – Chair Public Safety
- Rep. John Bennett – Chair A&B Public Safety
- Rep. Chris Kannady – Assistant Majority Floor Leader, Chair Judiciary - Civil & Environmental
- Rep. John Pfeiffer – Assistant Majority Whip, Chair A&B Natural Resources
- Rep. Dustin Roberts – Assistant Majority Whip, Chair A&B Transportation
- Rep. Mark McBride – Assistant Majority Floor Leader, Vice Chair Energy & Natural Resources
- Rep. David Brumbaugh – Majority Caucus Chair, Vice Chair A&B General Government
- Rep. Kevin McDugle – Vice Chair General Government Oversight & Accountability
- Rep. Kyle Hilbert – Vice Chair A&B Human Services
- Rep. Carol Bush – Vice Chair Health Services & Long-Term Care
- Rep. Dale Derby – Vice Chair A&B Health
- Rep. Rick West – Vice Chair Agriculture & Rural Development
- Rep. Josh West – Vice Chair Veterans & Military Affairs
- Rep. Kevin West – Vice Chair Rules