

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 37 Session of
1999

INTRODUCED BY MAYERNIK, READSHAW, TIGUE, CORRIGAN, GIGLIOTTI AND
SOLOBAY, JANUARY 20, 1999

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 20, 1999

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, prohibiting the practice
3 of plea bargaining in cases where a firearms offense is
4 charged.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8704. Plea bargaining prohibited for firearms offenses.

10 (a) General rule.--In the case of a firearms offense, a
11 court may not accept a plea of guilty to a lesser offense or a
12 plea of guilty to only one or some of multiple offenses charged
13 in return for a lighter sentence than the sentence to be imposed
14 for the more serious charge or charges.

15 (b) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 "Firearm." As defined in 18 Pa.C.S. § 6102 (relating to

1 definitions).

2 "Firearms offense."

3 (1) Any crime during the commission of which the
4 defendant visibly possessed a firearm.

5 (2) An offense under 18 Pa.C.S. Ch. 61 Subch. A
6 (relating to Uniform Firearms Act).

7 Section 2. The addition of 42 Pa.C.S. § 8703 shall apply to
8 criminal proceedings commenced on or after the effective date of
9 this act.

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