

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2104 Session of  
1976

INTRODUCED BY IRVIS, BERSON, OLIVER, HOPKINS, A. P. KELLY,  
SCHMITT AND ROSS, FEBRUARY 4, 1976

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 4, 1976

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," making the provisions  
11 relating to probation without verdict retroactive.

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

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

17 Section 17. Probation Without Verdict.--A person may be  
18 entitled to probation without verdict under the following  
19 circumstances:

20 \* \* \*

21 (4) A person who has been previously convicted of an offense  
22 under prior statutes of this Commonwealth and who would have

1 qualified for the rehabilitative disposition provided for in  
2 this section if he had been so convicted or pleaded nolo  
3 contendere after the effective date of this act, shall be  
4 entitled to the relief set forth herein, and particularly that  
5 set forth in subparagraph (3) hereof, upon application duly made  
6 to the sentencing court: Provided, however, That such person  
7 shall not have been convicted of any other offense under this  
8 act or under a similar act of the United States, or of any other  
9 state, nor shall such person have been convicted of any  
10 misdemeanor or felony of any kind under the laws of this  
11 Commonwealth, under the laws of the United States or under the  
12 laws of any other state.

13       Section 2. This act shall take effect immediately.