

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 228** Session of  
2001

INTRODUCED BY ROEBUCK, CORRIGAN, GRUCELA, HARHAI, READSHAW,  
SHANER, SOLOBAY, STURLA, WALKO, C. WILLIAMS AND LAUGHLIN,  
JANUARY 25, 2001

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
SEPTEMBER 24, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, ~~further providing for penalties for~~ <—  
3 trafficking drugs to minors.

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

6 ~~Section 1. Section 6314(a) and (b)(3) of Title 18 of the~~ <—  
7 ~~Pennsylvania Consolidated Statutes are amended to read:~~

8 ~~§ 6314. Sentencing and penalties for trafficking drugs to~~  
9 ~~minors.~~

10 ~~(a) General rule. A person [over] 18 years of age or older~~  
11 ~~who is convicted in any court of this Commonwealth of a~~  
12 ~~violation of section 13(a)(14) or (30) of the act of April 14,~~  
13 ~~1972 (P.L.233, No.64), known as The Controlled Substance, Drug,~~  
14 ~~Device and Cosmetic Act, shall, if the delivery or possession~~  
15 ~~with intent to deliver of the controlled substance was to a~~  
16 ~~minor, be sentenced to a minimum sentence of at least one year~~  
17 ~~total confinement, notwithstanding any other provision of this~~

~~title or other statute to the contrary.~~

~~(b) Additional penalties. In addition to the mandatory minimum sentence set forth in subsection (a), 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:~~

~~\* \* \*~~

~~(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, playground or community recreational center.~~

~~\* \* \*~~

SECTION 1. TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED BY ADDING A SECTION TO READ:  
§ 7331. TRAFFICKING DRUGS TO MINORS.

(A) OFFENSE DEFINED.--A PERSON 18 YEARS OF AGE OR OLDER WHO IS CONVICTED IN ANY COURT OF THIS COMMONWEALTH OF A VIOLATION OF SECTION 13(A)(14) OR (30) OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, COMMITS AN OFFENSE IN ADDITION TO THE VIOLATION OF SECTION 13(A)(14) OR (30) IF THE DELIVERY OR POSSESSION WITH INTENT TO DELIVER WAS TO A MINOR AND WAS COMMITTED WITHIN 1,000 FEET OF THE REAL PROPERTY ON WHICH IS LOCATED A PUBLIC, PRIVATE OR PAROCHIAL SCHOOL, A COLLEGE OR UNIVERSITY, A PLAYGROUND OR A COMMUNITY RECREATIONAL CENTER. FOR THE PURPOSES OF THIS SUBSECTION, A COMMUNITY RECREATIONAL CENTER IS A MULTIPURPOSE PUBLIC BUILDING USED FOR THE PRIMARY PURPOSE OF ATTRACTING A CAPTIVE GROUP OF CHILDREN UNDER THE AGE OF 18 FOR LEISURE ACTIVITIES THAT INCLUDE, BUT ARE NOT LIMITED TO, MORAL

1 DEVELOPMENT, PHYSICAL, EDUCATIONAL AND VOCATIONAL COUNSELING AND  
2 COMMUNITY-BASED SERVICES.

3 (B) GRADING.--THE OFFENSE DEFINED IN SUBSECTION (A) IS A  
4 FELONY OF THE SECOND DEGREE.

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