

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 606

Session of  
1981

INTRODUCED BY GEIST, GRIECO, GLADECK, WHITE, MURPHY, PUNT,  
BOWSER, BELFANTI, MAIALE, SALVATORE, PRATT, LETTERMAN,  
DeWEESE, MANMILLER, DAVIES, PHILLIPS, COCHRAN, VROON, GRUPPO,  
HAYES, NOYE, PUCCIARELLI, SPITZ, STEVENS, MERRY, FREIND,  
MRKONIC, JOHNSON, BURD, HOFFEL, FLECK, MORRIS, RASCO,  
KLINGAMAN, NAHILL, DORR, HASAY, PITTS, W. W. FOSTER, ALDEN,  
O'DONNELL, CUNNINGHAM, ROCKS, PISTELLA, BLAUM AND MICOZZIE,  
FEBRUARY 17, 1981

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 17, 1981

### AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for the imposition  
3 of an additional penalty to be imposed for the use of or  
4 discharge of a firearm during the commission of any crime.

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

7 Section 1. Section 907 of Title 18, act of November 25, 1970  
8 (P.L.707, No.230), known as the Pennsylvania Consolidated  
9 Statutes, is amended by adding a subsection to read:

10 § 907. Possessing instruments of crime.

11 \* \* \*

12 (d) Possession of or discharge of a firearm during the  
13 commission of any criminal offense.--

14 (1) Any person found guilty of the commission of any  
15 offense in violation of the provisions of this title and who  
16 possessed or used a firearm in the commission of such offense

1     shall be sentenced to an additional mandatory sentence of two  
2     years to run consecutively with any sentence imposed for the  
3     commission of the criminal offense.

4         (2) Any person found guilty of the commission of any  
5     offense in violation of the provisions of this title who  
6     possessed and discharged a firearm in the commission of such  
7     offense shall be sentenced to an additional mandatory  
8     sentence of five years to run consecutively with any  
9     sentenced imposed for the commission of the criminal offense.

10        (3) The additional mandatory sentence imposed pursuant  
11    to either paragraph (1) or (2) shall not be reduced or  
12    suspended by any order of probation or parole.

13        (4) As used in this subsection, "firearm" means an  
14    instrument used in the propulsion of shot, shell, bullet or  
15    any other object by the action of gunpowder exploded,  
16    explosive powder or the expansion of gas therein.

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