

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 2217** Session of  
2008

INTRODUCED BY GABIG, TURZAI, BAKER, BOYD, DeLUCA, FAIRCHILD,  
GEIST, GILLESPIE, GRELL, HESS, HICKERNELL, HUTCHINSON,  
KAUFFMAN, McILHATTAN, MENSCH, MILLARD, MOUL, O'NEILL,  
PICKETT, PYLE, SCAVELLO, SIPTROTH, STERN, SWANGER, TRUE,  
J. WHITE, MOYER AND HORNAMAN, MARCH 10, 2008

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2008

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)(3), (4) and (7) of Title 18 of  
7 the 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 (3) 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  
16 coca leaves or is any salt, compound, derivative or  
17 preparation of coca leaves or is any salt, compound,

1 derivative or preparation which is chemically equivalent or  
2 identical with any of these substances or is any mixture  
3 containing any of these substances except decocainized coca  
4 leaves or extracts of coca leaves which (extracts) do not  
5 contain cocaine or ecgonine shall, upon conviction, be  
6 sentenced to a mandatory minimum term of imprisonment and a  
7 fine as set forth in this subsection:

8 (i) when the aggregate weight of the compound or  
9 mixture containing the substance involved is at least 2.0  
10 grams and less than ten grams; one year in prison and a  
11 fine of \$5,000 or such larger amount as is sufficient to  
12 exhaust the assets utilized in and the proceeds from the  
13 illegal activity; however, if at the time of sentencing  
14 the defendant has been convicted of another drug  
15 trafficking offense: three years in prison and \$10,000 or  
16 such larger amount as is sufficient to exhaust the assets  
17 utilized in and the proceeds from the illegal activity;

18 (ii) when the aggregate weight of the compound or  
19 mixture containing the substance involved is at least ten  
20 grams and less than 100 grams; three years in prison and  
21 a fine of \$15,000 or such larger amount as is sufficient  
22 to exhaust the assets utilized in and the proceeds from  
23 the illegal activity; however, if at the time of  
24 sentencing the defendant has been convicted of another  
25 drug trafficking offense: five years in prison and  
26 \$30,000 or such larger amount as is sufficient to exhaust  
27 the assets utilized in and the proceeds from the illegal  
28 activity; [and]

29 (iii) when the aggregate weight of the compound or  
30 mixture of the substance involved is at least 100 grams[;

1 four] and less than 500 grams; five years in prison and a  
2 fine of [~~\$25,000~~] \$30,000 or such larger amount as is  
3 sufficient to exhaust the assets utilized in and the  
4 proceeds from the illegal activity; however, if at the  
5 time of sentencing the defendant has been convicted of  
6 another drug trafficking offense: seven years in prison  
7 and \$50,000 or such larger amount as is sufficient to  
8 exhaust the assets utilized in and the proceeds from the  
9 illegal activity[.]; and

10 (iv) when the aggregate weight of the compound or  
11 mixture of the substance involved is 500 grams or  
12 greater; ten years in prison and a fine of \$50,000 or  
13 such larger amount as is sufficient to exhaust the assets  
14 utilized in and the proceeds from the illegal activity;  
15 however, if at the time of sentencing the defendant has  
16 been convicted of another drug trafficking offense: 13  
17 years in prison and \$60,000 or such larger amount as is  
18 sufficient to exhaust the assets utilized in and the  
19 proceeds from the illegal activity.

20 (4) A person who is convicted of violating section  
21 13(a)(14), (30) or (37) of The Controlled Substance, Drug,  
22 Device and Cosmetic Act where the controlled substance is  
23 methamphetamine or phencyclidine or is a salt, isomer or salt  
24 of an isomer of methamphetamine or phencyclidine or is a  
25 mixture containing methamphetamine or phencyclidine,  
26 containing a salt of methamphetamine or phencyclidine,  
27 containing an isomer of methamphetamine or phencyclidine,  
28 containing a salt of an isomer of methamphetamine or  
29 phencyclidine shall, upon conviction, be sentenced to a  
30 mandatory minimum term of imprisonment and a fine as set

1       forth in this subsection:

