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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1298 Session of  
2015

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INTRODUCED BY WOZNIAK AND HAYWOOD, JUNE 6, 2016

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REFERRED TO JUDICIARY, JUNE 6, 2016

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in trial, providing for  
3 trial for certain criminal offenses involving firearms.

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 § 9304. Trial for certain criminal offenses involving firearms.

9 (a) General rule.--Whenever a person is charged with any  
10 criminal offense who visibly possessed a firearm or a replica of  
11 a firearm during the commission of the offense that would  
12 subject the person to sentencing under section 9712 (relating to  
13 sentences for offenses committed with firearms), the Attorney  
14 General or the district attorney prosecuting the offense may not  
15 enter any plea agreement or any other agreement with the person  
16 charged that would exempt the person from the sentencing  
17 mandated under section 9712.

18 (b) Trial by jury.--A person charged with a criminal offense  
19 described under subsection (a) or the Attorney General or

1 district attorney authorized to prosecute the criminal offense  
2 may not stipulate or authorize any trial for the criminal  
3 prosecution other than trial by jury.

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