

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1030 Session of
2024

INTRODUCED BY VOGEL, LANGERHOLC, PENNYCUICK, BROWN, GEBHARD,
LAUGHLIN, HUTCHINSON, DUSH, FARRY, CULVER AND MASTRIANO,
JANUARY 8, 2024

REFERRED TO JUDICIARY, JANUARY 8, 2024

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, providing for the offense
3 of trafficking drugs containing fentanyl to minors; and
4 imposing a penalty.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 6314.1. Trafficking drugs containing fentanyl to minors.

10 (a) General rule.--Notwithstanding section 6314 (relating to
11 sentencing and penalties for trafficking drugs to minors), a
12 person over 18 years of age commits a felony of the second
13 degree if the person intentionally administers, dispenses,
14 delivers, gives, prescribes, sells or distributes any controlled
15 substance or counterfeit controlled substance in violation of
16 section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233,
17 No.64), known as The Controlled Substance, Drug, Device and
18 Cosmetic Act, and that controlled substance contains fentanyl or

1 fentanyl analogues and the recipient of the controlled substance
2 is a minor.

3 (b) Penalty.--A person convicted under subsection (a) shall
4 be sentenced to a term of imprisonment fixed by the court at not
5 less than 20 years and not more than 40 years.

6 (c) Authority of court in sentencing.--There shall be no
7 authority for a court to impose on a defendant to which this
8 section is applicable a lesser sentence than provided for in
9 subsection (b), to place the defendant on probation or to
10 suspend sentence. Nothing in this section shall prevent the
11 sentencing court from imposing a sentence greater than that
12 provided in this section. Sentencing guidelines promulgated by
13 the Pennsylvania Commission on Sentencing shall not supersede
14 the mandatory sentences provided in this section.

15 (d) Appeal by Commonwealth.--If a sentencing court refuses
16 to apply this section where applicable, the Commonwealth shall
17 have the right to appellate review of the action of the
18 sentencing court. The appellate court shall vacate the sentence
19 and remand the case to the sentencing court for imposition of a
20 sentence in accordance with this section if it finds that the
21 sentence was imposed in violation of this section.

22 (e) Forfeiture.--Assets against which a petition seeking
23 forfeiture has been filed and is pending or against which the
24 Commonwealth has indicated an intention to file a petition
25 seeking forfeiture shall not be subject to a fine under this
26 section.

27 (f) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Minor." An individual under 18 years of age.

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