

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 536 Session of 2011

INTRODUCED BY PETRI, BOBACK, BOYD, D. COSTA, CUTLER, EVERETT,
HICKERNELL, HUTCHINSON, KILLION, MURT, O'NEILL, RAPP,
READSHAW AND VULAKOVICH, FEBRUARY 8, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 8, 2011

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.--

10 (1) Except as provided under section 9716 (relating to
11 two or more mandatory minimum sentences applicable), any
12 person who is convicted in any court of this Commonwealth of
13 a crime of violence as defined in section 9714(g) (relating
14 to sentences for second and subsequent offenses), shall[,
15 if]:

16 (i) Be sentenced, notwithstanding any other
17 provision of this title or other statute, to a minimum
18 sentence of at least five years of total confinement, if

1 the person visibly possessed a firearm or a replica of a
2 firearm, whether or not the firearm or replica was loaded
3 or functional, that placed the victim in reasonable fear
4 of death or serious bodily injury, during the commission
5 of the offense. [, be sentenced to a minimum sentence of
6 at least five years of total confinement notwithstanding
7 any other provision of this title or other statute to the
8 contrary.]

9 (ii) Be sentenced, notwithstanding any other
10 provision of this title or other statute, to a minimum
11 sentence of at least seven years of total confinement, if
12 the person:

13 (A) discharged a firearm during the commission
14 of the offense; or

15 (B) during the commission of the offense,
16 visibly possessed a firearm that the person knew or
17 had reason to know was stolen or had been sold,
18 delivered or transferred in violation of 18 Pa.C.S. §
19 6111 (relating to sale or transfer of firearms).

20 [Such persons] (2) A person under paragraph (1) shall not be
21 eligible for parole, probation, work release or furlough.

22 * * *

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