



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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SENATE JUDICIARY COMMITTEE REPORTS LEGISLATIVE PACKAGE COMBATING METH

■ **Senate Bill 1115** **Printer's No. 1639**

The legislation amends the Controlled Substance, Drug, Device and Cosmetic Act relating to liquefied ammonia gas and precursors and chemicals. The bill makes it an offense to transport ammonia gas with the intent to unlawfully manufacture a controlled substance. Further, it is an offense to possess a precursor substance with the intent to unlawfully manufacture a controlled substance.

Current Status: House Judiciary Committee

■ **Senate Bill 1117** **Printer's No. 1824**

The legislation amends the Crimes Code making it a criminal offense to operate a methamphetamine laboratory. The legislation makes it unlawful for a person to knowingly cause a chemical reaction involving ephedrine, pseudoephedrine or phenylpropanolamine or any of their salts, optical isomers or salts of optical isomers for the purposes of manufacturing methamphetamine or preparing a precursor substance for the manufacture of methamphetamine. The offense is graded as a felony of the second degree. Further, if the offender operates a meth lab near a school, day care center, recreation center or playground, the offense is upgraded to a felony of the first degree.

Current Status: House Judiciary Committee

■ **Senate Bill 1118** **Printer's No. 1825**

The legislation amends the Controlled Substance, Drug Device and Cosmetic Act to knowingly possess ephedrine, pseudoephedrine, phenylpropanolamine or a product containing ephedrine, pseudoephedrine, phenylpropanolamine or any of their salts, optical isomers, or salts of optical isomers with the intent to manufacture methamphetamine. Further, it is an offense for a person to be in possession of more than 40 grams or 15 packages of any drug containing ephedrine, pseudoephedrine, phenylpropanolamine or a product containing those items. Further, proof that a person possesses any amount of a precursor substance under section 13.1 of the act shall give rise to a rebuttable presumption that the person acted with the intent to manufacture methamphetamine. The rebuttable presumption does not apply to a person while lawfully marketing, transporting, delivering or dispensing products containing ephedrine, pseudoephedrine, or phenylpropanolamine.

Current Status: House Judiciary Committee

■ **Senate Bill 1119** **Printer's No. 1826**

The legislation amends the Controlled Substance, Drug Device and Cosmetic Act by adding a section providing for environmental costs associated with the operation of

a methamphetamine laboratory. A person convicted of an offense involving the operation of a methamphetamine laboratory or the use of a precursor substance to manufacture methamphetamine shall be ordered to reimburse the appropriate law enforcement agency for the costs of cleaning up the environmental hazards associated with the operation of the meth lab.

Current Status: House Judiciary Committee

■ **Senate Bill 1120** **Printer's No. 1912**

The legislation provides that a person commits an offense under the section if while supervising the welfare of a child under the age of 18 a person knowingly operates a methamphetamine laboratory or creates a chemical reaction involving a precursor substance for the purpose of manufacturing methamphetamine.

Current Status: House Judiciary Committee

■ **Senate Bill 557** **Printer's No. 590**

The bill amends sections 5122 and 5123 of Title 18 (Crimes Code) to further provide for the offenses of weapons or implements for escape and contraband by increasing the grading for both offenses from a misdemeanor of the first degree to a felony of the second degree. Further, the classes of inmates covered is expanded to include any person detained or incarcerated in a

correctional institution, mental hospital, youth development center, youth forestry camp or other facility used for the detention or incarceration of individuals pursuant to a court order. The legislation defines “implement of escape”, “dangerous material”, “inmate” and “weapon” for use in these sections. Finally, section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) is amended to include violations of section 5122 (relating to weapons, implements of escape or dangerous material).

*Current Status: Senate Calendar
Second Consideration*

■ **Senate Bill 1093**
Printer's No. 1823

The legislation amends the Crimes Code to extend criminal liability for the offense of endangering the welfare of a child to the employer or supervisor of a parent, guardian or other person who commits an offense under this section. An employer or supervisor of such a person may commit an offense under this section if they knowingly or recklessly allow a person responsible for the welfare of the child to engage in the endangerment of the child. A violation of section is graded as a misdemeanor of the first degree. However, if there is a course of conduct of endangering the welfare of a child, it is graded as a felony of the third degree. The bill further specifies that a person commits the offense if the person prevents or interferes with the making of a report under the Child Protective Services Law. The term “persons supervising the welfare of a child” is defined to mean a person other than a parent or guardian who provide care, education, training or control of a child.

*Current Status: Senate Calendar
Second Consideration*

■ **House Bill 496**
Printer's No. 4210

The legislation would add a section to the Crimes Code, creating the crime of “Destruction of a survey monument.” A “survey monument” is defined as “any object adopted or placed by a professional land surveyor to define the boundaries of a property, including, but not limited to, natural objects such as trees or streams, or artificial monuments such as iron pins, concrete monuments, set stones or party walls.” Survey monument or marker does not include a wooden stake placed by a land surveyor as a temporary marker or place holder. The bill provides for mandatory restitution for the cost of the reestablishment of permanent survey monuments by a professional land surveyor, and all reasonable attorney fees and decrease the statute of limitations for the commencement of a civil action, based upon a defective land survey, from 21 years to 12 years.

Current Status: House Rules Committee

■ **House Bill 2381**
Printer's No. 4211

This legislation would add a section to the Constitution of the Commonwealth of Pennsylvania stating that “only a marriage between one man and one woman shall be valid or recognized as a marriage in this Commonwealth.”

Current Status: House Rules Committee

■ **House Bill 2425**
Printer's No. 3822

The legislation amends Act No. 40 of 1931 to provide that a properly recorded document shall not constitute constructive notice to a subsequent purchaser unless, in counties that utilize the uniform parcel identifier system, the uniform parcel identifier is endorsed or included on the document, and the

document is properly indexed in an index arranged by uniform parcel identifiers; or, in other counties, the document is indexed properly as to the party in all alphabetical indices. These provisions would effectively reverse the decision in *First Citizens Bank vs. Sherwood*. Further provides that the provisions of Act 40 shall not impose liability on any recording officer or political subdivision for any mistake, error or inaccuracy in any index.

*Current Status: Senate Calendar
Third Consideration*

■ **House Bill 2447**
Printer's No. 3982

The legislation would amend the judicial code to include “transportation costs and other costs associated with the prosecution” as costs recoverable in a criminal proceeding. Section 9798.1 is also amended to require the Megan’s law website to include the street address of the offender’s residence. The legislation takes effect immediately.

*Current Status: Senate Appropriations
Committee*

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