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# Memorandum

**TO:** All House Members

**FROM:** Representative Jeff Pyle  
60th Legislative District *JPP..*

**RE:** **Proposed Legislation:**  
Amending Title 18, Drug Delivery Resulting in Death  
(Previously **HB 1230**, 2009-2010; **HB 323**, 2007-2008; **HB 1704**, 2005-2006)

**DATE:** December 15, 2010

In the near future I plan to re-introduce House Bill 1230, legislation from last session which amends Title 18 (Crimes Code), section 2506, relating to drug delivery resulting in death.

In Commonwealth v. Ludwig, the Pennsylvania Supreme Court upheld the constitutionality of Title 18, section 2506. In interpreting the intent of the General Assembly, the Court made it extremely difficult to prosecute individuals under this statute by requiring the prosecution to prove that the defendant acted with "malice". My legislation will amend this section to require the prosecution to only prove that the defendant acted "intentionally, knowingly, or recklessly." The proposed legislation contains a mandatory 5 year sentence/ \$15,000 fine and has been endorsed by the F.O.P., State Troopers Assoc., District Attorneys Assoc. and the Attorney General just to name a few supporters.

On June 26, 2006, HB 1704 passed through the full House with a unanimous favorable vote (194-0). On December 12, 2007, HB 323 was re-committed to Appropriations. On April 7, 2009, HB 1230 was referred to Judiciary Committee and has no action since that time. This legislation is extremely necessary in order to ensure that persons who deal drugs face the consequences of their actions. If you are interested in cosponsoring this legislation, please contact my Harrisburg Legislative Assistant, Tracey Mattern, at 783-5327 or via e-mail at [tmattern@pahousegop.com](mailto:tmattern@pahousegop.com). Thank you in advance for your consideration.

JPP:tm