

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1289 Session of  
2011

INTRODUCED BY PYLE, ADOLPH, AUMENT, BAKER, BEAR, BLOOM, BOBACK, BOYD, BROOKS, R. BROWN, CAUSER, CHRISTIANA, CLYMER, CUTLER, DAY, DENLINGER, DIGIROLAMO, DUNBAR, ELLIS, EMRICK, EVANKOVICH, J. EVANS, FABRIZIO, FARRY, FLECK, GABLER, GEIST, GERGELY, GILLESPIE, GINGRICH, GROVE, HAHN, HARHART, HARRIS, HEFFLEY, HESS, HICKERNELL, HUTCHINSON, KAMPF, KAUFFMAN, F. KELLER, M. K. KELLER, KILLION, KNOWLES, KRIEGER, LAWRENCE, MAJOR, MARSHALL, MARSICO, METCALFE, MICCARELLI, MILLARD, MILLER, MILNE, MOUL, MURPHY, MURT, OBERLANDER, O'NEILL, PAYNE, PEIFER, PERRY, PICKETT, QUIGLEY, QUINN, RAPP, READSHAW, REED, REESE, REICHLEY, ROAE, ROCK, ROSS, SACCONI, SAYLOR, CULVER, SCHRODER, K. SMITH, SONNEY, STEPHENS, STERN, STEVENSON, SWANGER, TALLMAN, TOBASH, TOOIL, TURZAI, VEREB, VULAKOVICH AND CALTAGIRONE, APRIL 5, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 1, 2012

## AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for sentencing  
3 enhancement for trafficking drugs in the presence of a minor.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 9720.3. Sentencing enhancement for trafficking drugs in the  
9 presence of a minor.

10 The Pennsylvania Commission on Sentencing, under section 2154  
11 (relating to adoption of guidelines for sentencing), shall  
12 provide for a sentencing enhancement if a person over 18 years

1 of age is convicted in any court of this Commonwealth of a  
2 violation of section 13(a)(14) or (30) of the act of April 14,  
3 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,  
4 Device and Cosmetic Act, and all of the following conditions  
5 apply:

6 (1) The violation was committed in the presence of a  
7 minor OR IN ANY RESIDENCE IN WHICH A MINOR IS PRESENT. ←

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

10 STEPPARENT, GUARDIAN, AN INDIVIDUAL RESPONSIBLE FOR THE ←  
11 CHILD'S WELFARE OR AN INDIVIDUAL INVOLVED IN AN INTIMATE  
12 RELATIONSHIP WITH THE CHILD'S PARENT.

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