
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 712 Session of
2017

INTRODUCED BY BREWSTER, FONTANA, HUGHES, VULAKOVICH AND COSTA,
MAY 19, 2017

REFERRED TO JUDICIARY, MAY 19, 2017

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 of Title 18 of the Pennsylvania
7 Consolidated Statutes is 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 (1) A person who is convicted of violating section 13(a)
13 (14), (30) or (37) of the act of April 14, 1972 (P.L.233,
14 No.64), known as The Controlled Substance, Drug, Device and
15 Cosmetic Act, where the controlled substance is marijuana
16 shall, upon conviction, be sentenced to a mandatory minimum
17 term of imprisonment and a fine as set forth in this
18 subsection:

1 (i) when the amount of marijuana involved is at
2 least two pounds, but less than ten pounds, or at least
3 ten live plants but less than 21 live plants; one year in
4 prison and a fine of \$5,000 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: two years in prison and
9 a fine of \$10,000 or such larger amount as is sufficient
10 to exhaust the assets utilized in and the proceeds from
11 the illegal activity;

12 (ii) when the amount of marijuana involved is at
13 least ten pounds, but less than 50 pounds, or at least 21
14 live plants but less than 51 live plants; three years in
15 prison and a fine of \$15,000 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: four years in prison
20 and a fine of \$30,000 or such larger amount as is
21 sufficient to exhaust the assets utilized in and the
22 proceeds from the illegal activity; and

23 (iii) when the amount of marijuana involved is at
24 least 50 pounds, or at least 51 live plants; five years
25 in prison and a fine of \$50,000 or such larger amount as
26 is sufficient to exhaust the assets utilized in and the
27 proceeds from the illegal activity.

28 (2) A person who is convicted of violating section 13(a)
29 (14), (30) or (37) of The Controlled Substance, Drug, Device
30 and Cosmetic Act where the controlled substance or a mixture

1 containing it is classified in Schedule I or Schedule II
2 under section 4 of that act and is a narcotic drug shall,
3 upon conviction, be sentenced to a mandatory minimum term of
4 imprisonment and a fine as set forth in this subsection:

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

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

26 (iii) when the aggregate weight of the compound or
27 mixture containing the substance involved is at least 100
28 grams; five years in prison and a fine of \$25,000 or such
29 larger amount as is sufficient to exhaust the assets
30 utilized in and the proceeds from the illegal activity;

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

6 (3) A person who is convicted of violating section 13(a)
7 (14), (30) or (37) of The Controlled Substance, Drug, Device
8 and Cosmetic Act where the controlled substance is coca
9 leaves or is any salt, compound, derivative or preparation of
10 coca leaves or is any salt, compound, derivative or
11 preparation which is chemically equivalent or identical with
12 any of these substances or is any mixture containing any of
13 these substances except decocainized coca leaves or extracts
14 of coca leaves which (extracts) do not contain cocaine or
15 ecgonine shall, upon conviction, be sentenced to a mandatory
16 minimum term of imprisonment and a fine as set forth in this
17 subsection:

18 (i) when the aggregate weight of the compound or
19 mixture containing the substance involved is at least 2.0
20 grams and less than ten grams; one year in prison and a
21 fine of \$5,000 or such larger amount as is sufficient to
22 exhaust the assets utilized in and the proceeds from the
23 illegal activity; however, if at the time of sentencing
24 the defendant has been convicted of another drug
25 trafficking offense: three years in prison and \$10,000 or
26 such larger amount as is sufficient to exhaust the assets
27 utilized in and the proceeds from the illegal activity;

28 (ii) when the aggregate weight of the compound or
29 mixture containing the substance involved is at least ten
30 grams and less than 100 grams; three years in prison and

1 a fine of \$15,000 or such larger amount as is sufficient
2 to exhaust the assets utilized in and the proceeds from
3 the illegal activity; however, if at the time of
4 sentencing the defendant has been convicted of another
5 drug trafficking offense: five years in prison and
6 \$30,000 or such larger amount as is sufficient to exhaust
7 the assets utilized in and the proceeds from the illegal
8 activity; and

