

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 24

Special Session No. 1 of
1995

INTRODUCED BY LAWLESS, HERSHEY, STABACK, CORRIGAN, PRESTON,
ROBINSON, GANNON, FLEAGLE, BUNT, TRELLO, TRUE, FARMER,
CIVERA, RAYMOND, E. Z. TAYLOR, GODSHALL, GEIST, MELIO,
BROWNE, SCHULER AND DONATUCCI, JANUARY 24, 1995

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 24, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for a mandatory minimum
3 penalty for delivery of contraband to certain confined
4 persons.

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

7 Section 1. Section 5123 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subsection to read:
9 § 5123. Contraband.

10 * * *

11 (a.1) Mandatory minimum penalty.--Any person convicted of a
12 violation of subsection (a) shall be sentenced to a minimum
13 sentence of at least two years of total confinement
14 notwithstanding any other provision of this title or any other
15 statute to the contrary. Nothing in this subsection shall
16 prevent the sentencing court from imposing a sentence greater
17 than that provided in this subsection, up to the maximum penalty
18 prescribed by this title for a felony of the second degree.

1 There shall be no authority in any court to impose on an
2 offender to which this subsection is applicable any lesser
3 sentence than provided for in subsection (a) or to place such
4 offender on probation or to suspend sentence. Sentencing
5 guidelines promulgated by the Pennsylvania Commission on
6 Sentencing shall not supersede the mandatory sentences provided
7 in this subsection. If a sentencing court refuses to apply this
8 subsection where applicable, the Commonwealth shall have the
9 right to appellate review of the action of the sentencing court.
10 The appellate court shall vacate the sentence and remand the
11 case to the sentencing court for imposition of a sentence in
12 accordance with this subsection if it finds that the sentence
13 was imposed in violation of this subsection.

14 * * *

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