

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1886 Session of
2009

INTRODUCED BY MURT, BAKER, BEYER, BOYD, BRADFORD, CASORIO,
CAUSER, D. COSTA, DALLY, FAIRCHILD, FLECK, GROVE, HESS,
HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M. KELLER, MAJOR,
MILLARD, MILLER, MOUL, OBERLANDER, PICKETT, PYLE, SIPTROTH,
STERN, SWANGER, TRUE, TURZAI AND VULAKOVICH, JULY 24, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JULY 24, 2009

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 13(a)
14 (14), (30) or (37) of The Controlled Substance, Drug, Device
15 and Cosmetic Act where the controlled substance is coca
16 leaves or is any salt, compound, derivative or preparation of
17 coca leaves or is any salt, compound, derivative or

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

four] and less than 500 grams; five years in prison and a
fine of [\$25,000] \$30,000 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: seven 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[.]; and

(iv) when the aggregate weight of the compound or
mixture of the substance involved is 500 grams or
greater; ten 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: 13
years in prison and \$60,000 or such larger amount as is
sufficient to exhaust the assets utilized in and the
proceeds from the illegal activity.

(4) A person who is convicted of violating section 13(a)
(14), (30) or (37) of The Controlled Substance, Drug, Device
and Cosmetic Act where the controlled substance is
methamphetamine or phencyclidine or is a salt, isomer or salt
of an isomer of methamphetamine or phencyclidine or is a
mixture containing methamphetamine or phencyclidine,
containing a salt of methamphetamine or phencyclidine,
containing an isomer of methamphetamine or phencyclidine,
containing a salt of an isomer of methamphetamine or
phencyclidine shall, upon conviction, be sentenced to a
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 13(a)
17 (14), (30) or (37) of The Controlled Substance, Drug, Device
18 and Cosmetic Act where the controlled substance or a mixture
19 containing it is heroin shall, upon conviction, be sentenced
20 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.