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

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

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

3 (5) A person who is convicted of violating section 13(a)
4 (14), (30) or (37) of The Controlled Substance, Drug, Device
5 and Cosmetic Act, and who, in the course of the offense,
6 manufactures, delivers, brings into this Commonwealth or
7 possesses with intent to manufacture or deliver amphetamine
8 or any salt, optical isomer, or salt of an optical isomer, or
9 a mixture containing any such substances shall, when the
10 aggregate weight of the compound or mixture containing the
11 substance involved is at least five grams, be sentenced to
12 two and one-half years in prison and a fine of \$15,000 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 been
16 convicted of another drug trafficking offense: be sentenced
17 to five years in prison and \$30,000 or such larger amount as
18 is sufficient to exhaust the assets utilized in and the
19 proceeds from the illegal activity.

20 (6) A person who is convicted of violating section 13(a)
21 (14), (30) or (37) of The Controlled Substance, Drug, Device
22 and Cosmetic Act where the controlled substance is
23 methaqualone shall, upon conviction, be sentenced to a
24 mandatory minimum term of imprisonment and a fine as set
25 forth in this subsection:

26 (i) when the aggregate weight of the compound or
27 mixture containing the substance involved is at least 50
28 tablets, capsules, caplets or other dosage units, or 25
29 grams and less than 200 tablets, capsules, caplets or
30 other dosage units, or 100 grams; one year in prison and

1 a fine of \$2,500 or such larger amount as is sufficient
2 to exhaust the assets utilized in and the proceeds from
3 the illegal activity; however, if at the time of
4 sentencing the defendant has been convicted of another
5 drug trafficking offense: three years in prison and
6 \$5,000 or such larger amount as is sufficient to exhaust
7 the assets utilized in and the proceeds from the illegal
8 activity; and

9 (ii) when the aggregate weight of the compound or
10 mixture containing the substance involved is at least 200
11 tablets, capsules, caplets or other dosage units, or more
12 than 100 grams; two and one-half years in prison and a
13 fine of \$15,000 or such larger amount as is sufficient to
14 exhaust the assets utilized in and the proceeds from the
15 illegal activity; however, if at the time of sentencing
16 the defendant has been convicted of another drug
17 trafficking offense: five years in prison and \$30,000 or
18 such larger amount as is sufficient to exhaust the assets
19 utilized in and the proceeds from the illegal activity.

20 (7) A person who is convicted of violating section 13(a)
21 (14), (30) or (37) of The Controlled Substance, Drug, Device
22 and Cosmetic Act where the controlled substance or a mixture
23 containing it is heroin shall, upon conviction, be sentenced
24 as set forth in this paragraph:

25 (i) when the aggregate weight of the compound or
26 mixture containing the heroin involved is at least 1.0
27 gram but less than 5.0 grams the sentence shall be a
28 mandatory minimum term of two years in prison and a fine
29 of \$5,000 or such larger amount as is sufficient to
30 exhaust the assets utilized in and the proceeds from the

1 illegal activity; however, if at the time of sentencing
2 the defendant has been convicted of another drug
3 trafficking offense: a mandatory minimum term of three
4 years in prison and \$10,000 or such larger amount as is
5 sufficient to exhaust the assets utilized in and the
6 proceeds from the illegal activity;

7 (ii) when the aggregate weight of the compound or
8 mixture containing the heroin involved is at least 5.0
9 grams but less than 50 grams: a mandatory minimum term of
10 three years in prison and a fine of \$15,000 or such
11 larger amount as is sufficient to exhaust the assets
12 utilized in and the proceeds from the illegal activity;
13 however, if at the time of sentencing the defendant has
14 been convicted of another drug trafficking offense: a
15 mandatory minimum term of five years in prison and
16 \$30,000 or such larger amount as is sufficient to exhaust
17 the assets utilized in and the proceeds from the illegal
18 activity; and

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

30 (8) A person who is convicted of violating section 13(a)

