

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

2013D00805DMS : CMD

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, providing for sentences for carrying a firearm without a license.

INTRODUCED _____ **20** _____

By _____ **District** **NO.** _____

By _____ **District** **NO.** _____

By _____ **District** **NO.** _____

By _____ **District** **NO.** _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, providing
3 for sentences for carrying a firearm without a license.

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. Sentences for carrying firearm without a license.

9 (a) Mandatory sentence.--

10 (1) A person who is convicted of a violation of 18
11 Pa.C.S. § 6106(a)(1) (relating to firearms not to be carried
12 without a license) shall be sentenced to a minimum sentence
13 of at least two years of total confinement.

14 (2) A person who is convicted of a violation of 18
15 Pa.C.S. § 6106(a)(2) shall be sentenced to a minimum sentence
16 of at least six months of total confinement.

17 (b) Authority of court in sentencing.--

18 (1) There shall be no authority in any court to impose

1 on an offender to which this section is applicable any lesser
2 sentence than provided for under subsection (a) or to place
3 such offender on probation or to suspend sentence.

4 (2) Nothing in this section shall be construed to
5 prevent the sentencing court from imposing a sentence greater
6 than that provided under this section.

7 (3) Sentencing guidelines promulgated by the
8 Pennsylvania Commission on Sentencing shall not supersede the
9 mandatory sentences provided under this section.

10 (c) Appeal by Commonwealth.--

11 (1) If a sentencing court refuses to apply this section
12 where applicable, the Commonwealth shall have the right to
13 appellate review of the action of the sentencing court.

14 (2) The appellate court shall vacate the sentence and
15 remand the case to the sentencing court for imposition of a
16 sentence in accordance with this section if it finds that the
17 sentence was imposed in violation of this section.

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