



## Pennsylvania Commission on Sentencing

### Pennsylvania's Mandatory Minimum Sentencing Provisions As of December 2008 (Please see statute for details and up-to-date listing)

Relevant Title/Section	Description	Mandatory Minimum Sentence	Prosecutorial Notice Requirement
18 Pa. C.S. §1102(a); 18 Pa. C.S. §2502(a); 42 Pa. C.S. §9711	Murder of the first degree.	Death or life imprisonment	No notice required
18 Pa. C.S. §1102(a); 18 Pa. C.S. §2507(a)	Murder of a law enforcement officer of the first degree	Death or life imprisonment	No notice required
18 Pa. C.S. §1102(a); 18 Pa. C.S. §2604(a)	First degree murder of an unborn child.	Life imprisonment	No notice required
18 Pa. C.S. §1102(b); 18 Pa. C.S. §2502(a);	Murder of the second degree.	Life imprisonment	No notice required
18 Pa. C.S. §1102(b); 18 Pa. C.S. §2507(b)	Murder of a law enforcement officer of the second degree	Life imprisonment	No notice required
18 Pa. C.S. §1102(b); 18 Pa. C.S. §2604(b)	Second degree murder of an unborn child.	Life imprisonment	No notice required
18 Pa. C.S. §2506; 35 P.S. §780-113(a)(14) or (30)	Drug delivery resulting in death.	5 years total confinement	No notice required
18 Pa. C.S. §2704	Assault by life prisoner.	Life imprisonment	No notice required
18 Pa. C.S. §2716(b)(1)	Weapons of mass destruction and use resulted in death of an individual.	Life imprisonment	No notice required
18 Pa. C.S. §3301(a)(2)	Arson endangering persons as murder of the first degree.	Death or life imprisonment	No notice required
18 Pa. C.S. §3301(a)(2)	Arson endangering persons as murder of the second degree.	Life imprisonment	No notice required
18 Pa. C.S. 5123(a.1)	Controlled substance contraband to confined person.	2 years total confinement	No notice required
18 Pa. C.S. 6111(h)	Sale or transfer of firearms; subsequent violation.	5 years imprisonment	Notice required prior to sentencing / Proof required at sentencing
18 Pa. C.S. §6121	Certain bullets prohibited.	5 years imprisonment	No notice required
18 Pa. C.S. §6314(a); 35 P.S. §780-113 (a)(14) or (30)	Sentencing and penalties for trafficking drugs to minors	1 year total confinement	Notice required prior to sentencing / Proof required at sentencing
18 Pa. C.S. §6314(b); 35 P.S. §780-113 (a)(14) or (30)	Sentencing and penalties for trafficking drugs to minors. (promoting habitual use or engage in trafficking, 1,000 feet of real property of school, school bus, 500 feet school bus stop)	3 years total confinement	Notice required prior to sentencing / Proof required at sentencing



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18 Pa. C.S. §6317; 35 P.S. §780-113 (a)(14) or (30)	Drug free school zones.	2 years total confinement / 4 year maximum	Notice required prior to sentencing / Proof required at sentencing
42 Pa. C.S. §9712	Sentences for offenses committed with firearms.	5 years total confinement	Notice required prior to sentencing / Proof required at sentencing
42 Pa. C.S. §9712.1 35 P.S. §780-113(a)(30)	Certain drug offenses committed with firearms.	5 years total confinement	Notice required prior to sentencing / Proof required at sentencing
42 Pa. C.S. §9713	Sentences for offenses committed on public transportation.	5 years total confinement	Notice required prior to sentencing / Proof required at sentencing
42 Pa. C.S. §9714	Two/Three Strikes		Notice required prior to sentencing / Proof required at sentencing
	2nd conviction for crime of violence	10 years	
	3rd or subsequent conviction for crime of violence.	25 years total confinement or life imprisonment	
42 Pa. C.S. §9715	Life Imprisonment for homicide. (previously convicted of murder or voluntary manslaughter)	Life imprisonment	Notice required prior to sentencing / Proof required at sentencing
42 Pa. C.S. §9716	Two or more mandatory minimum sentences applicable.	Longest mandatory minimum applies	
42 Pa. C.S. §9717	Sentences for offenses against elderly persons.		No notice required / Notice required prior to guilty plea
18 Pa. C.S. §2702 (a)(1) & (a)(4)	Aggravated Assault	2 years imprisonment	
18 Pa. C.S. §3121	Rape	5 years imprisonment	
18 Pa. C.S. §3123	IDSI	5 years imprisonment	
18 Pa. C.S. §3922	Theft by deception	1 year imprisonment (unless court finds justifiable cause)	



