

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 650 Session of
2005

INTRODUCED BY ERICKSON, LAVALLE, KITCHEN, COSTA, PIPPY, MADIGAN,
D. WHITE, WENGER, BOSCOLA, PILEGGI, MUSTO, RAFFERTY,
WONDERLING, BRIGHTBILL, LOGAN, C. WILLIAMS, STACK AND
RHOADES, APRIL 28, 2005

REFERRED TO JUDICIARY, APRIL 28, 2005

AN ACT

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

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

5 Section 1. Section 6317(a) of Title 18 of the Pennsylvania
6 Consolidated Statutes is amended to read:

7 § 6317. Drug-free school and public park zones.

8 (a) General rule.--A person 18 years of age or older who is
9 convicted in any court of this Commonwealth of a violation of
10 section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233,
11 No.64), known as The Controlled Substance, Drug, Device and
12 Cosmetic Act, shall, if the delivery or possession with intent
13 to deliver of the controlled substance occurred within 1,000
14 feet of the real property on which is located a public, private
15 or parochial school or a college or university or within 250
16 feet of the real property on which is located a recreation
17 center [or playground], playground, public park or trail or on a

1 school bus, be sentenced to a minimum sentence of at least two
2 years of total confinement, notwithstanding any other provision
3 of this title, The Controlled Substance, Drug, Device and
4 Cosmetic Act or other statute to the contrary. The maximum term
5 of imprisonment shall be four years for any offense:

6 (1) subject to this section; and

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

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

15 * * *

16 Section 2. This act shall take effect in 30 days.