

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2604 Session of
1992

INTRODUCED BY LLOYD, PETRARCA, CAPPABIANCA, NOYE, STEELMAN,
PESCI, TRELLO, NICKOL, ULIANA, COY, HARPER, FAIRCHILD,
NAHILL, PETRONE, FAJT, GERLACH, JOHNSON, SEMMEL, SURRA,
KRUSZEWSKI, HECKLER, OLASZ, MIHALICH, COLAIZZO, DONATUCCI,
CORRIGAN, PISTELLA, WOZNIAK, KING, COHEN, WOGAN, CESSAR AND
KOSINSKI, APRIL 7, 1992

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 7, 1992

AN ACT

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

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

6 Section 1. Section 7508(a)(4) and (5) of Title 18 of the
7 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 (4) A person who is convicted of violating section
14 13(a)(14), (30) or (37) of The Controlled Substance, Drug,
15 Device and Cosmetic Act where the controlled substance is N-
16 ethylamphetamine, methamphetamine or phencyclidine or is a

1 salt, isomer or salt of an isomer of N-ethylamphetamine,
2 methamphetamine or phencyclidine or is a mixture containing
3 N-ethylamphetamine, methamphetamine or phencyclidine,
4 containing a salt of N-ethylamphetamine, methamphetamine or
5 phencyclidine, containing an isomer of N-ethylamphetamine,
6 methamphetamine or phencyclidine, containing a salt of an
7 isomer of N-ethylamphetamine, methamphetamine or
8 phencyclidine shall, upon conviction, be sentenced to a
9 mandatory minimum term of imprisonment and a fine as set
10 forth in this subsection:

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

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

(5) A person who is convicted of violating section 13(a)(14), (30) or (37) of The Controlled Substance, Drug, Device and Cosmetic Act, and who, in the course of the offense, manufactures, delivers, brings into this Commonwealth or possesses with intent to manufacture or deliver amphetamine or N-ethylamphetamine or any salt, optical isomer, or salt of an optical isomer, or a mixture containing any such substances shall, when the aggregate weight of the compound or mixture containing the substance involved is at least five grams, be sentenced to two and one-half 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: be sentenced to 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.

1 * * *

2 Section 2. The amendment of 18 Pa.C.S. § 7508(a)(4) and (5)
3 shall apply to prosecutions based on conduct which occurs on or
4 after the effective date of this act.

5 Section 3. This act shall take effect in 60 days.