

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1851 Session of
2009

INTRODUCED BY PAYNE, BOYD, D. COSTA, HORNAMAN, MURT, READSHAW,
SWANGER, J. TAYLOR AND VULAKOVICH, JULY 10, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JULY 10, 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] be sentenced, notwithstanding any other
15 provision of this title or other statute to the contrary, to a
16 minimum sentence of at least ten years of total confinement, if
17 the person visibly possessed a firearm or a replica of a
18 firearm, whether or not the firearm or replica was loaded or

1 functional, that placed the victim in reasonable fear of death
2 or serious bodily injury, during the commission of the offense.____
3 [, be sentenced to a minimum sentence of at least five years of
4 total confinement notwithstanding any other provision of this
5 title or other statute to the contrary.] Such persons shall not
6 be eligible for parole, probation, work release or furlough.

7 * * *

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