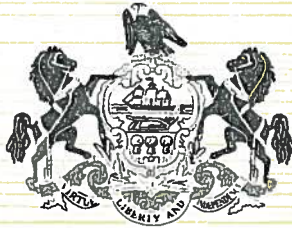


**MARCY TOEPEL, MEMBER
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MEMORANDUM

TO: All House Members
FROM: Representative Marcy Toepel *MTJ*
DATE: February 28, 2011
RE: Co-Sponsorship of Legislation: Straw Purchasers

In the near future, I am planning to introduce legislation to ensure that repeat straw purchasers are subject to the mandatory minimum sentence that is currently enumerated in the statute.

Under Section 6111(h) of Title 18 (Crimes Code), a second or subsequent violation is punishable by a 5 year mandatory minimum sentence. However, the Pennsylvania Supreme Court held in *Commonwealth v. Jarowecki* that identical language in Pennsylvania's child pornography statute required that individual be convicted prior to the commission of the second or subsequent offense without clear language from the legislature otherwise.

In a straw purchasing scenario, this would be difficult since a person convicted of straw purchasing would fail a subsequent PICS check and be unable to straw purchase a subsequent time. In order to remedy this situation, my legislation will revise the appropriate language by using language presently contained in the drug mandatory minimum statute, which has been upheld and recognized as valid by our court system, to provide that those who commit and are convicted of multiple straw purchases be sentenced to the extended penalty.

If you would like to co-sponsor this proposal, please contact Ashley Hadsall at 787-9501 or via e-mail at ahadsall@pahousegop.com. Thank you.