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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1666 Session of  
2017

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INTRODUCED BY SANTORA, COOK, BAKER, CHARLTON, BARRAR, MILLARD,  
GODSHALL, PASHINSKI, GROVE, DeLUCA, JOZWIAK AND NEILSON,  
JULY 19, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, JULY 19, 2017

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in assault, providing for the offense of drug  
4 delivery resulting in serious bodily injury; in other  
5 offenses, further providing for drug trafficking sentencing  
6 and penalties; and, in sentencing, further providing for  
7 sentences for second and subsequent offenses.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

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

12 § 2719. Drug delivery resulting in serious bodily injury.

13 A person commits a felony of the second degree if the person  
14 intentionally administers, dispenses, delivers, gives,  
15 prescribes, sells or distributes any controlled substance or  
16 counterfeit controlled substance in violation of section 13(a)  
17 (14) or (30) of the act of April 14, 1972 (P.L.233, No.64),  
18 known as The Controlled Substance, Drug, Device and Cosmetic  
19 Act, and another person suffers serious bodily injury as a  
20 result of using the substance.

1 Section 2. Section 7508(a)(7) of Title 18 is amended and the  
2 subsection is amended by adding a paragraph to read:

3 § 7508. Drug trafficking sentencing and penalties.

4 (a) General rule.--Notwithstanding any other provisions of  
5 this or any other act to the contrary, the following provisions  
6 shall apply:

7 \* \* \*

8 (7) A person who is convicted of violating section 13(a)  
9 (14)[, (30)] or (37) of The Controlled Substance, Drug,  
10 Device and Cosmetic Act where the controlled substance or a  
11 mixture containing it is heroin shall, upon conviction, be  
12 sentenced as set forth in this paragraph:

13 (i) when the aggregate weight of the compound or  
14 mixture containing the heroin involved is at least 1.0  
15 gram but less than 5.0 grams the sentence shall be a  
16 mandatory minimum term of two years in prison and a fine  
17 of \$5,000 or such larger amount as is sufficient to  
18 exhaust the assets utilized in and the proceeds from the  
19 illegal activity; however, if at the time of sentencing  
20 the defendant has been convicted of another drug  
21 trafficking offense: a mandatory minimum term of three  
22 years in prison and \$10,000 or such larger amount as is  
23 sufficient to exhaust the assets utilized in and the  
24 proceeds from the illegal activity;

25 (ii) when the aggregate weight of the compound or  
26 mixture containing the heroin involved is at least 5.0  
27 grams but less than 50 grams: a mandatory minimum term of  
28 three years in prison and a fine of \$15,000 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: a  
3           mandatory minimum term of five years in prison and  
4           \$30,000 or such larger amount as is sufficient to exhaust  
5           the assets utilized in and the proceeds from the illegal  
6           activity; and

7           (iii) when the aggregate weight of the compound or  
8           mixture containing the heroin involved is 50 grams or  
9           greater: a mandatory minimum term of five years in prison  
10          and a fine of \$25,000 or such larger amount as is  
11          sufficient to exhaust the assets utilized in and the  
12          proceeds from the illegal activity; however, if at the  
13          time of sentencing the defendant has been convicted of  
14          another drug trafficking offense: a mandatory minimum  
15          term of seven years in prison and \$50,000 or such larger  
16          amount as is sufficient to exhaust the assets utilized in  
17          and the proceeds from the illegal activity.

18          (7.1) A person who is convicted of violating section  
19          13(a)(30) of The Controlled Substance, Drug, Device and  
20          Cosmetic Act where the controlled substance or a mixture  
21          containing it is heroin shall, upon conviction, be sentenced  
22          for a first violation to a mandatory minimum term of five  
23          years in prison and a fine of \$25,000 or such larger amount  
24          as is sufficient to exhaust the assets utilized in and the  
25          proceeds from the illegal activity; and, for a second or  
26          subsequent violation, to a mandatory minimum term of seven  
27          years in prison and \$50,000 or such larger amount as is  
28          sufficient to exhaust the assets utilized in and the proceeds  
29          from the illegal activity.

30           \* \* \*

1 Section 3. Section 9714(g) of Title 42 is amended to read:

2 § 9714. Sentences for second and subsequent offenses.

3 \* \* \*

4 (g) Definition.--As used in this section, the term "crime of  
5 violence" means murder of the third degree, voluntary  
6 manslaughter, manslaughter of a law enforcement officer as  
7 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal  
8 homicide of law enforcement officer), murder of the third degree  
9 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)  
10 (relating to murder of unborn child), aggravated assault of an  
11 unborn child as defined in 18 Pa.C.S. § 2606 (relating to  
12 aggravated assault of unborn child), aggravated assault as  
13 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to  
14 aggravated assault), assault of law enforcement officer as  
15 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law  
16 enforcement officer), use of weapons of mass destruction as  
17 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass  
18 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)  
19 (relating to terrorism), drug delivery resulting in serious  
20 bodily injury under 18 Pa.C.S. § 2719 (relating to drug delivery  
21 resulting in serious bodily injury), trafficking of persons when  
22 the offense is graded as a felony of the first degree as  
23 provided in 18 Pa.C.S. § 3002 (relating to trafficking of  
24 persons), rape, involuntary deviate sexual intercourse,  
25 aggravated indecent assault, incest, sexual assault, arson  
26 endangering persons or aggravated arson as defined in 18 Pa.C.S.  
27 § 3301(a) or (a.1) (relating to arson and related offenses),  
28 ecoterrorism as classified in 18 Pa.C.S. § 3311(b)(3) (relating  
29 to ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S.  
30 § 3502(a)(1) (relating to burglary), robbery as defined in 18

1 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or  
2 robbery of a motor vehicle, drug delivery resulting in death as  
3 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery  
4 resulting in death), or criminal attempt, criminal conspiracy or  
5 criminal solicitation to commit murder or any of the offenses  
6 listed above, or an equivalent crime under the laws of this  
7 Commonwealth in effect at the time of the commission of that  
8 offense or an equivalent crime in another jurisdiction.

9 Section 4. This act shall take effect in 60 days.