

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1679 Session of  
2015

---

INTRODUCED BY GREINER, MENTZER, ROZZI, BAKER, PICKETT,  
B. MILLER, MILLARD, ZIMMERMAN, CUTLER, GROVE, READSHAW, FEE,  
KAUFFMAN, A. HARRIS, HICKERNELL, MURT AND DeLUCA,  
NOVEMBER 5, 2015

---

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 5, 2015

---

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in burglary and other criminal intrusion, further  
4 providing for burglary; and, in sentencing, further providing  
5 for sentences for second and subsequent offenses.

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

8 Section 1. Section 3502 of Title 18 of the Pennsylvania  
9 Consolidated Statutes is amended by adding a subsection to read:

10 § 3502. Burglary.

11 \* \* \*

12 (c.1) Mandatory minimum sentence.--

13 (1) Except as provided under paragraph (2), a person  
14 convicted of an offense under subsection (a)(1) shall be  
15 sentenced to a mandatory minimum term of imprisonment of no  
16 less than five years.

17 (2) A person convicted of a second or subsequent offense  
18 under subsection (a)(1) shall be sentenced to a mandatory

1 minimum term of imprisonment of no less than 10 years.

2 \* \* \*

3 Section 2. Section 9714(d) of Title 42 is amended to read:

4 § 9714. Sentences for second and subsequent offenses.

5 \* \* \*

6 (d) Proof at sentencing.--[Provisions of this section shall  
7 not be an element of the crime and notice thereof to the  
8 defendant shall not be required prior to conviction, but  
9 reasonable] Reasonable notice of the Commonwealth's intention to  
10 proceed under this section shall be provided after conviction  
11 and before sentencing. The applicability of this section shall  
12 be determined at sentencing. The sentencing court, prior to  
13 imposing sentence on an offender under subsection (a), shall  
14 have a complete record of the previous convictions of the  
15 offender, copies of which shall be furnished to the offender. If  
16 the offender or the attorney for the Commonwealth contests the  
17 accuracy of the record, the court shall schedule a hearing and  
18 direct the offender and the attorney for the Commonwealth to  
19 submit evidence regarding the previous convictions of the  
20 offender. The court shall then determine, by a preponderance of  
21 the evidence, the previous convictions of the offender and, if  
22 this section is applicable, shall impose sentence in accordance  
23 with this section. Should a previous conviction be vacated and  
24 an acquittal or final discharge entered subsequent to imposition  
25 of sentence under this section, the offender shall have the  
26 right to petition the sentencing court for reconsideration of  
27 sentence if this section would not have been applicable except  
28 for the conviction which was vacated.

29 \* \* \*

30 Section 3. This act shall take effect in 60 days.