

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 235 Session of 2023

INTRODUCED BY MASTRIANO, LANGERHOLC, STEFANO, DUSH, VOGEL AND ARGALL, JANUARY 31, 2023

AS AMENDED ON THIRD CONSIDERATION, OCTOBER 2, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in criminal homicide, further
3 providing for the offense of drug delivery resulting in
4 death; and imposing a penalty.

5 This act may be referred to as Tyler's Law.

6 The General Assembly's intent is to assist in prosecuting a
7 person who sells or otherwise profits from the sale of unlawful
8 fentanyl that causes the death of another person.

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

11 Section 1. Section 2506(b) of Title 18 of the Pennsylvania
12 Consolidated Statutes is amended to read:

13 § 2506. Drug delivery resulting in death.

14 * * *

15 (b) Penalty.--

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

19 (1.1) A person convicted under this subsection (A) shall <--

1 be sentenced to a minimum term of at least 10 years of total
2 confinement and a fine of \$15,000, or a larger amount as is
3 determined to exhaust the assets utilized in and proceeds
4 from the illegal activity if:

5 (i) prior to the commission of the offense, the
6 person had two or more prior convictions for a violation
7 of section 13(a)(14) or (30) of the act of April 14, 1972
8 (P.L.233, No.64), known as the Controlled Substance,
9 Drug, Device and Cosmetic Act; ~~or~~ AND <--

10 (ii) the person received anything of MORE THAN DE <--
11 MINIMIS value, directly or indirectly, as consideration
12 for dispensing, delivering, giving, prescribing, selling
13 or distributing any controlled substance or counterfeit
14 controlled substance.

15 (2) **[Paragraph]** PARAGRAPHS (1) AND (1.1) shall not apply <--
16 to a person convicted under section 2502(c) (relating to
17 murder) when the victim is less than 13 years of age and the
18 conduct arises out of the same criminal act.

19 (3) PARAGRAPH (1.1) SHALL NOT APPLY IF: <--

20 (I) THE PERSON AND THE DECEDENT INTENDED TO USE THE
21 CONTROLLED SUBSTANCE OR COUNTERFEIT CONTROLLED SUBSTANCE
22 TOGETHER; OR

23 (II) THE PERSON USED THE CONTROLLED SUBSTANCE OR
24 COUNTERFEIT CONTROLLED SUBSTANCE WITH THE DECEDENT.

25 * * *

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