
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2191 Session of
2003

INTRODUCED BY HORSEY, YOUNGBLOOD, CRUZ, BARRAR, BROWNE,
CAPPELLI, CASORIO, CORRIGAN, HARHAI, HARRIS, HERSHEY, JAMES,
PISTELLA, J. TAYLOR AND WHEATLEY, NOVEMBER 24, 2003

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 24, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 right to bail and for sentences for second and subsequent
4 offenses.

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

7 Section 1. Sections 5701 and 9714(a) of Title 42 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 5701. Right to bail.

10 All prisoners shall be bailable by sufficient sureties,
11 unless:

12 (1) for capital offenses when the proof is evident or
13 presumption great[.]; or

14 (2) charged with a second or subsequent crime of
15 violence as defined in section 9714(g) (relating to sentences
16 for second and subsequent offenses).

17 Excessive bail shall not be required.

18 § 9714. Sentences for second and subsequent offenses.

1 (a) Mandatory sentence.--

2 (1) Any person who is convicted in any court of this
3 Commonwealth of a crime of violence shall, if at the time of
4 the commission of the current offense the person had
5 previously been convicted of a crime of violence, be
6 sentenced to a minimum sentence of at least ten years of
7 total confinement, notwithstanding any other provision of
8 this title or other statute to the contrary. Upon a second
9 conviction for a crime of violence, the court shall give the
10 person oral and written notice of the penalties under this
11 section for a third conviction for a crime of violence.
12 Failure to provide such notice shall not render the offender
13 ineligible to be sentenced under paragraph (2).

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

28 * * *

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