

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2047 Session of
2005

INTRODUCED BY GODSHALL, THOMAS, DeWEESE, BOYD, BUNT, CAPPELLI,
CRAHALLA, DeLUCA, FRANKEL, GEIST, GERGELY, GINGRICH, GOODMAN,
O'NEILL, QUIGLEY, SHANER AND STABACK, OCTOBER 17, 2005

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 17, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 sentences for offenses committed with firearms.

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

6 Section 1. Section 9712(a) of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 9712. Sentences for offenses committed with firearms.

9 (a) Mandatory sentence.--Except as provided under section
10 9716 (relating to two or more mandatory minimum sentences
11 applicable), any person who is convicted in any court of this
12 Commonwealth of a crime of violence as defined in section
13 9714(g) (relating to sentences for second and subsequent
14 offenses), shall[, if]:

15 (1) If the person visibly possessed a firearm or a
16 replica of a firearm, whether or not the firearm or replica
17 was loaded or functional, that placed the victim in
18 reasonable fear of death or serious bodily injury, during the

1 commission of the offense, be sentenced to a minimum sentence
2 of at least five years of total confinement notwithstanding
3 any other provision of this title or other statute to the
4 contrary.

5 (2) If the person used a firearm in the commission of
6 the offense that was stolen or discharged a firearm during
7 the commission of the offense, be sentenced to a minimum
8 sentence of at least seven years of total confinement.

9 Such persons shall not be eligible for parole, probation, work
10 release or furlough.

11 * * *

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