

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

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No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for drug trafficking sentencing and penalties.

INTRODUCED _____ 20_____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20_____
Reported _____	20_____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in other offenses, further providing
3 for drug trafficking sentencing and penalties.

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

6 Section 1. Section 7508(a)(3), (4) and (7) of Title 18 of
7 the Pennsylvania Consolidated Statutes are amended to read:

8 § 7508. Drug trafficking sentencing and penalties.

9 (a) General rule.--Notwithstanding any other provisions of
10 this or any other act to the contrary, the following provisions
11 shall apply:

12 * * *

13 (3) A person who is convicted of violating section 13(a)
14 (14), (30) or (37) of The Controlled Substance, Drug, Device
15 and Cosmetic Act where the controlled substance is coca
16 leaves or is any salt, compound, derivative or preparation of
17 coca leaves or is any salt, compound, derivative or
18 preparation which is chemically equivalent or identical with

1 any of these substances or is any mixture containing any of
2 these substances except decocainized coca leaves or extracts
3 of coca leaves which (extracts) do not contain cocaine or
4 ecgonine shall, upon conviction, be sentenced to a mandatory
5 minimum term of imprisonment and a fine as set forth in this
6 subsection:

7 (i) when the aggregate weight of the compound or
8 mixture containing the substance involved is at least 2.0
9 grams and less than ten grams; one year in prison and a
10 fine of \$5,000 or such larger amount as is sufficient to
11 exhaust the assets utilized in and the proceeds from the
12 illegal activity; however, if at the time of sentencing
13 the defendant has been convicted of another drug
14 trafficking offense: three years in prison and \$10,000 or
15 such larger amount as is sufficient to exhaust the assets
16 utilized in and the proceeds from the illegal activity;

17 (ii) when the aggregate weight of the compound or
18 mixture containing the substance involved is at least ten
19 grams and less than 100 grams; three years in prison and
20 a fine of \$15,000 or such larger amount as is sufficient
21 to exhaust the assets utilized in and the proceeds from
22 the illegal activity; however, if at the time of
23 sentencing the defendant has been convicted of another
24 drug trafficking offense: five years in prison and
25 \$30,000 or such larger amount as is sufficient to exhaust
26 the assets utilized in and the proceeds from the illegal
27 activity; [and]

28 (iii) when the aggregate weight of the compound or
29 mixture of the substance involved is at least 100 grams[;
30 four] and less than 500 grams; five years in prison and a

1 fine of [\$25,000] \$30,000 or such larger amount as is
2 sufficient to exhaust the assets utilized in and the
3 proceeds from the illegal activity; however, if at the
4 time of sentencing the defendant has been convicted of
5 another drug trafficking offense: seven years in prison
6 and \$50,000 or such larger amount as is sufficient to
7 exhaust the assets utilized in and the proceeds from the
8 illegal activity[.]; and

9 (iv) when the aggregate weight of the compound or
10 mixture of the substance involved is 500 grams or
11 greater; ten years in prison and a fine of \$50,000 or
12 such larger amount as is sufficient to exhaust the assets
13 utilized in and the proceeds from the illegal activity;
14 however, if at the time of sentencing the defendant has
15 been convicted of another drug trafficking offense: 13
16 years in prison and \$60,000 or such larger amount as is
17 sufficient to exhaust the assets utilized in and the
18 proceeds from the illegal activity.

19 (4) A person who is convicted of violating section 13(a)
20 (14), (30) or (37) of The Controlled Substance, Drug, Device
21 and Cosmetic Act where the controlled substance is
22 methamphetamine or phencyclidine or is a salt, isomer or salt
23 of an isomer of methamphetamine or phencyclidine or is a
24 mixture containing methamphetamine or phencyclidine,
25 containing a salt of methamphetamine or phencyclidine,
26 containing an isomer of methamphetamine or phencyclidine,
27 containing a salt of an isomer of methamphetamine or
28 phencyclidine shall, upon conviction, be sentenced to a
29 mandatory minimum term of imprisonment and a fine as set
30 forth in this subsection:

