

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 838 Session of 2013

INTRODUCED BY HESS, V. BROWN, MICOZZIE, PICKETT, MARSHALL, KAUFFMAN, DAVIS, BIZZARRO, O'BRIEN, R. BROWN, ROCK, D. COSTA, EVERETT, READSHAW, MILLARD, BAKER, SWANGER, COHEN, WATSON, HARHAI, KNOWLES, MAJOR, BOBACK, C. HARRIS, KORTZ, HARKINS, M. K. KELLER, GINGRICH, MAHONEY, BARRAR, DeLUCA, MILNE, MOUL, MURT, FABRIZIO, FARINA AND MARSICO, MARCH 11, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2013

AN ACT

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

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

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

8 § 6317. Drug-free school zones.

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

1 1,000 feet of the real property on which is located a recreation
2 center or playground or on a school bus, be sentenced to a
3 minimum sentence of at least two years of total confinement,
4 notwithstanding any other provision of this title, The
5 Controlled Substance, Drug, Device and Cosmetic Act or other
6 statute to the contrary. The maximum term of imprisonment shall
7 be four years for any offense:

8 (1) subject to this section; and

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

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

17 * * *

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