AMENDMENTS TO HOUSE BILL NO. 741

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 807

1   Amend Bill, page 1, line 14, by inserting after "officer"

2 ; and providing from departure from mandatory minimum sentences

3   Amend Bill, page 29, by inserting between lines 17 and 18

4   Section 5. Title 42 is amended by adding a section to read:
5 § 9720.8. Departure from mandatory minimum sentences.
6   (a) General rule.--Notwithstanding any other provision of
7 this title or other statute to the contrary, a court may depart
8 from a mandatory minimum sentence if the court finds and states
9 on the record that, giving due regard to the nature of the
10 crime, the history and character of the defendant and the
11 defendant's chances of successful rehabilitation:
12   (1) Imposition of the mandatory minimum sentence would
13 result in substantial injustice to the defendant.
14   (2) The mandatory minimum sentence is not necessary for
15 the protection of the public.
16   (b) Applicability.--This section shall apply to a mandatory
17 minimum sentence imposed under any of the following:
18   (1) 18 Pa.C.S. § 6314 (relating to sentencing and
19 penalties for trafficking drugs to minors).
20   (2) 18 Pa.C.S. § 6317 (relating to drug-free school
21 zones).
22   (3) 18 Pa.C.S. § 7508 (relating to drug trafficking
23 sentencing and penalties).
24   (4) Section 9712 (relating to sentences for offenses
25 committed with firearms).
26   (5) Section 9713 (relating to sentences for offenses
27 committed on public transportation).
28   (6) Section 9717 (relating to sentences for offenses
29 against elderly persons).
30   (7) Section 9718 (relating to sentences for offenses
31 against infant persons).
32   (8) Section 9718.4 (relating to sentences for failure to
33 comply with registration of sexual offenders).
34   (9) Section 9719 (relating to sentences for offenses
35 committed while impersonating a law enforcement officer).

36   Amend Bill, page 29, line 18, by striking out "5" and

1 inserting

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