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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 988 Session of  
2015

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INTRODUCED BY MURT, BAKER, D. COSTA, MILLARD, MOUL, READSHAW AND  
SAYLOR, APRIL 20, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 20, 2015

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in other offenses, further providing  
3 for drug trafficking 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  
18 preparation which is chemically equivalent or identical with

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

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

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

28 (iii) when the aggregate weight of the compound or  
29 mixture of the substance involved is at least 100 grams[;  
30 four] and less than 500 grams; five years in prison and a

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

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

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

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

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

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

1 prison and ~~[\$50,000]~~ \$60,000 or such larger amount as is  
2 sufficient to exhaust the assets utilized in and the  
3 proceeds from the illegal activity[.]; and

4 (iv) when the aggregate weight of the compound or  
5 mixture of the substance involved is 500 grams or  
6 greater; ten years in prison and a fine of \$60,000 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: 13  
11 years in prison and \$70,000 or such larger amount as is  
12 sufficient to exhaust the assets utilized in and the  
13 proceeds from the illegal activity.

14 \* \* \*

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

20 (i) when the aggregate weight of the compound or  
21 mixture containing the heroin involved is at least 1.0  
22 gram but less than 5.0 grams the sentence shall be a  
23 mandatory minimum term of two years in prison and a fine  
24 of \$5,000 or such larger amount as is sufficient to  
25 exhaust the assets utilized in and the proceeds from the  
26 illegal activity; however, if at the time of sentencing  
27 the defendant has been convicted of another drug  
28 trafficking offense: a mandatory minimum term of three  
29 years in prison and \$10,000 or such larger amount as is  
30 sufficient to exhaust the assets utilized in and the

1 proceeds from the illegal activity;

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

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

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

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

7           \* \* \*

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