

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2724** Session of
2004

INTRODUCED BY J. EVANS, PICKETT, ARMSTRONG, BAKER, BLAUM, BOYD, BROWNE, CAPPELLI, COSTA, CRAHALLA, DALLY, DIGIROLAMO, EGOLF, FORCIER, GEIST, GILLESPIE, GOOD, GOODMAN, HARPER, HARRIS, HORSEY, LaGROTTA, LEDERER, LYNCH, MAHER, MARSICO, MILLARD, READSHAW, REICHLEY, SATHER, SAYLOR, SCHRODER, SOLOBAY, E. Z. TAYLOR, TRUE, TURZAI, WATSON, WEBER, WILT AND YOUNGBLOOD, JUNE 17, 2004

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
SEPTEMBER 21, 2004

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," providing for the
11 definition of "structure"; and further providing for
12 prohibited acts and penalties.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 2(b) of the act of April 14, 1972
16 (P.L.233, No.64), known as The Controlled Substance, Drug,
17 Device and Cosmetic Act, is amended by adding a definition to
18 read:

19 Section 2. Definitions.--* * *

1 (b) As used in this act:

2 * * *

3 "Structure" means any house, apartment building, shop,
4 warehouse, barn, building, vessel, railroad car, cargo
5 container, motor vehicle, housecar, trailer, trailer coach,
6 camper, mine, floating home, or other enclosed structure capable
7 of holding a child and manufacturing equipment.

8 * * *

9 Section 2. Section 13(a) of the act is amended and the
10 section is amended by adding a subsection to read:

11 Section 13. Prohibited Acts; Penalties.--(a) The following
12 acts and the causing thereof within the Commonwealth are hereby
13 prohibited:

14 * * *

15 (38) The unlawful manufacture of methamphetamine or
16 phencyclidine or their salts, isomers and salts of isomers,
17 whenever the existence of such salts, isomers or salts of
18 isomers is possible within the specific chemical designation:

19 (i) in a structure where any child under 18 years of age is
20 present; or

21 (ii) where the manufacturing of methamphetamine or
22 phencyclidine causes any child under 18 years of age to suffer
23 bodily injury.

24 * * *

25 (p) (i) Any person who violates subsection (a)(38)(i) is
26 guilty of a felony of the third degree and upon conviction
27 thereof shall be sentenced to ~~at least two~~ NOT MORE THAN SEVEN <—
28 years in prison and a fine of NOT MORE THAN twenty-five thousand <—
29 dollars (\$25,000), or such larger amount as is sufficient to
30 exhaust the assets utilized in AND the profits obtained from the <—

1 illegal activity.

2 (ii) Any person who violates subsection (a)(38)(ii) is
3 guilty of a felony of the second degree and upon conviction
4 thereof shall be sentenced to ~~at least five~~ NOT MORE THAN TEN <—
5 years in prison and a fine of NOT MORE THAN fifty thousand <—
6 dollars (\$50,000), or such larger amount as is sufficient to
7 exhaust the assets utilized in and the profits obtained from the
8 illegal activity.

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