

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3064 Session of  
2006

INTRODUCED BY GODSHALL, OCTOBER 23, 2006

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 23, 2006

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 sentences for offenses committed with firearms.

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

6 Section 1. Section 9712(a) of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 9712. Sentences for offenses committed with firearms.

9 (a) Mandatory sentence.--Except as provided under section  
10 9716 (relating to two or more mandatory minimum sentences  
11 applicable), any person who is convicted in any court of this  
12 Commonwealth of a crime of violence as defined in section  
13 9714(g) (relating to sentences for second and subsequent  
14 offenses)[,] shall[, if] be sentenced, notwithstanding any other  
15 provision of this title or other statute to the contrary, to:

16 (1) a minimum sentence of at least five years of total  
17 confinement if the person visibly possessed a firearm or a  
18 replica of a firearm, whether or not the firearm or replica

1 was loaded or functional, that placed the victim in  
2 reasonable fear of death or serious bodily injury, during the  
3 commission of the offense; or [, be sentenced to a minimum  
4 sentence of at least five years of total confinement  
5 notwithstanding any other provision of this title or other  
6 statute to the contrary.]

7 (2) to a minimum sentence of at least seven years of  
8 total confinement if the person:

9 (i) discharged a firearm during the commission of  
10 the offense; or

11 (ii) during the commission of the offense visibly  
12 possessed a firearm that the person knew or had reason to  
13 know was stolen or had been sold, delivered or  
14 transferred in violation of 18 Pa.C.S. § 6111 (relating  
15 to sale or transfer of firearms).

16 Such persons shall not be eligible for parole, probation, work  
17 release or furlough.

18 \* \* \*

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