2               (i)   when the aggregate weight of the compound or  
3       mixture containing the substance involved is at least  
4       five grams and less than ten grams; three years in prison  
5       and a fine of \$15,000 or such larger amount as is  
6       sufficient to exhaust the assets utilized in and the  
7       proceeds from the illegal activity; however, if at the  
8       time of sentencing the defendant has been convicted of  
9       another drug trafficking offense: five years in prison  
10      and \$30,000 or such larger amount as is sufficient to  
11      exhaust the assets utilized in and the proceeds from the  
12      illegal activity;

13              (ii)  when the aggregate weight of the compound or  
14      mixture containing the substance involved is at least ten  
15      grams and less than 100 grams; [four] five years in  
16      prison and a fine of \$25,000 or such larger amount as is  
17      sufficient to exhaust the assets utilized in and the  
18      proceeds from the illegal activity; however, if at the  
19      time of sentencing the defendant has been convicted of  
20      another drug trafficking offense: seven years in prison  
21      and \$50,000 or such larger amount as is sufficient to  
22      exhaust the assets utilized in and the proceeds from the  
23      illegal activity; [and]

24              (iii) when the aggregate weight of the compound or  
25      mixture containing the substance involved is at least 100  
26      grams[; five] and less than 500 grams; seven years in  
27      prison and a fine of \$50,000 or such larger amount as is  
28      sufficient to exhaust the assets utilized in and the  
29      proceeds from the illegal activity; however, if at the  
30      time of sentencing the defendant has been convicted of

1 another drug trafficking offense: [eight] ten years in  
2 prison and [\$50,000] \$60,000 or such larger amount as is  
3 sufficient to exhaust the assets utilized in and the  
4 proceeds from the illegal activity[.]; and

5 (iv) when the aggregate weight of the compound or  
6 mixture of the substance involved is 500 grams or  
7 greater; ten years in prison and a fine of \$60,000 or  
8 such larger amount as is sufficient to exhaust the assets  
9 utilized in and the proceeds from the illegal activity;  
10 however, if at the time of sentencing the defendant has  
11 been convicted of another drug trafficking offense: 13  
12 years in prison and \$70,000 or such larger amount as is  
13 sufficient to exhaust the assets utilized in and the  
14 proceeds from the illegal activity.

15 \* \* \*

16 (7) A person who is convicted of violating section  
17 13(a)(14), (30) or (37) of The Controlled Substance, Drug,  
18 Device and Cosmetic Act where the controlled substance or a  
19 mixture containing it is heroin shall, upon conviction, be  
20 sentenced as set forth in this paragraph:

21 (i) when the aggregate weight of the compound or  
22 mixture containing the heroin involved is at least 1.0  
23 gram but less than 5.0 grams the sentence shall be a  
24 mandatory minimum term of two years in prison and a fine  
25 of \$5,000 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: a mandatory minimum term of three  
30 years in prison and \$10,000 or such larger amount as is

1 sufficient to exhaust the assets utilized in and the  
2 proceeds from the illegal activity;

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

15 (iii) when the aggregate weight of the compound or  
16 mixture containing the heroin involved is [50 grams or  
17 greater] at least 50 grams but less than 100 grams: a  
18 mandatory minimum term of [five] seven years in prison  
19 and a fine of [\$25,000] \$30,000 or such larger amount as  
20 is sufficient to exhaust the assets utilized in and the  
21 proceeds from the illegal activity; however, if at the  
22 time of sentencing the defendant has been convicted of  
23 another drug trafficking offense: a mandatory minimum  
24 term of [seven] ten years in prison and \$50,000 or such  
25 larger amount as is sufficient to exhaust the assets  
26 utilized in and the proceeds from the illegal  
27 activity[.]; and

28 (iv) when the aggregate weight of the compound or  
29 mixture containing the heroin is 100 grams or greater:  
30 ten years in prison and a fine of \$50,000 or such larger

1       amount as is sufficient to exhaust the assets utilized in  
2       and the proceeds from the illegal activity; however, if  
3       at the time of sentencing the defendant has been  
4       convicted of another drug trafficking offense: 13 years  
5       in prison and \$60,000 or such larger amount as is  
6       sufficient to exhaust the assets utilized in and the  
7       proceeds from the illegal activity.

8       \* \* \*

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