

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 985 Session of
2005

INTRODUCED BY SAINATO, LaGROTTA, WALKO, CRAHALLA, DeWEESE,
McILHATTAN, R. STEVENSON, GRUCELA, NAILOR, HARHAI, SOLOBAY,
BAKER, READSHAW, LEDERER, YOUNGBLOOD, BELFANTI, BELARDI,
THOMAS, RUBLEY, DeLUCA, CAUSER, MANN, KOTIK, CAWLEY,
SCAVELLO, WHEATLEY, PETRARCA, BLACKWELL, FABRIZIO, McGEEHAN,
O'NEILL, FRANKEL, DONATUCCI, FREEMAN, BISHOP, WASHINGTON,
BROWNE, KIRKLAND, COSTA, RAYMOND AND DALEY, MARCH 16, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 2005

AN ACT

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

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 are amended and the section
8 is amended by adding subsections 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

1 or parochial school or a college or university or a child day-
2 care center or within 250 feet of the real property on which is
3 located a recreation center or playground or on a school bus, be
4 sentenced to a minimum sentence of at least two years of total
5 confinement, notwithstanding any other provision of this title,
6 The Controlled Substance, Drug, Device and Cosmetic Act or other
7 statute to the contrary. The maximum term of imprisonment shall
8 be four years for any offense:

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

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

18 * * *

19 (e) Notice requirement.--A day-care center shall post
20 conspicuously on the premises a notice stating that:

- 21 (1) The premises is a day-care center.
22 (2) The premises is a drug-free zone.

23 (f) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection:

26 "Child day care." Care in lieu of parental care given for
27 part of the 24-hour day to children under 16 years of age, away
28 from their own homes, but does not include child day care
29 furnished in places of worship during religious services.

30 "Child day-care center." Any premises operated for profit in

1 which child day care is provided simultaneously for seven or
2 more children who are not relatives of the operator, except such
3 centers operated under social service auspices.

4 Section 2. To promote the prevention of prostitution and
5 other offenses under 18 Pa.C.S., the sum of \$10,000,000 is
6 hereby appropriated to the Pennsylvania Commission on Crime and
7 Delinquency for the fiscal year July 1, 2005, to June 30, 2006,
8 for competitive grants to local law enforcement agencies and to
9 the Pennsylvania State Police to carry out the provisions of
10 this act and to prevent the occurrence or apprehend persons who
11 commit offenses under 18 Pa.C.S. At least \$3,000,000 of this
12 appropriation shall be allocated to police departments with ten
13 or fewer police officers.

14 Section 3. This act shall take effect in 60 days.