
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 809 Session of
2017

INTRODUCED BY WARD, VULAKOVICH, McGARRIGLE, BOSCOLA, COSTA,
REGAN, WHITE AND VOGEL, JUNE 29, 2017

REFERRED TO JUDICIARY, JUNE 29, 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(a)(7) of Title 18 of the
7 Pennsylvania 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 * * *

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

18 (i) when the aggregate weight of the compound or

1 mixture containing the heroin involved is at least 1.0
2 gram but less than 5.0 grams the sentence shall be a
3 mandatory minimum term of two years in prison and a fine
4 of \$5,000 or such larger amount as is sufficient to
5 exhaust the assets utilized in and the proceeds from the
6 illegal activity; however, if at the time of sentencing
7 the defendant has been convicted of another drug
8 trafficking offense: a mandatory minimum term of three
9 years in prison and \$10,000 or such larger amount as is
10 sufficient to exhaust the assets utilized in and the
11 proceeds from the illegal activity;

12 (ii) when the aggregate weight of the compound or
13 mixture containing the heroin involved is at least 5.0
14 grams but less than 50 grams: a mandatory minimum term of
15 three years in prison and a fine of \$15,000 or such
16 larger amount as is sufficient to exhaust the assets
17 utilized in and the proceeds from the illegal activity;
18 however, if at the time of sentencing the defendant has
19 been convicted of another drug trafficking offense: a
20 mandatory minimum term of five years in prison and
21 \$30,000 or such larger amount as is sufficient to exhaust
22 the assets utilized in and the proceeds from the illegal
23 activity; [and]

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

1 another drug trafficking offense: a mandatory minimum
2 term of seven years in prison and \$50,000 or such larger
3 amount as is sufficient to exhaust the assets utilized in
4 and the proceeds from the illegal activity[.]; and

5 (iv) when a defendant sentenced under subparagraph
6 (i), (ii) or (iii) has been found in possession of more
7 than three doses of naloxone at the time of violating
8 section 13(a)(14), (30) or (37) of The Controlled
9 Substance, Drug, Device and Cosmetic Act, a sentence of
10 not less than one year in prison and a fine of \$5,000
11 shall be imposed in addition to the sentence under
12 subparagraph (i), (ii) or (iii).

13 * * *

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