

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1498 Session of 2013

INTRODUCED BY STEPHENS, R. BROWN, CALTAGIRONE, CARROLL, D. COSTA, DEASY, DeLUCA, FABRIZIO, FARRY, GIBBONS, GINGRICH, GODSHALL, GROVE, HESS, KAMPF, KORTZ, MARSHALL, MARSICO, MATZIE, R. MILLER, MILNE, MURT, NEILSON, O'BRIEN, READSHAW, SABATINA, SANTARSIERO, SIMMONS, SWANGER, THOMAS, TOEPEL, TRUITT, VEREB, WATSON, HACKETT, BRADFORD, PARKER, MOLCHANY, SCAVELLO, BARRAR AND ENGLISH, JUNE 10, 2013

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 9, 2014

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, further
3 providing for sentences for offenses committed with firearms
4 and for sentences for second and subsequent offenses.

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

7 Section 1. Section 9712(a) of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 9712. Sentences for offenses committed with firearms.

10 (a) Mandatory sentence.--Except as provided under section
11 9716 (relating to two or more mandatory minimum sentences
12 applicable), any person who is convicted in any court of this
13 Commonwealth of a crime of violence as defined in section
14 9714(g) (relating to sentences for second and subsequent
15 offenses), shall, if the person [visibly] possessed a firearm
16 [or] during the commission of the offense, regardless of whether

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

10 * * *

11 Section 2. Section 9714(g) of Title 42, amended February 25,
12 2014 (P.L.33, No.16), is amended to read:

13 § 9714. Sentences for second and subsequent offenses.

14 * * *

15 (g) Definition.--As used in this section, the term "crime of
16 violence" means murder of the third degree, voluntary
17 manslaughter, manslaughter of a law enforcement officer as
18 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
19 homicide of law enforcement officer), murder of the third degree
20 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)
21 (relating to murder of unborn child), aggravated assault of an
22 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
23 aggravated assault of unborn child), aggravated assault as
24 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
25 aggravated assault), assault of law enforcement officer as
26 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law
27 enforcement officer), use of weapons of mass destruction as
28 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
29 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)
30 (relating to terrorism), trafficking of persons when the offense

1 is graded as a felony of the first degree as provided in 18
2 Pa.C.S. § 3002 (relating to trafficking of persons), rape,
3 involuntary deviate sexual intercourse, aggravated indecent
4 assault, incest, sexual assault, arson endangering persons or
5 aggravated arson as defined in 18 Pa.C.S. § 3301(a) or (a.1)
6 (relating to arson and related offenses), ecoterrorism as
7 classified in 18 Pa.C.S. § 3311(b) (3) (relating to
8 ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. §
9 3502(a) (1) (relating to burglary), robbery as defined in 18
10 Pa.C.S. § 3701(a) (1) (i), (ii) or (iii) (relating to robbery), or
11 robbery of a motor vehicle, drug delivery resulting in death as
12 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery
13 resulting in death), possession, use, manufacture, control, sale
14 or transfer of firearms as defined in 18 Pa.C.S. § 6105(a)
15 (relating to persons not to possess, use, manufacture, control,
16 sell or transfer firearms) by a person ~~subject to penalties~~ <--
17 ~~under 18 Pa.C.S. § 6105(a.1)(1), CONVICTED OF A FELONY~~ <--
18 ENUMERATED UNDER 18 PA.C.S. § 6105(B) (RELATING TO PERSONS NOT
19 TO POSSESS, USE, MANUFACTURE, CONTROL, SELL OR TRANSFER
20 FIREARMS) OR A FELONY UNDER THE ACT OF APRIL 14, 1972 (P.L.233,
21 NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
22 COSMETIC ACT, OR ANY EQUIVALENT FEDERAL STATUTE OR EQUIVALENT
23 STATUTE OF ANY OTHER STATE PUNISHABLE BY A TERM OF IMPRISONMENT
24 EXCEEDING TWO YEARS, or criminal attempt, criminal conspiracy or
25 criminal solicitation to commit murder or any of the offenses
26 listed above, or an equivalent crime under the laws of this
27 Commonwealth in effect at the time of the commission of that
28 offense or an equivalent crime in another jurisdiction.

29 Section 3. This act shall take effect in 60 days.