

# Tougher penalties for drug dealing near shelters clears Utah House, but with concerns

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SALT LAKE CITY — The Utah House of Representatives support a move to toughen penalties for drug dealing near shelters, but some advocates worry that some of the homeless trying to get help may be hurt by the effort.

The bill stems from continued efforts from state leaders to prevent the crime and chaos that surrounded Salt Lake City's downtown homeless shelter before the multimillion-dollar Operation Rio Grande, aimed at stopping drug dealers from taking advantage of the homeless near the three new homeless resource centers now under construction.

"We have spent significant sums of money, upward of \$70 million or more, on Operation Rio Grande, and one of the things we've learned is that certain individuals will prey upon people in the homeless shelter," the bill's sponsor, Rep. Steven Eliason, R-Sandy, told a House committee last week.

"I think we need to send a strong message that drugs are not tolerated in these facilities," Eliason said.

The bill sailed through the House on a 65-1 vote on Friday.

HB317 would add publicly funded homeless shelters — including those with 200 beds or more — to "drug-free" zones currently in place in and on the grounds of schools, churches and libraries to enhance criminal penalties for drug distribution. The bill would increase the penalty from a class B misdemeanor to a class A misdemeanor.

"We don't want individuals who are wolves preying on the sheep, and that's what this is exclusively aimed at," Eliason said.



Steve Griffin, Deseret News

*People try and stay warm as they sit outside the Main Library in Salt Lake City on Monday, Dec. 10, 2018.*

Eliason's bill found easy support among lawmakers on the House Law Enforcement and Criminal Justice Committee, which advanced the bill to the full House with a unanimous vote. That's despite some homeless advocates and providers expressing concerns that the bill would hurt homeless people struggling with drug addiction.

"It's problematic the way it's written right now because a drug addict needs to go into housing, and they relapse at times," homelessness advocate Pamela Atkinson told lawmakers. "I think our homeless friends are going to get caught up in this adversely."

Rep. Andrew Stoddard, D-Sandy, agreed, expressing concerns that a provision in the bill increasing penalties on possession of drug paraphernalia would "clog the court system" with people struggling with addiction rather than drug dealers.

The committee changed the bill to clarify the enhanced penalty would only apply to distribution.

But Bill Tibbitts, associate director of the Crossroads Urban Center, urged the committee to hold the bill for more study, saying a better approach would be to focus on enforcing current laws.

"Right now shelters have a zero-tolerance policy," Tibbitts said. "The question becomes can we do a better job enforcing the laws we have on the books?"

Rep. Paul Ray, R-Clearfield, disagreed, noting he spent six weeks near Salt Lake City's downtown shelter to help plan Operation Rio Grande, and he grew frustrated with the Road Home's "tolerance" with drugs in and around its shelter.

"I didn't see zero tolerance. The only zero tolerance I saw was against me," Ray said, noting he was "threatened" to be arrested for taking a picture of the building, while nearby "two guys were shooting heroin at the same time."

The Road Home came under fire last year after a state audit found widespread drug use in its shelters and lax rule enforcement, but since then the shelter has implemented new security measures and policies.

The Road Home was selected to operate the 300-bed men's shelter under construction in South Salt Lake.