

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2748 Session of 2010

INTRODUCED BY PYLE, BAKER, BARRAR, BEYER, BOBACK, BROOKS,
CALTAGIRONE, CLYMER, P. COSTA, CUTLER, GABLER, GINGRICH,
GOODMAN, GROVE, HAHN, HICKERNELL, M. KELLER, MAJOR, MILLARD,
MILNE, MOUL, OBERLANDER, QUINN, READSHAW, REED, ROCK, SAYLOR,
SIPTROTH, K. SMITH, SONNEY, STERN, STEVENSON, TALLMAN,
J. TAYLOR, TRUE, HESS AND VULAKOVICH, SEPTEMBER 22, 2010

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 22, 2010

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.

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

6 Section 1. Section 6314 heading, (b) and (d) of Title 18 of
7 the Pennsylvania Consolidated Statutes are amended and the
8 section is amended by adding a subsection to read:

9 § 6314. Sentencing and penalties for trafficking drugs to or in
10 the presence of minors.

11 * * *

12 (a.1) Minor present.--A person over 18 years of age who is
13 convicted in any court of this Commonwealth of a violation of
14 section 13(a)(14) or (30) of The Controlled Substance, Drug,
15 Device and Cosmetic Act, shall be sentenced to a minimum
16 sentence of at least one year total confinement, notwithstanding

any other provision of this title or other statute to the
contrary if:

(1) the violation was committed in the presence of a
minor; and

(2) the person convicted is the minor's parent, guardian
or a person standing in loco parentis to the minor.

(b) Additional penalties.--In addition to the mandatory minimum sentence set forth in subsection (a) or (a.1), the person shall be sentenced to an additional minimum sentence of at least two years total confinement, notwithstanding any other provision of this title or other statute to the contrary, if the person did any of the following:

(1) Committed the offense with the intent to promote the habitual use of the controlled substance.

(2) Intended to engage the minor in the trafficking, transportation, delivery, manufacturing, sale or conveyance.

(3) Committed the offense within 1,000 feet of the real property on which is located a public, private or parochial school or a college or university.

(4) Committed the offense on a school bus or within 500 feet of a school bus stop.

* * *

(d) Authority of court in sentencing.--There shall be no authority for a court to impose on a defendant to which this section is applicable a lesser sentence than provided for in subsection (a) or (a.1), to place the defendant on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede

1 the mandatory sentences provided in this section. Disposition
2 under section 17 or 18 of The Controlled Substance, Drug, Device
3 and Cosmetic Act shall not be available to a defendant to which
4 this section applies.

5 * * *

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