

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1326 Session of 2023

INTRODUCED BY OWLETT, RADER, KUTZ, SMITH, PICKETT, ZIMMERMAN,
MOUL, M. BROWN, COOK, RIGBY, JAMES, MUSTELLO, FLICK, MERCURI
AND STRUZZI, JUNE 12, 2023

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 12, 2023

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in criminal homicide, repealing provisions relating
4 to the offense of drug delivery resulting in death; in
5 assault, providing for the offense of drug delivery resulting
6 in death or serious bodily injury; in arson, criminal
7 mischief and other property destruction, further providing
8 for additional fine for arson committed for profit; in
9 wiretapping and electronic surveillance, further providing
10 for definitions; in limitation of time, further providing for
11 no limitation applicable and for other offenses; and, in
12 sentencing, further providing for sentences for second and
13 subsequent offenses.

14 This act shall be known and may be cited as Isaiah's Law.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. Section 2506 of Title 18 of the Pennsylvania
18 Consolidated Statutes is repealed:

19 [§ 2506. Drug delivery resulting in death.

20 (a) Offense defined.--A person commits a felony of the first
21 degree if the person intentionally administers, dispenses,
22 delivers, gives, prescribes, sells or distributes any controlled
23 substance or counterfeit controlled substance in violation of

1 section 13(a) (14) or (30) of the act of April 14, 1972 (P.L.233,
2 No.64), known as The Controlled Substance, Drug, Device and
3 Cosmetic Act, and another person dies as a result of using the
4 substance.

5 (b) Penalty.--

6 (1) A person convicted under subsection (a) shall be
7 sentenced to a term of imprisonment which shall be fixed by
8 the court at not more than 40 years.

9 (2) Paragraph (1) shall not apply to a person convicted
10 under section 2502(c) (relating to murder) when the victim is
11 less than 13 years of age and the conduct arises out of the
12 same criminal act.

13 (f) Forfeiture.--Assets against which a forfeiture petition
14 has been filed and is pending or against which the Commonwealth
15 has indicated an intention to file a forfeiture petition shall
16 not be subject to a fine. Nothing in this section shall prevent
17 a fine from being imposed on assets which have been subject to
18 an unsuccessful forfeiture petition.]

19 Section 2. Title 18 is amended by adding a section to read:
20 § 2720. Drug delivery resulting in death or serious bodily
21 injury.

22 (a) Offense defined.--A person commits an offense if the
23 person unlawfully and intentionally administers, dispenses,
24 delivers, gives, prescribes, sells or distributes a controlled
25 substance or counterfeit controlled substance and another person
26 dies or suffers serious bodily injury as a result of using the
27 substance, alone or in combination with any other substance.

28 (b) Penalty.--

29 (1) Except as provided under paragraph (2), the
30 following apply:

1 (i) If the offense resulted in the death of the
2 victim, the offense constitutes a felony of the first
3 degree and the person shall be sentenced to a term of
4 imprisonment which shall be fixed by the court at not
5 more than 40 years.

6 (ii) If the offense resulted in serious bodily
7 injury to the victim, the offense constitutes a felony of
8 the third degree.

9 (2) Paragraph (1)(i) shall not apply to a person
10 convicted under section 2502(c) (relating to murder) when the
11 victim is less than 13 years of age and the conduct arises
12 out of the same criminal act.

13 (c) Affirmative defense.--It shall be an affirmative defense
14 under this section that the person was not given or did not
15 receive any service or anything of value in exchange for the
16 delivery of the substance.

17 (d) Forfeiture.--Assets against which a forfeiture petition
18 has been filed and is pending or against which the Commonwealth
19 has indicated an intention to file a forfeiture petition shall
20 not be subject to a fine. Nothing in this section shall prevent
21 a fine from being imposed on assets which have been subject to
22 an unsuccessful forfeiture petition.

23 (e) Definition.--As used in this section, the term
24 "unlawfully" means conduct which constitutes a violation of
25 section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233,
26 No.64), known as The Controlled Substance, Drug, Device and
27 Cosmetic Act, but without regard for whether the conduct took
28 place in this Commonwealth.

