
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1091 Session of
2015

INTRODUCED BY STEPHENS, TAYLOR, SCHWEYER, HACKETT, DRISCOLL,
THOMAS, BARRAR, McNEILL, COHEN, GODSHALL, TRUITT, TOEPEL,
MARSICO, GIBBONS, SABATINA, MURT, VEREB, DeLUCA, DEASY,
MATZIE, D. COSTA, MOUL AND WATSON, MAY 4, 2015

REFERRED TO COMMITTEE ON JUDICIARY, MAY 4, 2015

AN ACT

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

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

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

9 § 9712. Sentences for offenses committed with firearms.

10 (a) Mandatory sentence.--Except as provided under section
11 9716 (relating to two or more mandatory minimum sentences
12 applicable), any person who is convicted in any court of this
13 Commonwealth of a crime of violence as defined in section
14 9714(g) (relating to sentences for second and subsequent
15 offenses), shall, if the person [visibly] possessed a firearm
16 [or] during the commission of the offense, regardless of whether
17 it was loaded or functional, or the person visibly possessed a
18 replica of a firearm[, whether or not the firearm or replica was

1 loaded or functional,] that placed the victim in reasonable fear
2 of death or serious bodily injury, during the commission of the
3 offense, be sentenced to a minimum sentence of at least five
4 years of total confinement notwithstanding any other provision
5 of this title or other statute to the contrary. Such persons
6 shall not be eligible for parole, probation, work release or
7 furlough.

8 * * *

9 Section 2. Section 9714(g) of Title 42, amended February 25,
10 2014 (P.L.33, No.16), is amended to read:

11 § 9714. Sentences for second and subsequent offenses.

12 * * *

13 (g) Definition.--As used in this section, the term "crime of
14 violence" means murder of the third degree, voluntary
15 manslaughter, manslaughter of a law enforcement officer as
16 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
17 homicide of law enforcement officer), murder of the third degree
18 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)
19 (relating to murder of unborn child), aggravated assault of an
20 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
21 aggravated assault of unborn child), aggravated assault as
22 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
23 aggravated assault), assault of law enforcement officer as
24 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law
25 enforcement officer), use of weapons of mass destruction as
26 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
27 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)
28 (relating to terrorism), trafficking of persons when the offense
29 is graded as a felony of the first degree as provided in 18
30 Pa.C.S. [§ 3002 (relating to trafficking of persons)] Ch. 30

1 (relating to human trafficking), rape, involuntary deviate
2 sexual intercourse, aggravated indecent assault, incest, sexual
3 assault, arson endangering persons or aggravated arson as
4 defined in 18 Pa.C.S. § 3301(a) or (a.1) (relating to arson and
5 related offenses), ecoterrorism as classified in 18 Pa.C.S. §
6 3311(b)(3) (relating to ecoterrorism), kidnapping, burglary as
7 defined in 18 Pa.C.S. § 3502(a)(1) (relating to burglary),
8 robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii)
9 (relating to robbery), or robbery of a motor vehicle, drug
10 delivery resulting in death as defined in 18 Pa.C.S. § 2506(a)
11 (relating to drug delivery resulting in death), possession, use,
12 manufacture, control, sale or transfer of firearms as defined in
13 18 Pa.C.S. § 6105(a) (relating to persons not to possess, use,
14 manufacture, control, sell or transfer firearms) by a person
15 convicted of a felony enumerated under 18 Pa.C.S. § 6105(b) or a
16 felony under the act of April 14, 1972 (P.L.233, No.64), known
17 as The Controlled Substance, Drug, Device and Cosmetic Act, or
18 any equivalent Federal statute or equivalent statute of any
19 other state punishable by a term of imprisonment exceeding two
20 years, or criminal attempt, criminal conspiracy or criminal
21 solicitation to commit murder or any of the offenses listed
22 above, or an equivalent crime under the laws of this
23 Commonwealth in effect at the time of the commission of that
24 offense or an equivalent crime in another jurisdiction.

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