

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 761 Session of 2009

INTRODUCED BY PETRI, CALTAGIRONE, CIVERA, CUTLER, EVERETT,
FAIRCHILD, GROVE, HESS, HICKERNELL, HORNAMAN, KILLION, MELIO,
PICKETT, READSHAW, SCAVELLO, SIPTROTH, VULAKOVICH AND WATSON,
MARCH 6, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2009

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) Be sentenced, notwithstanding any other provision of
16 this title or other statute to the contrary, to a minimum
17 sentence of at least five years of total confinement, if the

1 person visibly possessed a firearm or a replica of a firearm,
2 whether or not the firearm or replica was loaded or
3 functional, that placed the victim in reasonable fear of
4 death or serious bodily injury, during the commission of the
5 offense. [, be sentenced to a minimum sentence of at least
6 five years of total confinement notwithstanding any other
7 provision of this title or other statute to the contrary.]

8 (2) Be sentenced, notwithstanding any other provision of
9 this title or other statute to the contrary, to a minimum
10 sentence of at least seven years of total confinement, if the
11 person:

12 (i) discharged a firearm during the commission of
13 the offense; or

14 (ii) during the commission of the offense, visibly
15 possessed a firearm that the person knew or had reason to
16 know was stolen or had been sold, delivered or
17 transferred in violation of 18 Pa.C.S. § 6111 (relating
18 to sale or transfer of firearms).

19 Such persons shall not be eligible for parole, probation, work
20 release or furlough.

21 * * *

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