

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 928 Session of 2017

INTRODUCED BY JOZWIAK, COX, JAMES, SCHLOSSBERG, McNEILL,
SCHWEYER, IRVIN, REESE, O'BRIEN, J. HARRIS, MULLERY,
A. HARRIS, DeLUCA, D. COSTA, NEILSON, RYAN, RADER AND GILLEN,
MARCH 22, 2017

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 22, 2017

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," further providing for
11 prohibited acts and penalties.
12 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
13 Statutes, in licensing of drivers, further providing for
14 suspension of operating privilege.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 13(g) of the act of April 14, 1972
18 (P.L.233, No.64), known as The Controlled Substance, Drug,
19 Device and Cosmetic Act, is amended to read:

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

21 (g) Any person who violates clause (31) of subsection (a)
22 [is guilty of a misdemeanor and upon conviction thereof shall be
23 sentenced to imprisonment not exceeding thirty days, or to pay a

1 fine not exceeding five hundred dollars (\$500), or both.]:

2 (1) For a first or second offense, commits a summary offense
3 and shall, upon conviction, pay a fine of not more than three
4 hundred dollars (\$300).

5 (2) For a third or subsequent offense, commits a misdemeanor
6 of the third degree and shall, upon conviction, pay a fine of
7 not more than one thousand dollars (\$1,000).

8 * * *

9 Section 2. Section 1532(c) of Title 75 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 § 1532. Suspension of operating privilege.

12 * * *

13 (c) Suspension.--The department shall suspend the operating
14 privilege of any person upon receiving a certified record of the
15 person's conviction of any offense involving the possession,
16 sale, delivery, offering for sale, holding for sale or giving
17 away of any controlled substance under the laws of the United
18 States, this Commonwealth or any other state, or any person 21
19 years of age or younger upon receiving a certified record of the
20 person's conviction or adjudication of delinquency under 18
21 Pa.C.S. § 2706 (relating to terroristic threats) committed on
22 any school property, including any public school grounds, during
23 any school-sponsored activity or on any conveyance providing
24 transportation to a school entity or school-sponsored activity.

25 (1) [The] Except as provided under paragraph (1.1), the
26 period of suspension shall be as follows:

27 (i) For a first offense, a period of six months from
28 the date of the suspension.

29 (ii) For a second offense, a period of one year from
30 the date of the suspension.

1 (iii) For a third and any subsequent offense
2 thereafter, a period of two years from the date of the
3 suspension.

4 (1.1) For a third and any subsequent violation of
5 section 13(a)(31) of the act of April 14, 1972 (P.L.233,
6 No.64), known as The Controlled Substance, Drug, Device and
7 Cosmetic Act, a period of six months from the date of
8 suspension.

9 (2) For the purposes of this subsection, the term
10 "conviction" shall include any conviction or adjudication of
11 delinquency for any of the offenses listed in paragraph (1),
12 whether in this Commonwealth or any other Federal or state
13 court.

14 * * *

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