

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 784 Session of 2011

INTRODUCED BY STACK, FONTANA, SOLOBAY, BREWSTER, ERICKSON,  
RAFFERTY, LEACH, TARTAGLIONE, BROWNE AND FARNESE,  
MARCH 7, 2011

REFERRED TO JUDICIARY, MARCH 7, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in sentencing, further  
3 providing for sentences for offenses committed with firearms.  
4 The General Assembly finds and declares that the use of  
5 semiautomatic firearms during the commission of a crime presents  
6 a great danger to the citizens and law enforcement community of  
7 this Commonwealth. On May 3, 2008, Sergeant Stephen Liczbinski,  
8 a 12-year veteran of the Philadelphia Police Department assigned  
9 to the 24th District, was shot and killed while responding to a  
10 report of a bank robbery in the City of Philadelphia. The  
11 suspect was armed with a Chinese-made semiautomatic firearm. The  
12 killing of Sergeant Liczbinski reinforces the need to enact  
13 stringent enforcement measures relating to crimes committed with  
14 semiautomatic firearms. To that end, it is the intent of the  
15 General Assembly to require a mandatory minimum term of  
16 imprisonment for a crime committed with a semiautomatic firearm.  
17 In honor of Sergeant Liczbinski's service to the City of  
18 Philadelphia and the Commonwealth of Pennsylvania, this act

1 shall be referred to as "Sergeant Stephen Liczbinski's Law."

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Section 9712(a) and (e) of Title 42 of the  
5 Pennsylvania Consolidated Statutes are amended to read:

6 § 9712. Sentences for offenses committed with firearms.

7 (a) Mandatory sentence.--

8 (1) Except as provided under section 9716 (relating to  
9 two or more mandatory minimum sentences applicable) and  
10 paragraph (2), any person who is convicted in any court of  
11 this Commonwealth of a crime of violence as defined in  
12 section 9714(g) (relating to sentences for second and  
13 subsequent offenses), shall, if the person visibly possessed  
14 a firearm or a replica of a firearm, whether or not the  
15 firearm or replica was loaded or functional, that placed the  
16 victim in reasonable fear of death or serious bodily injury,  
17 during the commission of the offense, be sentenced to a  
18 minimum sentence of at least five years of total confinement  
19 notwithstanding any other provision of this title or other  
20 statute to the contrary. Such persons shall not be eligible  
21 for parole, probation, work release or furlough.

22 (2) A person who is convicted in any court of this  
23 Commonwealth of a crime under Title 18 (relating to crimes  
24 and offenses) shall, if the person had in the person's  
25 immediate possession during the commission of the crime a  
26 semiautomatic firearm, be sentenced to a minimum sentence of  
27 at least 20 years of total confinement notwithstanding any  
28 other provision of this title or other statute to the  
29 contrary. Such persons shall not be eligible for parole,  
30 probation, work release or furlough.

1 \* \* \*

2 (e) Definitions.--As used in this section, the following  
3 words and phrases shall have the meanings given to them in this  
4 subsection:

5 "Firearm." Any weapon, including a starter gun, which will  
6 or is designed to or may readily be converted to expel a  
7 projectile by the action of an explosive or the expansion of gas  
8 therein.

9 "Replica of a firearm." An item that can reasonably be  
10 perceived to be a firearm.

11 "Semiautomatic firearm." The term includes any of the  
12 following:

13 (1) A firearm or copy or duplicate of a firearm in any  
14 caliber, known as:

15 (i) Norinco, Mitchell and Poly Technologies Avtomat  
16 Kalashnikovs.

17 (ii) Action Arms Israeli Military Industries UZI and  
18 Galil.

19 (iii) Beretta Ar70 or SC-70.

20 (iv) Colt AR-15.

21 (v) Fabrique National FN/FAL, FN/LAR and FNC.

22 (vi) SWD M-10, M-11, M-11/9 and M-12.

23 (vii) Steyr AUG.

24 (viii) INTRATECT TEC-9 and TEC-22.

25 (ix) Revolving cylinder shotguns, such as or similar  
26 to the Street Sweeper and Striker 12.

27 (x) SKS rifle.

28 (2) A semiautomatic rifle that has an ability to accept  
29 a detachable magazine and has at least two of the following:

30 (i) A folding or telescoping stock.

1           (ii) A pistol grip that protrudes conspicuously  
2           beneath the action of the weapon.

3           (iii) A bayonet mount.

4           (iv) A flash suppressor or threaded barrel designed  
5           to accommodate a flash suppressor.

6           (v) A grenade launcher.

7           (3) A semiautomatic pistol that has an ability to accept  
8           a detachable magazine and has at least two of the following:

9           (i) An ammunition magazine that attaches to the  
10           pistol outside of the pistol grip.

11           (ii) A threaded barrel capable of accepting a barrel  
12           extender, flash suppressor, forward handgrip or silencer.

13           (iii) A shroud that is attached to, or partially or  
14           completely encircles, the barrel and that permits the  
15           shooter to hold the firearm with the nontrigger hand  
16           without being burned.

17           (iv) A manufactured weight of 50 ounces or more when  
18           the pistol is unloaded.

19           (v) A semiautomatic version of an automatic firearm.

20           (4) A semiautomatic shotgun that has at least two of the  
21           following:

22           (i) A folding or telescoping stock.

23           (ii) A pistol grip that protrudes conspicuously  
24           beneath the action of the weapon.

25           (iii) A fixed magazine capacity in excess of five  
26           rounds.

27           (iv) An ability to accept a detachable magazine.

28           (5) Any firearm listed in paragraph (1), (2), (3) or  
29           (4), notwithstanding the fact that it has been renamed,  
30           reclassified or altered in any manner provided that it

1     retains its previous characteristics and purpose.

2     Section 2. The amendment of 42 Pa.C.S. § 9712(a) and (e)  
3 shall apply to offenses committed on or after the effective date  
4 of this section.

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