

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 93

Session of 2019

INTRODUCED BY BARTOLOTTA, LANGERHOLC, FOLMER, BREWSTER, YAW, MARTIN, STEFANO, MENSCH, J. WARD, COSTA, KILLION, K. WARD, REGAN, LAUGHLIN, BROWNE AND VOGEL, JANUARY 23, 2019

SENATOR BAKER, JUDICIARY, AS AMENDED, JUNE 5, 2019

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; and, in
5 sentencing, providing for sentencing for drug delivery
6 resulting in serious bodily injury.

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

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

11 § 2719. Drug delivery resulting in serious bodily injury.

12 A person commits a felony of the ~~third~~ SECOND degree if the <--
13 person intentionally administers, dispenses, delivers, gives,
14 prescribes, sells or distributes any controlled substance or
15 counterfeit controlled substance in violation of section 13(a)
16 (14) or (30) of the act of April 14, 1972 (P.L.233, No.64),
17 known as The Controlled Substance, Drug, Device and Cosmetic
18 Act, and another person suffers serious bodily injury as defined
19 in section 2301 (relating to definitions) as a result of using

1 the substance.

2 Section 2. Title 42 is amended by adding a section to read:

3 § 9720.9. Sentencing for drug delivery resulting in serious
4 bodily injury.

5 The Pennsylvania Commission on Sentencing, in accordance with
6 section 2154 (relating to adoption of guidelines for
7 sentencing), shall provide for a sentence enhancement within its
8 guidelines for an offense under 18 Pa.C.S. § 2719 (relating to
9 drug delivery resulting in serious bodily injury). WHEN <--

10 DETERMINING THE GRAVITY OF THE OFFENSE, THE COMMISSION SHALL
11 CONSIDER WHETHER THE CONTROLLED SUBSTANCE OR COUNTERFEIT
12 CONTROLLED SUBSTANCE WAS ADMINISTERED, DISPENSED, DELIVERED,
13 GIVEN, PRESCRIBED, SOLD OR DISTRIBUTED IN EXCHANGE FOR ANY
14 DIRECT OR INDIRECT REMUNERATION OR CONSIDERATION.

15 Section 3. This act shall take effect in 60 days.