
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 943 Session of
2015

INTRODUCED BY AUMENT, STEFANO, RAFFERTY, VULAKOVICH AND WARD,
JULY 7, 2015

REFERRED TO JUDICIARY, JULY 7, 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
19 minimum term of imprisonment of no less than 10 years.

1 * * *

2 Section 2. Section 9714(d) of Title 42 is amended to read:
3 § 9714. Sentences for second and subsequent offenses.

4 * * *

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

28 * * *

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