1 (12), (14) or (30) of The Controlled Substance, Drug, Device
2 and Cosmetic Act where the controlled substance or a mixture
3 containing it is 3,4-methylenedioxyamphetamine (MDA); 3,4-
4 methylenedioxymethamphetamine (MDMA); 5-methoxy-3,4-
5 methylenedioxyamphetamine (MMDA); 3,4-methylenedioxy-N-
6 ethylamphetamine; N-hydroxy-3,4-methylenedioxyamphetamine; or
7 their salts, isomers and salts of isomers, whenever the
8 existence of such salts, isomers and salts of isomers is
9 possible within the specific chemical designation, shall,
10 upon conviction, be sentenced as set forth in this paragraph:

11 (i) When the aggregate weight of the compound or
12 mixture containing the substance involved is at least 50
13 tablets, capsules, caplets or other dosage units, or 15
14 grams and less than 100 tablets, capsules, caplets or
15 other dosage units, or less than 30 grams, the person is
16 guilty of a felony and, upon conviction thereof, shall be
17 sentenced to imprisonment not exceeding five years or to
18 pay a fine not exceeding \$15,000, or both.

19 (ii) When the aggregate weight of the compound or
20 mixture containing the substance involved is at least 100
21 tablets, capsules, caplets or other dosage units, or 30
22 grams and less than 1,000 tablets, capsules, caplets or
23 other dosage units, or less than 300 grams, the person is
24 guilty of a felony and, upon conviction thereof, shall be
25 sentenced to imprisonment not exceeding ten years or to
26 pay a fine not exceeding \$100,000, or both.

27 (iii) When the aggregate weight of the compound or
28 mixture containing the substance involved is at least
29 1,000 tablets, capsules, caplets or other dosage units,
30 or 300 grams, the person is guilty of a felony and, upon

1 conviction thereof, shall be sentenced to imprisonment
2 not exceeding 15 years or to pay a fine not exceeding
3 \$250,000, or both.

4 (a.1) Previous conviction.--For purposes of this section, it
5 shall be deemed that a defendant has been convicted of another
6 drug trafficking offense when the defendant has been convicted
7 of another offense under section 13(a)(14), (30) or (37) of The
8 Controlled Substance, Drug, Device and Cosmetic Act, or of a
9 similar offense under any statute of any state or the United
10 States, whether or not judgment of sentence has been imposed
11 concerning that offense.

12 (b) Proof of sentencing.--Provisions of this section shall
13 not be an element of the crime. Notice of the applicability of
14 this section to the defendant shall not be required prior to
15 conviction, but reasonable notice of the Commonwealth's
16 intention to proceed under this section shall be provided after
17 conviction and before sentencing. The applicability of this
18 section shall be determined at sentencing. The court shall
19 consider evidence presented at trial, shall afford the
20 Commonwealth and the defendant an opportunity to present
21 necessary additional evidence and shall determine, by a
22 preponderance of the evidence, if this section is applicable.

23 (c) Mandatory sentencing.--There shall be no authority in
24 any court to impose on an offender to which this section is
25 applicable a lesser sentence than provided for herein or to
26 place the offender on probation, parole or work release or to
27 suspend sentence. Nothing in this section shall prevent the
28 sentencing court from imposing a sentence greater than provided
29 herein. Sentencing guidelines promulgated by the Pennsylvania
30 Commission on Sentencing shall not supersede the mandatory

1 sentences provided herein. Disposition under section 17 or 18 of
2 The Controlled Substance, Drug, Device and Cosmetic Act shall
3 not be available to a defendant to which this section applies.

4 (d) Appellate review.--If a sentencing court refuses to
5 apply this section where applicable, the Commonwealth shall have
6 the right to appellate review of the action of the sentencing
7 court. The appellate court shall vacate the sentence and remand
8 the case to the sentencing court for imposition of a sentence in
9 accordance with this section if it finds that the sentence was
10 imposed in violation of this section.

11 (e) Forfeiture.--Assets against which a forfeiture petition
12 has been filed and is pending or against which the Commonwealth
13 has indicated an intention to file a forfeiture petition shall
14 not be subject to a fine. Nothing in this section shall prevent
15 a fine from being imposed on assets which have been subject to
16 an unsuccessful forfeiture petition.

17 (f) Growing plants.--When the controlled substance is
18 marijuana in the form of growing plants and the number of plants
19 is nine or less, weighing may be accomplished by law enforcement
20 officials utilizing any certified scale convenient to the place
21 of arrest for the purpose of determining the weight of the
22 growing marijuana plant. The aggregate weight of the plant is to
23 include the whole plant including the root system if possible.
24 The weight is not to include any substance not a part of the
25 growing plant.]

