

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 2933 Session of  
2006

---

INTRODUCED BY BOYD, PYLE, BAKER, STERN, McCALL, HERSHEY,  
HICKERNELL, TRUE, PAYNE, TURZAI, SAYLOR, KAUFFMAN, RUBLEY,  
DALLY, MARSICO, FAIRCHILD, E. Z. TAYLOR, RAPP, PHILLIPS AND  
CALTAGIRONE, SEPTEMBER 25, 2006

---

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 25, 2006

---

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for drug-free school  
3 zones.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 6317 heading and (a) of Title 18 of the  
7 Pennsylvania Consolidated Statutes is amended and the section is  
8 amended by adding a subsection to read:

9 § 6317. Drug-free [school] zones.

10 (a) General rule.--A person 18 years of age or older who is  
11 convicted in any court of this Commonwealth of a violation of  
12 section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233,  
13 No.64), known as The Controlled Substance, Drug, Device and  
14 Cosmetic Act, shall, if the delivery or possession with intent  
15 to deliver of the controlled substance occurred within 1,000  
16 feet of the real property on which is located a public, private  
17 or parochial school or a college or university or within 250

1 feet of [the real property on which is located a recreation  
2 center or playground or on a school bus,] a drug-free zone shall  
3 be sentenced to a minimum sentence of at least two years of  
4 total confinement, notwithstanding any other provision of this  
5 title, The Controlled Substance, Drug, Device and Cosmetic Act  
6 or other statute to the contrary. The maximum term of  
7 imprisonment shall be four years for any offense:

- 8 (1) subject to this section; and  
9 (2) for which The Controlled Substance, Drug, Device and  
10 Cosmetic Act provides for a maximum term of imprisonment of  
11 less than four years.

12 If the sentencing court finds that the delivery or possession  
13 with intent to deliver was to an individual under 18 years of  
14 age, then this section shall not be applicable and the offense  
15 shall be subject to section 6314 (relating to sentencing and  
16 penalties for trafficking drugs to minors).

17 \* \* \*

18 (e) Definitions.--As used in this section, the following  
19 words and phrases shall have the meanings given to them in this  
20 subsection:

21 "Drug-free zone." The term shall include any of the  
22 following:

23 (1) Real property on which is located a college,  
24 university or public, private or parochial school.

25 (2) A community recreation center or playground.

26 (3) A school bus.

27 (4) A shopping center consisting of three or more retail  
28 stores connected under a common roof and regularly open to  
29 the public.

30 (5) A skating rink.

1           (6) A community swimming pool.

2       Section 2. This act shall take effect in 60 days.