

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1963 Session of  
2011

INTRODUCED BY W. KELLER, CALTAGIRONE, CARROLL, D. COSTA,  
CREIGHTON, CRUZ, DALEY, DONATUCCI, EVERETT, FARRY, HARRIS,  
HORNAMAN, KORTZ, MAHONEY, MANN, MILLER, MURT, M. O'BRIEN,  
READSHAW, REICHLEY, SABATINA, SANTARSIERO, K. SMITH, SONNEY,  
SWANGER, TAYLOR, THOMAS, VULAKOVICH, WATSON AND YOUNGBLOOD,  
NOVEMBER 3, 2011

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 3, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for sentencing  
3 for certain firearms offense while on probation or parole.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 9712.2. Sentencing for certain firearms offense while on  
9 probation or parole.

10 (a) Sentence enhancement.--The Pennsylvania Commission on  
11 Sentencing, pursuant to section 2154 (relating to adoption of  
12 guidelines for sentencing), shall provide for a sentence  
13 enhancement for an offense under 18 Pa.C.S. § 6105(a)(1)  
14 (relating to persons not to possess, use, manufacture, control,  
15 sell or transfer firearms) when the violation occurred while the  
16 offender is serving a sentence, including probation or parole.

1     (b) Applicability.--The applicability of this section shall  
2 be determined at sentencing. The court shall consider any  
3 evidence presented at trial and shall determine, by  
4 preponderance of the evidence, if this section is applicable.

5     (c) Consecutive sentence.--A sentence enhancement imposed  
6 upon a person to which this section applies shall be served  
7 consecutively to any other sentence the person is serving.

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