

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 28

Session of
1999

INTRODUCED BY MARSICO, GANNON, CLARK, NAILOR, DeLUCA, COY,
KENNEY, SAYLOR, STABACK, BROWNE, PHILLIPS, BARRAR, HERMAN,
READSHAW, GEIST, RUBLEY, BATTISTO, TRUE, WILT, E. Z. TAYLOR,
FAIRCHILD, STERN, ZUG, ROSS, PIPPY, McNAUGHTON, YOUNGBLOOD,
GEORGE, FARGO, GIGLIOTTI, CORRIGAN, BAKER, M. COHEN, BELARDI,
HARHAI, DALLY, SEYFERT, L. I. COHEN, J. TAYLOR, GLADECK,
BENNINGHOFF, BUNT, ALLEN, TRELLO, WASHINGTON, EGOLF,
ARMSTRONG, McILHINNEY, BASTIAN AND SCHRODER, JANUARY 20, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 4, 1999

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing FOR HARASSMENT AND <—
3 STALKING, FOR DECEPTIVE BUSINESS PRACTICES AND for drug
4 trafficking sentencing and penalties; AND PROVIDING FOR <—
5 REIMBURSEMENT TO COMMONWEALTH FOR BUSINESS RELOCATION.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 ~~Section 1. Section 7508(a) of Title 18 of the Pennsylvania~~ <—
9 ~~Consolidated Statutes is amended by adding a paragraph to read:~~

10 SECTION 1. SECTION 2709(C)(1) OF TITLE 18 OF THE <—
11 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

12 § 2709. HARASSMENT AND STALKING.

13 * * *

14 (C) GRADING.--

15 (1) AN OFFENSE UNDER SUBSECTION (A) SHALL BE GRADED AS
16 FOLLOWS:

1 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II), THE
2 OFFENSE SHALL CONSTITUTE A SUMMARY OFFENSE.

3 (II) AN OFFENSE UNDER SUBSECTION (A)(3) IF THE
4 DEFENDANT IS OR, DURING THE PAST FIVE YEARS, WAS ENGAGED
5 IN CIVIL LITIGATION WITH THE VICTIM SHALL CONSTITUTE A
6 FELONY OF THE THIRD DEGREE.

7 * * *

8 SECTION 2. SECTION 4107(A) OF TITLE 18 IS AMENDED BY ADDING
9 A PARAGRAPH TO READ:

10 § 4107. DECEPTIVE OR FRAUDULENT BUSINESS PRACTICES.

11 (A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE IF, IN THE
12 COURSE OF BUSINESS, HE:

13 * * *

14 (7.1) SIGNS A CONTRACT WITH A CONSUMER FOR SERVICES,
15 RECEIVES ANY PAYMENT UNDER THE CONTRACT AND FAILS TO PERFORM
16 THE SERVICES REQUIRED BY THE WRITTEN CONTRACT;

17 * * *

18 SECTION 3. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
19 § 4120. REIMBURSEMENT TO COMMONWEALTH FOR BUSINESS RELOCATION.

20 (A) OFFENSE DEFINED.--A PERSON OR BUSINESS ENTITY THAT
21 RECEIVES COMMONWEALTH FUNDING FOR THE CREATION OF EMPLOYMENT
22 COMMITTS A MISDEMEANOR OF THE FIRST DEGREE IF THAT PERSON OR
23 ENTITY FAILS TO REPAY THE COMMONWEALTH THE FULL AMOUNT OF THE
24 FUNDING 60 DAYS PRIOR TO RELOCATION OF ANY UNIT OF THE PERSON'S
25 OR ENTITY'S OPERATION, IN WHOLE OR IN PART, OUTSIDE OF THIS
26 COMMONWEALTH WITHIN A PERIOD OF FIVE YEARS FROM RECEIPT OF THE
27 FUNDING.

28 (B) ENFORCEMENT.--THE ATTORNEY GENERAL SHALL ENFORCE THE
29 PROVISIONS OF THIS SECTION AND SHALL TAKE SUCH ACTIONS AS MAY BE
30 NECESSARY TO ASCERTAIN AND INVESTIGATE ALLEGED VIOLATIONS OF

1 THIS SECTION AND TO IMPOSE FINES.

2 SECTION 4. SECTION 7508(A) OF TITLE 18 IS AMENDED BY ADDING
3 A PARAGRAPH TO READ:

4 § 7508. Drug trafficking sentencing and penalties.

5 (a) General rule.--Notwithstanding any other provisions of
6 this or any other act to the contrary, the following provisions
7 shall apply:

8 * * *

9 (7) A person who is convicted of violating section
10 13(a)(14), (30) or (37) of The Controlled Substance, Drug,
11 Device and Cosmetic Act where the controlled substance or a
12 mixture containing it is heroin shall, upon conviction, be
13 sentenced as set forth in this paragraph:

14 (i) when the aggregate weight of the compound or
15 mixture containing the heroin involved is at least 1.0
16 gram but less than 5.0 grams the sentence shall be a
17 mandatory minimum term of two years in prison and a fine
18 of \$5,000 or such larger amount as is sufficient to
19 exhaust the assets utilized in and the proceeds from the
20 illegal activity; however, if at the time of sentencing
21 the defendant has been convicted of another drug
22 trafficking offense: a mandatory minimum term of three
23 years in prison and \$10,000 or such larger amount as is
24 sufficient to exhaust the assets utilized in and the
25 proceeds from the illegal activity;

26 (ii) when the aggregate weight of the compound or
27 mixture containing the heroin involved is at least 5.0
28 grams but less than 50 grams; a mandatory minimum term of
29 three years in prison and a fine of \$15,000 or such
30 larger amount as is sufficient to exhaust the assets

1 utilized in and the proceeds from the illegal activity;
2 however, if at the time of sentencing the defendant has
3 been convicted of another drug trafficking offense: a
4 mandatory minimum term of five years in prison and
5 \$30,000 or such larger amount as is sufficient to exhaust
6 the assets utilized in and the proceeds from the illegal
7 activity; and

8 (iii) when the aggregate weight of the compound or
9 mixture containing the heroin involved is 50 grams or
10 greater: a mandatory minimum term of five years in prison
11 and a fine of \$25,000 or such larger amount as is
12 sufficient to exhaust the assets utilized in and the
13 proceeds from the illegal activity; however, if at the
14 time of sentencing the defendant has been convicted of
15 another drug trafficking offense: a mandatory minimum
16 term of seven years in prison and \$50,000 or such larger
17 amount as is sufficient to exhaust the assets utilized in
18 and the proceeds from the illegal activity.

19 * * *

20 Section 2 5. This act shall take effect in 60 days.

<—