26 (a) General rule.--A person commits an offense when the
27 person is in possession of a controlled substance as provided
28 under subsection (b), (c), (d), (e), (f), (g) or (h) that would
29 constitute a violation of section 13(a)(14), (30) or (37) of the
30 act of April 14, 1972 (P.L.233, No.64), known as The Controlled

1 Substance, Drug, Device and Cosmetic Act, and where the person
2 was in possession of a firearm in violation of the following:

3 (1) section 6105 (relating to persons not to possess,
4 use, manufacture, control, sell or transfer firearms);

5 (2) section 6106 (relating to firearms not to be carried
6 without a license); or

7 (3) section 6110.2 (relating to possession of firearm
8 with altered manufacturer's number).

9 (b) Marijuana.--An offense under subsection (a) where the
10 controlled substance is marijuana shall be graded as follows:

11 (1) A misdemeanor of the first degree when the amount of
12 marijuana involved is at least two pounds, but less than 10
13 pounds, or at least 10 live plants but less than 21 live
14 plants.

15 (2) A felony of the third degree when the amount of
16 marijuana involved is at least 10 pounds, but less than 50
17 pounds, or at least 21 live plants but less than 51 live
18 plants.

19 (3) A felony of the second degree when the amount of
20 marijuana involved is at least 50 pounds or at least 51 live
21 plants.

22 (c) Schedule I or II narcotics.--An offense under subsection
23 (a) where the controlled substance or a mixture containing it is
24 classified in Schedule I or Schedule II under section 4 of The
25 Controlled Substance, Drug, Device and Cosmetic Act and is a
26 narcotic drug shall be graded as follows:

27 (1) A misdemeanor of the first degree when the aggregate
28 weight of the compound or mixture containing the substance
29 involved is at least 2.0 grams and less than 10 grams.

30 (2) A felony of the third degree when the aggregate

1 weight of the compound or mixture containing the substance
2 involved is at least 10 grams and less than 100 grams.

3 (3) A felony of the second degree when the aggregate
4 weight of the compound or mixture containing the substance
5 involved is at least 100 grams.

6 (d) Coca leaves.--An offense under subsection (a) where the
7 controlled substance is coca leaves, a salt, compound,
8 derivative or preparation of coca leaves, a salt, compound,
9 derivative or preparation that is chemically equivalent or
10 identical to any of these substances or a mixture containing any
11 of these substances except decocainized coca leaves or extracts
12 of coca leaves that do not contain cocaine or ecgonine shall be
13 graded as follows:

14 (1) A misdemeanor of the first degree when the aggregate
15 weight of the compound or mixture containing the substance
16 involved is at least 2.0 grams and less than 10 grams.

17 (2) A felony of the third degree when the aggregate
18 weight of the compound or mixture containing the substance
19 involved is at least 10 grams and less than 100 grams.

20 (3) A felony of the second degree when the aggregate
21 weight of the compound or mixture of the substance involved
22 is at least 100 grams.

23 (e) Methamphetamine or phencyclidine.--An offense under
24 subsection (a) where the controlled substance is methamphetamine
25 or phencyclidine, a salt, isomer or salt of an isomer of
26 methamphetamine or phencyclidine or a mixture containing any of
27 these substances shall be graded as follows:

28 (1) A misdemeanor of the first degree when the aggregate
29 weight of the compound or mixture containing the substance
30 involved is at least five grams and less than 10 grams.

1 (2) A felony of the third degree when the aggregate
2 weight of the compound or mixture containing the substance
3 involved is at least 10 grams and less than 100 grams.

4 (3) A felony of the second degree when the aggregate
5 weight of the compound or mixture containing the substance
6 involved is at least 100 grams.

7 (f) Heroin.--An offense under subsection (a) where the
8 controlled substance is heroin or a mixture containing heroin
9 shall be graded as follows:

10 (1) A misdemeanor of the first degree when the aggregate
11 weight of the compound or mixture containing the heroin
12 involved is at least one gram but less than five grams.

