

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2762 Session of
1980

INTRODUCED BY ROCKS, WHITE, BORSKI, PUCCIARELLI,
R. C. DONATUCCI, GIAMMARCO, RIEGER, SALVATORE, PERZEL,
McKELVEY, PITTS, E. Z. TAYLOR, NAHILL, CORNELL, CESSAR,
MURPHY, SEVENTY, PISTELLA, RAPPAPORT AND OLIVER,
JUNE 24, 1980

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 24, 1980

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing special sentencing
3 provisions for persons convicted of certain crimes committed
4 on local transportation organization or transportation
5 company property.

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

8 Section 1. Title 18, act of November 25, 1970 (P.L.707,
9 No.230), known as the Pennsylvania Consolidated Statutes, is
10 amended by adding a section to read:

11 § 1313. Sentencing for certain crimes committed on local
12 transportation organization or transportation
13 company property.

14 (a) Special sentencing provisions mandated.--

15 (1) Any person convicted in any Pennsylvania court of
16 violating sections 2503 (relating to voluntary manslaughter),
17 2702(a)(1) (relating to aggravated assault), 2901 (relating
18 to kidnapping), 3121 (relating to rape), 3123 (relating to

1 involuntary deviate sexual intercourse) or 3701 (relating to
2 robbery) or of attempt to commit any of these crimes upon
3 another person, shall be sentenced to no less than five years
4 minimum confinement if it is determined at sentencing that
5 the crime occurred on the property of a local transportation
6 organization or transportation company.

7 (2) Any person convicted in any Pennsylvania court of
8 violating section 2502(c) (relating to murder of the third
9 degree) shall be sentenced to no less than ten years of
10 minimum confinement if it is determined at sentencing that
11 the crime occurred on the property of a local transportation
12 organization or transportation company.

13 (3) The court shall set the maximum imprisonment as
14 provided by law.

15 (b) Site of commission of crime.--If any of the crimes
16 enumerated in subsection (a) are committed in part, but not in
17 whole, on property as defined in subsection (e), the mandatory
18 sentencing provisions of subsection (a) shall apply,
19 notwithstanding the fact that the crime started elsewhere, was
20 substantially committed elsewhere or was consummated elsewhere.
21 Proof of the location of the commission of the enumerated crimes
22 shall be reserved for sentencing.

23 (c) Sentencing guidelines.--Sentencing guidelines
24 promulgated by the Pennsylvania Commission on Sentencing
25 pursuant to section 1382 (relating to powers and duties of
26 commission) shall supersede the mandatory minimum sentences
27 provided in subsection (a) only if the guideline sentence is
28 greater than the mandatory minimum sentence.

29 (d) Commonwealth right of appeal.--If a sentencing court
30 refuses to apply this section where applicable, the Commonwealth

1 shall have the right to appeal the action of the sentencing
2 court to the appellate court of general jurisdiction over the
3 case. Any order entered in violation of this section shall be
4 null and void and, if appealed, the appellate court which hears
5 the case shall remand for imposition of sentence in accordance
6 with law.

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

10 "Local transportation organization." Any political
11 subdivision or any mass transportation port, redevelopment or
12 airport authority now or hereafter organized under the laws of
13 Pennsylvania or pursuant to an interstate compact or otherwise
14 empowered to render transportation service or assist in the
15 rendering of transportation service in a limited area in the
16 Commonwealth of Pennsylvania, even though it may also render or
17 assist in rendering transportation service in adjacent states.

18 "Property." The real or personal property owned or leased or
19 otherwise controlled by a local transportation organization or
20 transportation company which is open to the public and used in
21 any way, however slight, for passenger transportation service,
22 including, but not limited to, vehicles, stations, terminals,
23 depots, platforms, steps, restrooms, passageways leading to or
24 part of the property herein described.

25 "Transportation company." Any person, firm or corporation
26 rendering public passenger and/or public passenger and rail
27 transportation service, with or without the rendering of other
28 service, in this Commonwealth pursuant to common carrier
29 authorization from the Pennsylvania Public Utility Commission or
30 the Interstate Commerce Commission.

1 Section 2. This act shall take effect immediately and shall
2 be applicable to all crimes committed thereafter.