

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 132 Session of 2019

INTRODUCED BY JOZWIAK, RYAN, SCHLOSSBERG, DAY, DeLUCA,  
RAVENSTAHL, NEILSON, FREEMAN, RIGBY, GILLEN, HILL-EVANS,  
BURGOS, CIRESI, WARREN AND PASHINSKI, JANUARY 28, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 28, 2019

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] The following shall apply:

22 (1) Except as provided under clause (2), a person who  
23 violates clause (31) of subsection (a):

1 (i) For a first or second offense, is guilty of a summary  
2 offense and upon conviction thereof shall only pay a fine not  
3 exceeding three hundred dollars (\$300).

4 (ii) For a third or subsequent offense, is guilty of a  
5 misdemeanor of the third degree and upon conviction thereof  
6 shall only pay a fine not exceeding one thousand dollars  
7 (\$1,000).

8 (2) A person who violates clause (31) of subsection (a) as  
9 follows is guilty of a misdemeanor and upon conviction thereof  
10 shall be sentenced to imprisonment not exceeding thirty days, or  
11 to pay a fine not exceeding five hundred dollars (\$500), or  
12 both[.]:

13 (i) who is under eighteen (18) years of age;

14 (ii) while in a motor vehicle; or

15 (iii) while in a building of, on the grounds of, or in a  
16 conveyance providing transportation to or from an elementary or  
17 secondary publicly funded educational institution, an elementary  
18 or secondary private school licensed by the Department of  
19 Education or any elementary or secondary parochial school.

20 (3) The judicial authority with jurisdiction over the  
21 violation by a person under eighteen (18) years of age shall  
22 give first consideration to referring the person to a  
23 diversionary program under 42 Pa.C.S. § 1520 (relating to  
24 adjudication alternative program) and the Pennsylvania Rules of  
25 Criminal Procedure. As part of the diversionary program, the  
26 judicial authority with jurisdiction over the violation may  
27 order the person to participate in an educational program. If  
28 the person successfully completes the diversionary program, the  
29 person's records of the charge of violating clause (2) shall be  
30 expunged as provided for under Pa.R.C.P. No.320 (relating to

1 expungement upon successful completion of ARD program).

2 \* \* \*

3 Section 2. Section 1532(c) of Title 75 of the Pennsylvania  
4 Consolidated Statutes, amended October 24, 2018 (P.L.659,  
5 No.95), is amended to read:

6 § 1532. Suspension of operating privilege.

7 \* \* \*

8 (c) Suspension.--The department shall suspend the operating  
9 privilege of any person 21 years of age or younger upon  
10 receiving a certified record of the person's conviction or  
11 adjudication of delinquency under 18 Pa.C.S. § 2706 (relating to  
12 terroristic threats) committed on or against any school  
13 property, including any public school grounds, during any  
14 school-sponsored activity or on any conveyance providing  
15 transportation to a school entity or school-sponsored activity  
16 in accordance with the following:

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

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

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

23 (iii) For a third and any subsequent offense  
24 thereafter, a period of two years from the date of the  
25 suspension.

26 (1.1) For a third and any subsequent violation of  
27 section 13(a)(31) of the act of April 14, 1972 (P.L.233,  
28 No.64), known as The Controlled Substance, Drug, Device and  
29 Cosmetic Act, a period of six months from the date of  
30 suspension.

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

6 \* \* \*

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