13 (2) A felony of the third degree when the aggregate
14 weight of the compound or mixture containing the heroin
15 involved is at least five grams but less than 50 grams.

16 (3) A felony of the second degree when the aggregate
17 weight of the compound or mixture containing the heroin
18 involved is 50 grams or greater.

19 (g) MDA, MDMA and MMDA.--An offense under subsection (a)
20 where the controlled substance or a mixture containing the
21 controlled substance is 3,4-methylenedioxyamphetamine (MDA);
22 3,4-methylenedioxymethamphetamine (MDMA); 5-methoxy-3,4-
23 methylenedioxyamphetamine (MMDA); 3,4-methylenedioxy-N-
24 ethylamphetamine; N-hydroxy-3,4-methylenedioxyamphetamine; or
25 their salts, isomers and salts of isomers, whenever the
26 existence of such salts, isomers and salts of isomers is
27 possible within the specific chemical designation, shall be
28 graded as follows:

29 (1) A felony of the third degree when the aggregate
30 weight of the compound or mixture containing the substance

1 involved is at least 50 tablets, capsules, caplets or other
2 dosage units, or at least 15 grams, and less than 100
3 tablets, capsules, caplets or other dosage units, or less
4 than 30 grams.

5 (2) A felony of the second degree when the aggregate
6 weight of the compound or mixture containing the substance
7 involved is at least 100 tablets, capsules, caplets or other
8 dosage units, or 30 grams.

9 (h) Methaqualone.--An offense under subsection (a) where the
10 controlled substance is methaqualone shall be graded as follows:

11 (1) A misdemeanor of the first degree when the aggregate
12 weight of the compound or mixture containing the substance
13 involved is at least 50 tablets, capsules, caplets or other
14 dosage units, or at least 25 grams, and less than 200
15 tablets, capsules, caplets or other dosage units, or less
16 than 100 grams.

17 (2) A felony of the third degree when the aggregate
18 weight of the compound or mixture containing the substance
19 involved is at least 200 tablets, capsules, caplets or other
20 dosage units, or more than 100 grams.

21 (i) Additional offense.--A person who manufactures,
22 delivers, brings into this Commonwealth or possesses with intent
23 to manufacture or deliver amphetamine or any salt, optical
24 isomer, salt of an optical isomer or mixture containing any such
25 substances, when the aggregate weight of the compound or mixture
26 containing the substance involved is at least five grams, shall,
27 upon conviction, be sentenced to two and one-half years in
28 prison and a fine of \$15,000 or such larger amount as is
29 sufficient to exhaust the assets utilized in and the proceeds
30 from the illegal activity. If, at the time of sentencing, the

1 defendant has been convicted of another drug trafficking
2 offense, the defendant shall be sentenced to five years in
3 prison and a fine of \$30,000 or such larger amount as is
4 sufficient to exhaust the assets utilized in and the proceeds
5 from the illegal activity.

6 (j) Previous conviction.--A second or subsequent offense
7 under this section or a prior conviction for drug trafficking
8 shall increase the grade of the offense by one degree. For
9 purposes of this section, a defendant shall be deemed to have
10 been convicted of another drug trafficking offense when the
11 defendant has been convicted of another offense under section
12 13(a)(14), (30) or (37) of The Controlled Substance, Drug,
13 Device and Cosmetic Act or of a similar offense under any
14 statute of any state or the United States or any territory or
15 possession thereof, whether or not judgment of sentence has been
16 imposed concerning that offense.

17 (k) Forfeiture.--Assets against which a forfeiture petition
18 has been filed and is pending or against which the Commonwealth
19 has indicated an intention to file a forfeiture petition shall
20 not be subject to a fine. Nothing in this section may prevent a
21 fine from being imposed on assets that have been subject to an
22 unsuccessful forfeiture petition.

23 (l) Live plants.--When the controlled substance is marijuana
24 in the form of live plants and the number of plants is nine or
25 less, weighing may be accomplished by law enforcement officials
26 utilizing any certified scale convenient to the place of arrest
27 for the purpose of determining the weight of the live marijuana
28 plant. The aggregate weight of the plant shall include the whole
29 plant, including the root system if possible. The weight shall
30 not include any substance that is not a part of the live plant.

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