

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1404 Session of
2007

INTRODUCED BY PALLONE, BARRAR, FREEMAN, GOODMAN, HORNAMAN,
KORTZ, KOTIK, MURT, READSHAW AND SCAVELLO, JUNE 5, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 5, 2007

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 the person visibly possessed a firearm or a
15 replica of a firearm, whether or not the firearm or replica was
16 loaded or functional, that placed the victim in reasonable fear
17 of death or serious bodily injury, during the commission of the
18 offense, be sentenced to a minimum sentence of at least five

1 years of total confinement notwithstanding any other provision
2 of this title or other statute to the contrary. If the firearm
3 used in the commission of the offense was stolen, the person
4 shall be sentenced to a minimum sentence of at least seven years
5 of total confinement. Such persons shall not be eligible for
6 parole, probation, work release or furlough.

7 * * *

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