1 (i) when the aggregate weight of the compound or
2 mixture containing the substance involved is at least
3 five grams and less than ten grams; three years in prison
4 and a fine of \$15,000 or such larger amount as is
5 sufficient to exhaust the assets utilized in and the
6 proceeds from the illegal activity; however, if at the
7 time of sentencing the defendant has been convicted of
8 another drug trafficking offense: five years in prison
9 and \$30,000 or such larger amount as is sufficient to
10 exhaust the assets utilized in and the proceeds from the
11 illegal activity;

12 (ii) when the aggregate weight of the compound or
13 mixture containing the substance involved is at least ten
14 grams and less than 100 grams; [~~four~~] five years in
15 prison and a fine of \$25,000 or such larger amount as is
16 sufficient to exhaust the assets utilized in and the
17 proceeds from the illegal activity; however, if at the
18 time of sentencing the defendant has been convicted of
19 another drug trafficking offense: seven years in prison
20 and \$50,000 or such larger amount as is sufficient to
21 exhaust the assets utilized in and the proceeds from the
22 illegal activity; [and]

23 (iii) when the aggregate weight of the compound or
24 mixture containing the substance involved is at least 100
25 grams[; ~~five~~] and less than 500 grams; seven years in
26 prison and a fine of \$50,000 or such larger amount as is
27 sufficient to exhaust the assets utilized in and the
28 proceeds from the illegal activity; however, if at the
29 time of sentencing the defendant has been convicted of
30 another drug trafficking offense: [~~eight~~] ten years in

1 prison and [\$50,000] \$60,000 or such larger amount as is
2 sufficient to exhaust the assets utilized in and the
3 proceeds from the illegal activity[.]; and

4 (iv) when the aggregate weight of the compound or
5 mixture of the substance involved is 500 grams or
6 greater; ten years in prison and a fine of \$60,000 or
7 such larger amount as is sufficient to exhaust the assets
8 utilized in and the proceeds from the illegal activity;
9 however, if at the time of sentencing the defendant has
10 been convicted of another drug trafficking offense: 13
11 years in prison and \$70,000 or such larger amount as is
12 sufficient to exhaust the assets utilized in and the
13 proceeds from the illegal activity.

14 * * *

15 (7) A person who is convicted of violating section 13(a)
16 (14), (30) or (37) of The Controlled Substance, Drug, Device
17 and Cosmetic Act where the controlled substance or a mixture
18 containing it is heroin shall, upon conviction, be sentenced
19 as set forth in this paragraph:

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

1 proceeds from the illegal activity;

2 (ii) when the aggregate weight of the compound or
3 mixture containing the heroin involved is at least 5.0
4 grams but less than 50 grams: a mandatory minimum term of
5 [three] five years in prison and a fine of \$15,000 or
6 such larger amount as is sufficient to exhaust the assets
7 utilized in and the proceeds from the illegal activity;
8 however, if at the time of sentencing the defendant has
9 been convicted of another drug trafficking offense: a
10 mandatory minimum term of [five] seven years in prison
11 and \$30,000 or such larger amount as is sufficient to
12 exhaust the assets utilized in and the proceeds from the
13 illegal activity; [and]

14 (iii) when the aggregate weight of the compound or
15 mixture containing the heroin involved is [50 grams or
16 greater] at least 50 grams but less than 100 grams: a
17 mandatory minimum term of [five] seven years in prison
18 and a fine of [\$25,000] \$30,000 or such larger amount as
19 is sufficient to exhaust the assets utilized in and the
20 proceeds from the illegal activity; however, if at the
21 time of sentencing the defendant has been convicted of
22 another drug trafficking offense: a mandatory minimum
23 term of [seven] ten years in prison and \$50,000 or such
24 larger amount as is sufficient to exhaust the assets
25 utilized in and the proceeds from the illegal
26 activity[.]; and

27 (iv) when the aggregate weight of the compound or
28 mixture containing the heroin is 100 grams or greater:
29 ten years in prison and a fine of \$50,000 or such larger
30 amount as is sufficient to exhaust the assets utilized in

1 and the proceeds from the illegal activity; however, if
2 at the time of sentencing the defendant has been
3 convicted of another drug trafficking offense: 13 years
4 in prison and \$60,000 or such larger amount as is
5 sufficient to exhaust the assets utilized in and the
6 proceeds from the illegal activity.

7 * * *

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