

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 918 Session of 2025

INTRODUCED BY FARRY, PENNYCUICK, PICOZZI, FONTANA, STEFANO,
VOGEL, ROBINSON AND ARGALL, JULY 31, 2025

REFERRED TO JUDICIARY, JULY 31, 2025

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, providing
3 for sentences for persons not to possess, use, manufacture,
4 control, sell or transfer firearms.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 9720.9. Sentences for persons not to possess, use,
10 manufacture, control, sell or transfer firearms.

11 (a) Mandatory minimum sentence.--

12 (1) A person convicted under 18 Pa.C.S. § 6105(a)
13 (relating to persons not to possess, use, manufacture,
14 control, sell or transfer firearms) as a result of a
15 conviction under 18 Pa.C.S. § 6105(b) shall be sentenced to a
16 mandatory term of imprisonment of at least 11 months.

17 (2) The mandatory term of imprisonment under paragraph
18 (1) shall not apply if the felony conviction under 18 Pa.C.S.
19 § 6105 was because the person was subject to 18 Pa.C.S. §

1 6105(c)(3).

2 (3) If a person is convicted under 18 Pa.C.S. § 6105 and
3 the offense is graded as a felony, the person shall be
4 sentenced to a minimum sentence of at least five years of
5 total confinement if the person had previously been convicted
6 under 18 Pa.C.S. § 6105 during the commission of the current
7 offense. Upon a second conviction under 18 Pa.C.S. § 6105,
8 the court shall give the person oral and written notice of
9 the penalties under this section for a third conviction for a
10 crime of violence. Failure to provide the notice under this
11 paragraph shall not render the offender ineligible to be
12 sentenced under paragraph (4).

13 (4) If the person had previously been convicted of two
14 or more violations of 18 Pa.C.S. § 6105 arising from separate
15 criminal actions during the commission of the current
16 offense, the person shall be sentenced to a minimum sentence
17 of at least 15 years of total confinement. Proof that the
18 offender received notice of or otherwise knew or should have
19 known of the penalties under this paragraph shall not be
20 required.

21 (b) Mandatory maximum sentence.--An offender sentenced to a
22 mandatory minimum sentence under subsection (a) shall be
23 sentenced to a maximum sentence equal to twice the mandatory
24 minimum sentence, notwithstanding 18 Pa.C.S. § 1103 (relating to
25 sentence of imprisonment for felony) or another provision of
26 this title or other statute.

27 (c) Eligibility for parole.--Parole under this section may
28 not be granted until the minimum term of imprisonment is served.

29 (d) Application of mandatory minimum penalty.--

30 (1) For a provision of this section that requires

1 imposition of a mandatory minimum sentence based on a fact
2 that is not an element of the underlying offense or a prior
3 conviction, the enhancing element must be:

4 (i) proven beyond a reasonable doubt at trial on the
5 underlying offense; and

6 (ii) submitted to the fact-finder for deliberation
7 together with the underlying offense. If the fact-finder
8 finds the defendant guilty of the underlying offense, the
9 fact-finder shall decide whether an enhancing element has
10 been proven.

11 (2) For a provision of this section that requires
12 imposition of a mandatory minimum sentence and that is not
13 covered by paragraph (1):

14 (i) The enhancing element may not be an element of
15 the crime.

16 (ii) Notice of the crime to the defendant shall not
17 be required prior to conviction, but reasonable notice of
18 the Commonwealth's intention to proceed under this
19 section must be provided after conviction and before
20 sentencing.

21 (3) The applicability of this section shall be
22 determined at sentencing.

23 (4) Prior to imposing sentence on an offender under this
24 section, the sentencing court must have a complete record of
25 the previous convictions of the offender, and copies of the
26 record must be furnished to the offender.

27 (5) If the offender or Commonwealth contests the
28 accuracy of the record under paragraph (4), the court shall
29 schedule a hearing and direct the offender and Commonwealth
30 to submit evidence regarding the previous convictions of the

1 offender.

2 (6) For a hearing under paragraph (5), the court shall
3 determine the previous convictions of the offender by a
4 preponderance of the evidence.

5 (7) If the court finds that this section is applicable,
6 the court shall impose a sentence in accordance with this
7 section.

8 (8) If a previous conviction is vacated and an acquittal
9 or final discharge entered after imposition of sentence under
10 this section, the offender may petition the sentencing court
11 for reconsideration of the sentence if this section would
12 have been inapplicable except for the vacated conviction.

13 (e) Appeal by Commonwealth.--

14 (1) If a sentencing court fails to apply this section
15 where applicable, including if the fact-finder found an
16 enhancing element and a sentencing court imposes a sentence
17 below the mandatory minimum sentence, the Commonwealth shall
18 have the right to appellate review of the sentence.

19 (2) If the appellate court finds that the sentence was
20 imposed in violation of this section, the appellate court
21 shall vacate the sentence and remand the case to the
22 sentencing court for imposition of a sentence in accordance
23 with this section.

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