

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 889

Session of
1987

INTRODUCED BY KOSINSKI, JAROLIN, BALDWIN, BATTISTO, STABACK,
DeLUCA, BLAUM, DONATUCCI, KENNEY, SEMMEL, CIVERA, FOX,
SAURMAN, HERMAN, STEVENS, RAYMOND AND LANGTRY, MARCH 17, 1987

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 1987

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," providing mandatory
11 sentences for certain offenders.

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

14 Section 1. Section 13 of the 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 subsections to read:

17 Section 13. Prohibited Acts; Penalties.--* * *

18 (m) Notwithstanding any statute to the contrary, any person
19 who is convicted in any court of this Commonwealth of a
20 violation of clause (14) or (30) of subsection (a) and who
21 previously has been convicted two times of any offense involving
22 clause (14) or (30) of subsection (a) or of any similar offense

1 under any statute of the United States or any state relating to
2 controlled substances shall be sentenced to a minimum sentence
3 of at least ten years of total confinement without probation,
4 parole or work release.

5 (n) Notwithstanding any other section of this act to the
6 contrary, any person convicted:

7 (1) For the first time of any misdemeanor possession of a
8 controlled substance as defined by this act or any person who is
9 given probation without verdict or disposition in lieu of trial
10 or criminal punishment under this act must, in addition to any
11 other sentence imposed, be required to attend an outpatient drug
12 abuse program for at least ninety days.

13 (2) For the second time of any misdemeanor possession of a
14 controlled substance as defined by this act, must in addition to
15 any other sentence imposed, be required to attend an inpatient
16 drug abuse program for at least ninety days.

17 (3) For the third or subsequent offense of possession of a
18 controlled substance as defined by this act, shall be guilty of
19 a felony of the third degree and shall be sentenced to serve at
20 least one year for the third offense and two years for each
21 subsequent offense.

22 (4) Any person convicted and incarcerated for any offense
23 under this act who is drug dependent shall be required to attend
24 a prison-operated drug abuse program for at least ninety days
25 during the term of that person's incarceration.

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