29 Section 3. Section 3308(a) of Title 18 is amended to read:
30 § 3308. Additional fine for arson committed for profit.

1 (a) General rule.--Any person convicted under section [2506
2 (relating to arson murder) or] 3301 (relating to arson and
3 related offenses) where any consideration was paid or payable,
4 in addition to any sentence of imprisonment, shall be fined an
5 amount double the amount of the consideration or the maximum
6 lawful fine as provided in section 1101 (relating to fines),
7 whichever is greater.

8 * * *

9 Section 4. The definition of "crime of violence" in section
10 5702 of Title 18 is amended to read:

11 § 5702. Definitions.

12 As used in this chapter, the following words and phrases
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Crime of violence." Any of the following:

17 (1) Any of the following crimes:

18 (i) Murder in any degree as defined in section
19 2502(a), (b) or (c) (relating to murder).

20 (ii) Voluntary manslaughter as defined in section
21 2503 (relating to voluntary manslaughter), drug delivery
22 resulting in death or serious bodily injury as defined in
23 section [2506(a) relating] 2720 (relating to drug
24 delivery resulting in death or serious bodily injury),
25 aggravated assault as defined in section 2702(a)(1) or
26 (2) (relating to aggravated assault), 2718 (relating to
27 strangulation), kidnapping as defined in section 2901(a)
28 or (a.1) (relating to kidnapping), rape as defined in
29 section 3121(a), (c) or (d) (relating to rape),
30 involuntary deviate sexual intercourse as defined in

1 section 3123(a), (b) or (c) (relating to involuntary
2 deviate sexual intercourse), sexual assault as defined in
3 section 3124.1 (relating to sexual assault), aggravated
4 indecent assault as defined in section 3125(a) or (b)
5 (relating to aggravated indecent assault), incest as
6 defined in section 4302(a) or (b) (relating to incest),
7 arson as defined in section 3301(a) (relating to arson
8 and related offenses), burglary as defined in section
9 3502(a) (1) (relating to burglary), robbery as defined in
10 section 3701(a) (1) (i), (ii) or (iii) (relating to
11 robbery) or robbery of a motor vehicle as defined in
12 section 3702(a) (relating to robbery of motor vehicle).

13 (iii) Intimidation of witness or victim as defined
14 in section 4952(a) and (b) (relating to intimidation of
15 witnesses or victims).

16 (iv) Retaliation against witness, victim or party as
17 defined in section 4953(a) and (b) (relating to
18 retaliation against witness, victim or party).

19 (v) Criminal attempt as defined in section 901(a)
20 (relating to criminal attempt), criminal solicitation as
21 defined in section 902(a) (relating to criminal
22 solicitation) or criminal conspiracy as defined in
23 section 903(a) (relating to criminal conspiracy) to
24 commit any of the offenses specified in this definition.

25 (2) Any offense equivalent to an offense under paragraph
26 (1) under the laws of this Commonwealth in effect at the time
27 of the commission of that offense or under the laws of
28 another jurisdiction.

29 * * *

30 Section 5. Section 5551 of Title 42 is amended by adding a

1 paragraph to read:

2 § 5551. No limitation applicable.

3 A prosecution for the following offenses may be commenced at
4 any time:

5 * * *

6 (8) A violation of 18 Pa.C.S. § 2720 (relating to drug
7 delivery resulting in death or serious bodily injury) if the
8 offense resulted in the death of the victim.

9 Section 6. Section 5552(b) of Title 42 is amended to read:

10 § 5552. Other offenses.

11 * * *

12 (b) Major offenses.--A prosecution for any of the following
13 offenses must be commenced within five years after it is
14 committed:

15 (1) Under the following provisions of Title 18 (relating
16 to crimes and offenses):

17 Section 901 (relating to criminal attempt) involving
18 attempt to commit murder where no murder occurs.

19 Section 902 (relating to criminal solicitation)
20 involving solicitation to commit murder where no murder
21 occurs.

22 Section 903 (relating to criminal conspiracy)
23 involving conspiracy to commit murder where no murder
24 occurs.

25 Section 911 (relating to corrupt organizations).

26 Section 2702 (relating to aggravated assault).

27 Section 2706 (relating to terroristic threats).

28 Section 2713 (relating to neglect of care-dependent
29 person).

30 Section 2720 (relating to drug delivery resulting in

1 death or serious bodily injury) if the offense resulted
2 in serious bodily injury to the victim.

