

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 901 Session of 1993

INTRODUCED BY GODSHALL, BARLEY, COLAIZZO, PESCI, CLYMER, HERMAN, DURHAM, DRUCE, HERSHEY, FICHTER, LESCOVITZ, FARGO, McCALL, HARLEY, BELFANTI, ARMSTRONG, FAIRCHILD, DeLUCA, HALUSKA, O'BRIEN, PITTS, MICOZZIE, LEH, BUSH, WOGAN, OLASZ, LaGROTTA, CORNELL, KASUNIC, ROEBUCK, GERLACH, MELIO, SCHULER, HENNESSEY, TANGRETTI, SURRA, ULIANA, ROONEY, J. TAYLOR, SAYLOR, TRELLO, YEWCIC, CIVERA, TOMLINSON, PETRARCA, FLICK, KENNEY, CAWLEY, GLADECK, STAIRS, SCHEETZ, E. Z. TAYLOR, SEMMEL, KING AND CESSAR, MARCH 24, 1993

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 24, 1993

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for robbery and for sentencing
4 for robbery.

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

7 Section 1. Section 3701(b) of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 3701. Robbery.

10 * * *

11 (b) Grading.--Robbery under subsection (a)(1)(iv) is a
12 felony of the second degree unless the object of the theft is an
13 occupied motor vehicle; robbery under subsection (a)(1)(v) is a
14 felony of the third degree unless the object of the theft is an
15 occupied motor vehicle, in which case it is a felony of the

1 second degree; otherwise, it is a felony of the first degree.

2 Section 2. Section 2154(a) of Title 42 is amended by adding
3 a paragraph to read:

4 § 2154. Adoption of guidelines for sentencing.

5 (a) General rule.--The commission shall adopt guidelines for
6 sentencing within the limits established by law which shall be
7 considered by the sentencing court in determining the
8 appropriate sentence for defendants who plead guilty or nolo
9 contendere to, or who were found guilty of, felonies and
10 misdemeanors. The guidelines shall:

11 * * *

12 (5) Provide for a 24-month enhancement for an offense
13 under 18 Pa.C.S. § 3701 (relating to robbery) if the object
14 of the theft is an occupied motor vehicle.

15 * * *

16 Section 3. Section 9712(a) of Title 42 is amended to read:
17 § 9712. Sentences for offenses committed with firearms.

18 (a) Mandatory sentence.--Any person who is convicted in any
19 court of this Commonwealth of murder of the third degree,
20 voluntary manslaughter, rape, involuntary deviate sexual
21 intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i),
22 (ii) or (iii) (relating to robbery), robbery as defined in 18
23 Pa.C.S. 3701(a)(1)(iv) if the object of the theft is an occupied
24 motor vehicle, aggravated assault as defined in 18 Pa.C.S. §
25 2702(a)(1) (relating to aggravated assault) or kidnapping, or
26 who is convicted of attempt to commit any of these crimes,
27 shall, if the person visibly possessed a firearm during the
28 commission of the offense, be sentenced to a minimum sentence of
29 at least five years of total confinement notwithstanding any
30 other provision of this title or other statute to the contrary.

1 * * *

2 Section 4. (a) The amendment of 18 Pa.C.S. § 3701(b) shall
3 apply to offenses committed on or after the effective date of
4 this act.

5 (b) The amendment of 42 Pa.C.S. § 9712(a) shall apply to
6 sentences imposed on or after the effective date of this act.

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