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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1852 Session of  
2019

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INTRODUCED BY STEPHENS, QUINN, BERNSTINE, ROTHMAN, MILLARD,  
BURNS, READSHAW, MOUL AND DeLUCA, SEPTEMBER 19, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 19, 2019

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AN ACT

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

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

8 Section 1. Section 9714(a) and (d) of Title 42 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 9714. Sentences for second and subsequent offenses.

11 (a) Mandatory sentence.--

12 (1) Any person who is convicted in any court of this  
13 Commonwealth of a crime of violence shall, if at the time of  
14 the commission of the current offense the person had  
15 previously been convicted of a crime of violence, be  
16 sentenced to a minimum sentence of at least ten years of  
17 total confinement that shall, if applicable, be served  
18 consecutively to any other sentence for a crime of violence  
19 in accordance with section 9714.1 (relating to consecutive

1 sentences for crimes of violence), notwithstanding any other  
2 provision of this title or other statute to the contrary.  
3 Upon a second conviction for a crime of violence, the court  
4 shall give the person oral and written notice of the  
5 penalties under this section for a third conviction for a  
6 crime of violence. Failure to provide such notice shall not  
7 render the offender ineligible to be sentenced under  
8 paragraph (2).

9 (2) Where the person had at the time of the commission  
10 of the current offense previously been convicted of two or  
11 more such crimes of violence arising from separate criminal  
12 transactions, the person shall be sentenced to a minimum  
13 sentence of at least 25 years of total confinement that  
14 shall, if applicable, be served consecutively to any other  
15 sentence for a crime of violence in accordance with section  
16 9714.1, notwithstanding any other provision of this title or  
17 other statute to the contrary. Proof that the offender  
18 received notice of or otherwise knew or should have known of  
19 the penalties under this paragraph shall not be required.  
20 Upon conviction for a third or subsequent crime of violence  
21 the court may, if it determines that 25 years of total  
22 confinement is insufficient to protect the public safety,  
23 sentence the offender to life imprisonment without parole.

24 \* \* \*

25 (d) Proof at sentencing.--Provisions of this section shall  
26 not be an element of the crime and notice thereof to the  
27 defendant shall not be required prior to conviction, but  
28 reasonable notice of the Commonwealth's intention to proceed  
29 under this section shall be provided after conviction and before  
30 sentencing. The applicability of this section shall be

1 determined at sentencing. The sentencing court, prior to  
2 imposing sentence on an offender under subsection (a), shall  
3 have a complete record of the previous convictions of the  
4 offender, copies of which shall be furnished to the offender. If  
5 the offender or the attorney for the Commonwealth contests the  
6 accuracy of the record, the court shall schedule a hearing and  
7 direct the offender and the attorney for the Commonwealth to  
8 submit evidence regarding the previous convictions of the  
9 offender. The court shall then determine, by a preponderance of  
10 the evidence, the previous convictions of the offender and, if  
11 this section is applicable, shall impose sentence in accordance  
12 with this [section] chapter. Should a previous conviction be  
13 vacated and an acquittal or final discharge entered subsequent  
14 to imposition of sentence under this section, the offender shall  
15 have the right to petition the sentencing court for  
16 reconsideration of sentence if this section would not have been  
17 applicable except for the conviction which was vacated.

18 \* \* \*

19 Section 2. Title 42 is amended by adding a section to read:

20 § 9714.1. Consecutive sentences for crimes of violence.

21 (a) Consecutive sentence.--The court shall order that any  
22 sentence imposed for a crime of violence as defined in section  
23 9714(g) (relating to sentences for second and subsequent  
24 offenses) be served consecutively to any other sentence for a  
25 crime of violence that involves a different victim, regardless  
26 of whether the crimes arose from the same criminal transaction.

27 (b) Definitions.--As used in this section, the following  
28 words and phrases shall have the meanings given to them in this  
29 subsection unless the context clearly indicates otherwise:

30 "Victim." An individual against whom a crime of violence has

1 been committed or attempted and who as a direct result of the  
2 criminal act or attempt suffers physical or mental injury, death  
3 or the loss of earnings.

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