

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 235 Session of 2023

INTRODUCED BY MASTRIANO, LANGERHOLC, STEFANO, DUSH, VOGEL AND ARGALL, JANUARY 31, 2023

SENATOR BAKER, JUDICIARY, AS AMENDED, JUNE 27, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in criminal homicide, providing for <--
3 the offense of fentanyl delivery resulting in death. FURTHER <--
4 PROVIDING FOR THE OFFENSE OF DRUG DELIVERY RESULTING IN
5 DEATH; AND IMPOSING A PENALTY.

6 THIS ACT MAY BE REFERRED TO AS TYLER'S LAW.

7 THE GENERAL ASSEMBLY'S INTENT IS TO ASSIST IN PROSECUTING A
8 PERSON WHO SELLS OR OTHERWISE PROFITS FROM THE SALE OF UNLAWFUL
9 FENTANYL THAT CAUSES THE DEATH OF ANOTHER PERSON.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Title 18 of the Pennsylvania Consolidated <--
13 Statutes is amended by adding a section to read:

14 § 2506.1. Fentanyl delivery resulting in death.

15 (a) Legislative intent.

16 (1) The General Assembly's intent of this section is to
17 assist in prosecuting a person who sells or otherwise profits
18 from the sale of unlawful fentanyl that causes the death of
19 another person.

1 ~~(2) This section may be referred to as "Tyler's Law."~~

2 ~~(b) Offense defined. A person commits a felony of the first~~
3 ~~degree if the person intentionally sells or engages in a~~
4 ~~monetary transaction to distribute fentanyl and the distribution~~
5 ~~results in the death of another person due to the use of the~~
6 ~~fentanyl.~~

7 ~~(c) Mandatory minimum penalty. A person convicted of a~~
8 ~~violation of subsection (b) shall be sentenced to a minimum~~
9 ~~sentence of at least 25 years of total confinement,~~
10 ~~notwithstanding any other provision of this title or any other~~
11 ~~statute to the contrary. In no case shall the sentence exceed a~~
12 ~~maximum sentence of 50 years of total confinement.~~

13 ~~(d) Drug overdose response immunity. The immunity provided~~
14 ~~for under section 13.7 of the act of April 14, 1972 (P.L.233,~~
15 ~~No.64), known as The Controlled Substance, Drug, Device and~~
16 ~~Cosmetic Act, shall apply to this section.~~

17 ~~(e) Construction. The provisions of this section shall not~~
18 ~~be construed to limit, restrict or otherwise prohibit an~~
19 ~~indictment or conviction for another crime that may be related~~
20 ~~to a violation of this section.~~

21 SECTION 1. SECTION 2506(B) OF TITLE 18 OF THE PENNSYLVANIA <--
22 CONSOLIDATED STATUTES IS AMENDED TO READ:

23 § 2506. DRUG DELIVERY RESULTING IN DEATH.

24 * * *

25 (B) PENALTY.--

26 (1) A PERSON CONVICTED UNDER SUBSECTION (A) SHALL BE
27 SENTENCED TO A TERM OF IMPRISONMENT WHICH SHALL BE FIXED BY
28 THE COURT AT NOT MORE THAN 40 YEARS.

29 (1.1) A PERSON CONVICTED UNDER THIS SUBSECTION SHALL BE
30 SENTENCED TO A MINIMUM TERM OF AT LEAST 10 YEARS OF TOTAL

1 CONFINEMENT AND A FINE OF \$15,000, OR A LARGER AMOUNT AS IS
2 DETERMINED TO EXHAUST THE ASSETS UTILIZED IN AND PROCEEDS
3 FROM THE ILLEGAL ACTIVITY IF:

4 (I) PRIOR TO THE COMMISSION OF THE OFFENSE, THE
5 PERSON HAD TWO OR MORE PRIOR CONVICTIONS FOR A VIOLATION
6 OF SECTION 13(A) (14) OR (30) OF THE ACT OF APRIL 14, 1972
7 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE,
8 DRUG, DEVICE AND COSMETIC ACT; OR

9 (II) THE PERSON RECEIVED ANYTHING OF VALUE, DIRECTLY
10 OR INDIRECTLY, AS CONSIDERATION FOR DISPENSING,
11 DELIVERING, GIVING, PRESCRIBING, SELLING OR DISTRIBUTING
12 ANY CONTROLLED SUBSTANCE OR COUNTERFEIT CONTROLLED
13 SUBSTANCE.

14 (2) PARAGRAPH (1) SHALL NOT APPLY TO A PERSON CONVICTED
15 UNDER SECTION 2502(C) (RELATING TO MURDER) WHEN THE VICTIM IS
16 LESS THAN 13 YEARS OF AGE AND THE CONDUCT ARISES OUT OF THE
17 SAME CRIMINAL ACT.

18 * * *

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