



Report Requirements for 11353.6 H&S

Enhancement Section/or Sales or Possession/or Sales of Controlled Substances within 1,000 Feet of a School.
(Re-issue DB 14-097)


The purpose of this bulletin is to provide guidance to members preparing reports for incidents that fit the criteria of Section 11353.6 H&S (Juvenile Drug Trafficking and Schoolyard Act of 1988).

Arresting officers should add an enhancement which has an exposure of three to five years to charges of sales or possession for sales of a controlled substance when the violation occurs within 1000 feet of a school that is in session or is being used by minors for school related purposes. The school may be a public or private elementary, vocational, junior high, or high school. The purpose of this Act is to prevent school children from being exposed to drug dealers in-public areas within 1,000 feet of a school. **By adding the enhancement on the booking card, bail is increased.**

The enhancement applies to persons arrested for sales and possession for sales of a controlled substance. The applicable sections are 11352, 11351, 11351.5, 11378, 11379, or 11379.6 H&S. **Marijuana offenses are not included under this enhancement section.** If the elements of the enhancement section are properly documented and the subject is convicted, the courts will have the discretion to add three, four, or five years to the offender's state prison sentence.

The reporting officer should provide the following information on the face sheet-and in the narrative portion of the initial incident-report. This information can be documented by the primary reporting officer or by a secondary officer on a statement form -attached to the initial incident report:

- The full name and address of the school (i.e. John Marshall Elementary School, 1575 15th St.)
- The distance from the school where the sales or possession for sales took place, including the method used to measure the distance (approximated, paced on foot, or measured by the use of a roll-a-tape).
- Either a statement that the school was in session or a statement that minors were using the premises at the time of the incident (e.g., "school open for classes" or "children playing basketball on school grounds".)
- The full name of the school principal, administrator, or faculty member on site at the time of the violation along with the school telephone number.
- Title of the incident report should reflect the initial violation and the enhancement violation (e.g. 11352/11353.6 H&S "Sales of Cocaine Base/Schoolyard Trafficking Act Violation".)


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