

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 496 Session of 2009

INTRODUCED BY STACK, RAFFERTY, STOUT, HUGHES, KASUNIC, FONTANA,
BROWNE, TARTAGLIONE, LOGAN AND COSTA, MARCH 2, 2009

REFERRED TO JUDICIARY, MARCH 2, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in theft and related offenses,
3 providing for the offense of theft of controlled substances.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3935. Theft of controlled substances.

9 (a) Offense defined.--A person commits the offense of theft
10 of a controlled substance if he:

11 (1) unlawfully takes possession of, carries away,
12 transfers, causes to be transferred or exercises control over
13 a controlled substance or other drug prescribed by a
14 practitioner for medication for an ultimate user with the
15 intent to deprive the ultimate user of the use of the
16 controlled substance or other drug; or

17 (2) unlawfully takes possession of, carries away,
18 transfers, causes to be transferred or exercises control over

1 a controlled substance or other drug held, stored, offered
2 for sale or distributed by a practitioner, manufacturer or
3 distributor with the intent to deprive the practitioner,
4 manufacturer or distributor thereof.

5 (b) Grading.--An offense under this section constitutes a
6 felony of the third degree.

7 (c) Definitions.--As used in this section, the following
8 words and phrases shall have the meanings given to them in this
9 subsection:

10 "Controlled substance." As defined in the act of April 14,
11 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
12 Device and Cosmetic Act.

13 "Distributor." As defined in the act of April 14, 1972 (P.L.
14 233, No.64), known as The Controlled Substance, Drug, Device and
15 Cosmetic Act.

16 "Drug." As defined in the act of April 14, 1972 (P.L.233,
17 No.64), known as The Controlled Substance, Drug, Device and
18 Cosmetic Act.

19 "Manufacturer." As defined in the act of April 14, 1972
20 (P.L.233, No.64), known as The Controlled Substance, Drug,
21 Device and Cosmetic Act.

22 "Practitioner." As defined in the act of April 14, 1972
23 (P.L.233, No.64), known as The Controlled Substance, Drug,
24 Device and Cosmetic Act.

25 "Ultimate user." As defined in the act of April 14, 1972
26 (P.L.233, No.64), known as The Controlled Substance, Drug,
27 Device and Cosmetic Act.

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