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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 819 Session of  
2015

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INTRODUCED BY CALTAGIRONE, D. COSTA, SCHLOSSBERG, ROZZI, COHEN  
AND McNEILL, MARCH 24, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 24, 2015

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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," further providing for  
11 prohibited acts and penalties.

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

14 Section 1. Section 13(g) of the act of April 14, 1972  
15 (P.L.233, No.64), known as The Controlled Substance, Drug,  
16 Device and Cosmetic Act, amended December 14, 1984 (P.L.988,  
17 No.200), is amended and the section is amended by adding  
18 subsections to read:

19 Section 13. Prohibited Acts; Penalties.--\* \* \*

20 (g) Any person who violates clause (31) of subsection (a) is  
21 guilty of a [misdemeanor] summary offense and upon conviction  
22 thereof shall be sentenced [to imprisonment not exceeding thirty

1 days, or to pay a fine not exceeding five hundred dollars  
2 (\$500), or both.] as follows:

3 (1) for a first or second offense, to pay a fine of not less  
4 than five hundred dollars (\$500);

5 (2) for a third offense, to pay a fine of not less than  
6 seven hundred fifty dollars (\$750); or

7 (3) for a fourth or subsequent offense, to pay a fine of not  
8 less than one thousand dollars (\$1,000).

9 (g.1) Insofar as it relates to maximum fines and  
10 imprisonment for convictions of summary offenses, 18 Pa.C.S.  
11 (relating to crimes and offenses) is not applicable to  
12 subsection (g). A person shall not be imprisoned for a  
13 conviction under subsection (g).

14 (g.2) A district attorney may elect to require a person who  
15 has been convicted of a second or subsequent offense under  
16 subsection (g) to participate in an approved diversionary  
17 program or complete a summary Accelerated Rehabilitative  
18 Disposition program authorized under Pa.R.Crim.P. 300 (relating  
19 to Accelerated Rehabilitative Disposition in summary cases). As  
20 part of either a diversionary program or a summary Accelerated  
21 Rehabilitative Disposition program, the person must complete an  
22 education course on the effects and prevention of drug abuse. A  
23 court, as part of sentencing, may also order the person to  
24 complete an education course on the effects and prevention of  
25 drug abuse. Failure to comply with the order may result in  
26 contempt of court proceedings.

27 (g.3) The fines imposed and collected under subsection (g)  
28 (1), (2) and (3) shall be allocated equally among the following:

29 (1) The Pennsylvania State Police crime lab and cadet  
30 classes.

1     (2) The Judicial Computer System Augmentation Account.

2     (3) The Crime Victim's Compensation Fund.

3     (4) The Municipal Police Officers' Education and Training  
4 Commission.

5     (5) The district attorney in the county where the citation  
6 is issued for drug court costs.

7     (6) The Office of Attorney General.

8     (7) The Pennsylvania Access to Justice Account.

9     (8) The Pennsylvania Commission on Crime and Delinquency.

10    (9) The law enforcement agency that issues the citation.

11    (10) The General Fund.

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