

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 AND SEYFERT, JANUARY 20, 1999

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 20, 1999

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) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a paragraph 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 (7) 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 or a
16 mixture containing it is heroin shall, upon conviction, be

1 sentenced as set forth in this paragraph:

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

14 (ii) when the aggregate weight of the compound or
15 mixture containing the heroin involved is at least 5.0
16 grams but less than 50 grams; a mandatory minimum term of
17 three years in prison and a fine of \$15,000 or such
18 larger amount as is sufficient to exhaust the assets
19 utilized in and the proceeds from the illegal activity;
20 however, if at the time of sentencing the defendant has
21 been convicted of another drug trafficking offense: a
22 mandatory minimum term of five years in prison and
23 \$30,000 or such larger amount as is sufficient to exhaust
24 the assets utilized in and the proceeds from the illegal
25 activity; and

26 (iii) when the aggregate weight of the compound or
27 mixture containing the heroin involved is 50 grams or
28 greater: a mandatory minimum term of five years in prison
29 and a fine of \$25,000 or such larger amount as is
30 sufficient to exhaust the assets utilized in and the

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

7 * * *

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