INTRODUCED BY WARD, VULAKOVICH, McGARRIGLE, BOSCOLA, COSTA, REGAN, WHITE AND VOGEL, JUNE 29, 2017

REferred to judiciary, june 29, 2017

AN ACT

Amending title 18 (crimes and offenses) of the Pennsylvania consolidated statutes, in other offenses, further providing for drug trafficking sentencing and penalties.

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

Section 1. Section 7508(a)(7) of title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 7508. Drug trafficking sentencing and penalties.

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

* * *

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

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

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

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

(iv) when a defendant sentenced under subparagraph
(i), (ii) or (iii) has been found in possession of more
than three doses of naloxone at the time of violating
section 13(a)(14), (30) or (37) of The Controlled
Substance, Drug, Device and Cosmetic Act, a sentence of
not less than one year in prison and a fine of $5,000
shall be imposed in addition to the sentence under
subparagraph (i), (ii) or (iii).

* * *

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