

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2682 Session of
2002

INTRODUCED BY DiGIROLAMO, BROOKS, M. BAKER, BARRAR, BASTIAN,
BENNINGHOFF, BISHOP, BROWNE, CAPPELLI, CASORIO, CLARK,
CLYMER, L. I. COHEN, COLEMAN, CORRIGAN, CREIGHTON, CRUZ,
DALLY, DeLUCA, FAIRCHILD, FORCIER, HARHAI, HENNESSEY, HERMAN,
HORSEY, HUTCHINSON, KELLER, KENNEY, LEDERER, MARKOSEK,
MARSICO, MCGILL, McILHATTAN, MELIO, PALLONE, READSHAW,
RUBLEY, SATHER, SAYLOR, SCHRODER, SHANER, SOLOBAY, STABACK,
E. Z. TAYLOR, J. TAYLOR, TURZAI, WASHINGTON, WATSON, WILT,
WOJNAROSKI, M. WRIGHT, G. WRIGHT AND YOUNGBLOOD, JUNE 5, 2002

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 5, 2002

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 (8) 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 3,

4 - methylenedioxymethamphetamine (MDMA) shall, upon conviction, be sentenced to a mandatory minimum term of imprisonment and a fine as set forth in this paragraph:

(i) when the aggregate weight of the compound or mixture containing the substance involved is at least 15 grams but less than 30 grams, or the total number of tablets, capsules, caplets or other dosage units is at least 50 but less than 100: one year in prison and a fine of \$2,500 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: three years in prison and \$5,000 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 substance involved is at least 30 grams but less than 300 grams, or the total number of tablets, capsules, caplets or other dosage units is at least 100 but less than 1,000: two 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: four years in prison and \$25,000 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 substance is at least 300 grams,

1 or the total number of tablets, capsules, caplets or
2 other dosage units is at least 1,000: four years in
3 prison and a fine of \$30,000 or such larger amount as is
4 sufficient to exhaust the assets utilized in and the
5 proceeds from the illegal activity; however, if at the
6 time of sentencing the defendant has been convicted of
7 another drug trafficking offense; five years in prison
8 and \$50,000 or such larger amount as is sufficient to
9 exhaust the assets utilized in and the proceeds from the
10 illegal activity.

11 * * *

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