

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 258 Session of
2001

INTRODUCED BY ORIE, CAPPELLI, WILT, YOUNGBLOOD, GODSHALL,
BELARDI, CALTAGIRONE, FAIRCHILD, MELIO, RUBLEY, FICHTER,
READSHAW, COLAFELLA, WANSACZ, DALEY, FEESE, SCHULER, SOLOBAY,
LAUGHLIN, DeLUCA, BARD, STERN, STURLA, S. MILLER, CLYMER,
McILHATTAN, R. MILLER, STABACK, E. Z. TAYLOR, PISTELLA,
GRUCELA, HARHAI, M. COHEN, ZUG, WATSON, FREEMAN, HORSEY,
TRELLO, SAINATO, SAYLOR AND CIVERA, JANUARY 29, 2001

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for sentencing and
3 penalties for trafficking drugs to minors and for drug-free
4 school zones.

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

7 Section 1. Sections 6314(a) and 6317(a) of Title 18 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 6314. Sentencing and penalties for trafficking drugs to
10 minors.

11 (a) General rule.--A person over 18 years of age who is
12 convicted in any court of this Commonwealth of a violation of,
13 or of conspiracy to commit a violation of, section 13(a)(14) or
14 (30) of the act of April 14, 1972 (P.L.233, No.64), known as The
15 Controlled Substance, Drug, Device and Cosmetic Act, shall, if
16 the delivery or possession with intent to deliver of the

1 controlled substance was to a minor, be sentenced to a minimum
2 sentence of at least one year total confinement, notwithstanding
3 any other provision of this title or other statute to the
4 contrary.

5 * * *

6 § 6317. Drug-free school zones.

7 (a) General rule.--A person 18 years of age or older who is
8 convicted in any court of this Commonwealth of a violation of,
9 or of conspiracy to commit a violation of, section 13(a)(14) or
10 (30) of the act of April 14, 1972 (P.L.233, No.64), known as The
11 Controlled Substance, Drug, Device and Cosmetic Act, shall, if
12 the delivery or possession with intent to deliver of the
13 controlled substance occurred within 1,000 feet of the real
14 property on which is located a public, private or parochial
15 school or a college or university or within 250 feet of the real
16 property on which is located a recreation center or playground
17 or on a school bus, be sentenced to a minimum sentence of at
18 least two years of total confinement, notwithstanding any other
19 provision of this title, The Controlled Substance, Drug, Device
20 and Cosmetic Act or other statute to the contrary. The maximum
21 term of imprisonment shall be four years for any offense:

22 (1) subject to this section; and

23 (2) for which The Controlled Substance, Drug, Device and
24 Cosmetic Act provides for a maximum term of imprisonment of
25 less than four years.

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

1 * * *

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