3 Section 2901 (relating to kidnapping).

4 Section 3301 (relating to arson and related
5 offenses).

6 Section 3502 (relating to burglary).

7 Section 3701 (relating to robbery).

8 Section 3921 (relating to theft by unlawful taking or
9 disposition) through former section 3933 (relating to
10 unlawful use of computer).

11 Section 4101 (relating to forgery).

12 Section 4107 (relating to deceptive or fraudulent
13 business practices).

14 Section 4108 (relating to commercial bribery and
15 breach of duty to act disinterestedly).

16 Section 4109 (relating to rigging publicly exhibited
17 contest).

18 Section 4117 (relating to insurance fraud).

19 Section 4701 (relating to bribery in official and
20 political matters) through section 4703 (relating to
21 retaliation for past official action).

22 Section 4902 (relating to perjury) through section
23 4912 (relating to impersonating a public servant).

24 Section 4952 (relating to intimidation of witnesses
25 or victims).

26 Section 4953 (relating to retaliation against
27 witness, victim or party).

28 Section 5101 (relating to obstructing administration
29 of law or other governmental function).

30 Section 5111 (relating to dealing in proceeds of

1 unlawful activities).

2 Section 5512 (relating to lotteries, etc.) through
3 section 5514 (relating to pool selling and bookmaking).

4 Section 5902(b) (relating to prostitution and related
5 offenses).

6 Section 6111(g)(2) and (4) (relating to sale or
7 transfer of firearms).

8 (2) Any offense punishable under section 13(f) of the
9 act of April 14, 1972 (P.L.233, No.64), known as The
10 Controlled Substance, Drug, Device and Cosmetic Act.

11 (3) Any conspiracy to commit any of the offenses set
12 forth in paragraphs (1) and (2) and any solicitation to
13 commit any of the offenses in paragraphs (1) and (2) if the
14 solicitation results in the completed offense.

15 (4) Under the act of June 13, 1967 (P.L.31, No.21),
16 known as the [Public Welfare] Human Services Code.

17 (5) Under the former act of November 24, 1998 (P.L.874,
18 No.110), known as the Motor Vehicle Chop Shop and Illegally
19 Obtained and Altered Property Act.

20 * * *

21 Section 7. Section 9714(g) of Title 42, amended November 3,
22 2022 (P.L.1634, No.99), is amended to read:

23 § 9714. Sentences for second and subsequent offenses.

24 * * *

25 (g) Definition.--As used in this section, the term "crime of
26 violence" means murder of the third degree, voluntary
27 manslaughter, manslaughter of a law enforcement officer as
28 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
29 homicide of law enforcement officer), murder of the third degree
30 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)

1 (relating to murder of unborn child), aggravated assault of an
2 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
3 aggravated assault of unborn child), aggravated assault as
4 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
5 aggravated assault), assault of law enforcement officer as
6 defined in 18 Pa.C.S. § 2702.1(a)(1) (relating to assault of law
7 enforcement officer), use of weapons of mass destruction as
8 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
9 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)
10 (relating to terrorism), strangulation when the offense is
11 graded as a felony as defined in 18 Pa.C.S. § 2718 (relating to
12 strangulation), trafficking of persons when the offense is
13 graded as a felony of the first degree as provided in 18 Pa.C.S.
14 § 3011 (relating to trafficking in individuals), rape,
15 involuntary deviate sexual intercourse, aggravated indecent
16 assault, incest, sexual assault, arson endangering persons or
17 aggravated arson as defined in 18 Pa.C.S. § 3301(a) or (a.1)
18 (relating to arson and related offenses), ecoterrorism as
19 classified in 18 Pa.C.S. § 3311(b)(3) (relating to
20 ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. §
21 3502(a)(1) (relating to burglary), robbery as defined in 18
22 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or
23 robbery of a motor vehicle, drug delivery resulting in death or
24 serious bodily injury as defined in 18 Pa.C.S. § [2506(a)] 2720
25 (relating to drug delivery resulting in death or serious bodily
26 injury), or criminal attempt, criminal conspiracy or criminal
27 solicitation to commit murder or any of the offenses listed
28 above, or an equivalent crime under the laws of this
29 Commonwealth in effect at the time of the commission of that
30 offense or an equivalent crime in another jurisdiction.

1 Section 8. This act shall take effect in 60 days.