
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2361 Session of
2008

INTRODUCED BY DeLUCA, HARHAI, HARKINS, KORTZ, MAHONEY, MILLARD,
MURT, PAYNE, READSHAW, SIPTROTH, K. SMITH, SONNEY AND
J. WHITE, MARCH 17, 2008

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 2008

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," defining "law
11 enforcement officer"; and further providing for prohibited
12 acts and penalties.

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

15 Section 1. Section 2(b) of the act of April 14, 1972
16 (P.L.233, No.64), known as The Controlled Substance, Drug,
17 Device and Cosmetic Act, is amended by adding a definition to
18 read:

19 Section 2. Definitions.--* * *

20 (b) As used in this act:

21 * * *

22 "Law enforcement officer" means a member of the Pennsylvania

1 State Police or an individual employed as a police officer who
2 is required to be trained under 53 Pa.C.S. Ch. 21 Subch. D
3 (relating to municipal police education and training).

4 * * *

5 Section 2. Section 13(b) of the act, amended December 22,
6 1989 (P.L.750, No.104), is amended and the section is amended by
7 adding a subsection to read:

8 Section 13. Prohibited Acts; Penalties.--* * *

9 (b) [Any] Except as provided under subsection (g), any
10 person who violates any of the provisions of clauses (1) through
11 (11), (13) and (15) through (20) or (37) of subsection (a) shall
12 be guilty of a misdemeanor, and except for clauses (4), (6),
13 (7), (8), (9) and (19) shall, on conviction thereof, be
14 sentenced to imprisonment not exceeding one year or to pay a
15 fine not exceeding five thousand dollars (\$5,000), or both, and
16 for clauses (4), (6), (7), (8), (9) and (19) shall, on
17 conviction thereof, be sentenced to imprisonment not exceeding
18 three years or to pay a fine not exceeding five thousand dollars
19 (\$5,000), or both; but, if the violation is committed after a
20 prior conviction of such person for a violation of this act
21 under this section has become final, such person shall be
22 sentenced to imprisonment not exceeding three years or to pay a
23 fine not exceeding twenty-five thousand dollars (\$25,000), or
24 both.

25 * * *

26 (g) Any law enforcement officer who violates the provisions
27 of clause (1) of subsection (a) is guilty of a felony and upon
28 conviction thereof shall be sentenced to imprisonment not
29 exceeding ten years.

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