

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2296 Session of  
2008

INTRODUCED BY WATERS, MYERS, THOMAS, YOUNGBLOOD, BOYD, BRENNAN,  
DONATUCCI, FRANKEL, GINGRICH, KILLION, MILNE, MURT,  
M. O'BRIEN, PRESTON, SABATINA, STEIL AND J. TAYLOR,  
MARCH 6, 2008

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2008

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for sentences  
3 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) Any 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) Any 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.--There shall be no

1 authority in any court to impose on an offender to which this  
2 section is applicable any lesser sentence than provided for  
3 under subsection (a) or to place such offender on probation or  
4 to suspend sentence. Nothing in this section shall prevent the  
5 sentencing court from imposing a sentence greater than that  
6 provided under this section. Sentencing guidelines promulgated  
7 by the Pennsylvania Commission on Sentencing shall not supersede  
8 the mandatory sentences provided under this section.

9 (c) Appeal by Commonwealth.--If a sentencing court refuses  
10 to apply this section where applicable, the Commonwealth shall  
11 have the right to appellate review of the action of the  
12 sentencing court. The appellate court shall vacate the sentence  
13 and remand the case to the sentencing court for imposition of a  
14 sentence in accordance with this section if it finds that the  
15 sentence was imposed in violation of this section.

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