
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 287 Session of
2013

INTRODUCED BY STEPHENS, R. BROWN, CALTAGIRONE, CARROLL, D.
COSTA, DEASY, DELUCA, FABRIZIO, FARRY, GIBBONS, GINGRICH,
GODSHALL, GROVE, HESS, KAMPF, KORTZ, MARSHALL, MARSICO,
MATZIE, MILLER, MILNE, MURT, NEILSON, O'BRIEN, READSHAW,
SABATINA, SANTARSIERO, SIMMONS, SWANGER, THOMAS, TOEPEL,
TRUITT, VEREB AND WATSON, JANUARY 24, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 24, 2013

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in firearms and other dangerous articles, further
4 providing for persons not to possess, use, manufacture,
5 control, sell or transfer firearms; and, in sentencing,
6 further providing for sentences for second and subsequent
7 offenses.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 6105(a.1)(1) of Title 18 of the
11 Pennsylvania Consolidated Statutes is amended to read:

12 § 6105. Persons not to possess, use, manufacture, control, sell
13 or transfer firearms.

14 * * *

15 (a.1) Penalty.--

16 (1) A person convicted of a felony enumerated under
17 subsection (b) or a felony under the act of April 14, 1972
18 (P.L.233, No.64), known as The Controlled Substance, Drug,

1 Device and Cosmetic Act, or any equivalent Federal statute or
2 equivalent statute of any other state, who violates
3 subsection (a) commits a felony of the second degree and
4 shall be sentenced to a minimum sentence of five years of
5 total confinement, notwithstanding any other provision of law
6 to the contrary, and shall not be eligible for parole,
7 probation, prerelease, work release or furlough prior to
8 completion of the minimum sentence.

9 * * *

10 Section 2. Section 9714(g) of Title 42, amended October 25,
11 2012 (P.L.1655, No.204), is amended to read:

12 § 9714. Sentences for second and subsequent offenses.

13 * * *

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

1 Pa.C.S. § 3002 (relating to trafficking of persons), rape,
2 involuntary deviate sexual intercourse, aggravated indecent
3 assault, incest, sexual assault, arson as defined in 18 Pa.C.S.
4 § 3301(a) (relating to arson and related offenses), ecoterrorism
5 as classified in 18 Pa.C.S. § 3311(b)(3) (relating to
6 ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. §
7 3502(a)(1) (relating to burglary), robbery as defined in 18
8 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or
9 robbery of a motor vehicle, drug delivery resulting in death as
10 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery
11 resulting in death), possession, use, manufacture, control, sale
12 or transfer of firearms as defined in 18 Pa.C.S. § 6105(a)
13 (relating to persons not to possess, use, manufacture, control,
14 sell or transfer firearms) by a person subject to penalties
15 under 18 Pa.C.S. § 6105(a.1)(1), or criminal attempt, criminal
16 conspiracy or criminal solicitation to commit murder or any of
17 the offenses listed above, or an equivalent crime under the laws
18 of this Commonwealth in effect at the time of the commission of
19 that offense or an equivalent crime in another jurisdiction.

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