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42 Pa. C.S. §9718	Sentences for offenses against victims younger than age 16 years		Notice required prior to sentencing / Proof required at sentencing
18 Pa. C.S. §2702 (a)(1) & (a)(4)	Aggravated assault	2 years imprisonment	
18 Pa. C.S. §3121(a)(1)-(5)	Rape	10 years imprisonment	
18 Pa. C.S. §3123	IDSI	10 years imprisonment	
18 Pa. C.S. §3125 (a)(1)-(6)	Aggravated indecent assault	5 years imprisonment	
42 Pa. C.S. §9718	Sentences for offenses against victims younger than age 13 years		Notice required prior to sentencing / Proof required at sentencing
18 Pa. C.S. §2702(a)(1)	Aggravated assault	5 years imprisonment	
18 Pa. C.S. §3121 (c) and (d)	Rape	10 years imprisonment	
18 Pa. C.S. §3125(a)(7)	Aggravated indecent assault	5 years imprisonment	
18 Pa. C.S. §3125(b) and (a)(1)-(6)	Aggravated indecent assault	10 years imprisonment	
42 Pa. C.S. §9718.2	Sentences for sex offenses		Notice required prior to sentencing / Proof required at sentencing
	Current conviction of a Megan's Law offense and previously convicted of Megan's Law offense or equivalent	25 years confinement / maximum double minimum	
	Current conviction of a Megan's Law offense and previously convicted of 2 or more Megan's Law offenses or equivalent.	Life imprisonment	
42 Pa. C.S. §9718.3	Sentences for failure to comply with registration of sexual offenders.		Notice required prior to sentencing / Proof required at sentencing
	<u>1st offense / subject to 42 §9795.1(a)</u> violated 18 §4915(a)(1) or (2) violated 18 §4915(a)(3)	2 years 3 years	
	<u>1st offense / subject to 42 §9795.1(b)</u> violated 18 §4915(a)(1) or (2) violated 18 §4915(a)(3)	3 years 5 years	
	<u>2nd offense / subject to 42 §9795.1</u> violated 18 §4915(a)(1) or (2)	5 years	
	<u>2nd + offense / subject to 42 §9795.1</u> violated 18 §4915(a)(3)	7 years	
42 Pa. C.S. §9719	Sentences for offenses committed while impersonating a law enforcement officer.	3 years total confinement	Notice required prior to sentencing / Proof required at sentencing



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<b>Relevant Title/Section</b>	<b>Description</b>	<b>Mandatory Minimum Sentence</b>	<b>Prosecutorial Notice Requirement</b>
42 Pa. C.S. §9719.1; 18-2702.1	Assault of law enforcement officer in the first degree (discharging firearm)	20 years imprisonment	No notice required



**Pennsylvania Commission on Sentencing**

**Pennsylvania's Drug-Related Mandatory Minimum Sentencing Provisions  
As of December 2008 (Please see statute for details and up-to-date listing)**

Relevant Title/Section	Description	Mandatory Minimum Sentence	Prosecutorial Notice Requirement
35 P.S. §780-113(k)	Manufacture of amphetamines, methamphetamine, or phenylacetone, and phenyl-2-propanone.	2 years total confinement	No notice required
18 Pa.C.S. §7508 35 P.S. §780-113 (a)(14), (30) & (37)	Drug trafficking sentencing and penalties.		Notice required prior to sentencing / Proof required at sentencing
	<u>Marijuana</u>		
	2 lbs. to < 10 lbs. or 10 to < 21 live plants.	1st conviction: 1 year subsequent: 2 years	
	10 lbs. to < 50 lbs. or 21 to 51 live plants	1st conviction: 3 years subsequent: 4 years	
	50 lbs. or more or 51 live plants or more.	1st conviction: 5 years subsequent: 5 years	
	<u>Heroin</u>		
	1 gram to < 5 grams	1st conviction: 2 years subsequent: 3 years	
	5 grams to < 50 grams	1st conviction: 3 years subsequent: 5 years	
	50 grams or more	1st conviction: 5 years subsequent: 7 years	
	<u>Narcotics of Schedule I or II</u>		
	2 grams to < 10 grams	1st conviction: 2 years subsequent: 3 years	
	10 grams to < 100	1st conviction: 3 years subsequent: 5 years	
	100 grams or more	1st conviction: 5 years subsequent: 7 years	
	<u>Cocaine</u>		
	2 grams to < 10 grams	1st conviction: 1 year subsequent: 3 years	
	10 grams < 100 grams	1st conviction: 3 years subsequent: 5 years	
	100 grams or more	1st conviction: 4 years subsequent: 7 years	
	<u>Methamphetamine / Phencyclidine</u>		
	5 grams to < 10 grams	1st conviction: 3 years subsequent: 5 years	
	10 grams to < 100 grams	1st conviction: 4 years subsequent: 7 years	
100 grams or more	1st conviction: 5 years subsequent: 8 years		



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Relevant Title/Section	Description	Mandatory Minimum Sentence	Prosecutorial Notice Requirement
	Amphetamine		
	5 grams or more	1st conviction: 2.5 years subsequent: 5 years	
	Methaqualone		
	50 tablets to < 200 tablets or 25 grams to < 100 grams	1st conviction: 1 year subsequent: 3 years	
	200 tablets or more or > 100 grams	1st conviction: 2.5 years subsequent: 5 years	
	MDMA		
	15 grams to < 30 grams	1st conviction 5 year maximum subsequent 10 year maximum	
	30 grams to < 300 grams	1st conviction 10 year maximum subsequent 20 year maximum	
	300 grams or more	1st conviction 15 year maximum subsequent 30 year maximum	



**Pennsylvania Commission on Sentencing**

**Pennsylvania's Vehicle/Boating/DUI-Related Mandatory Minimum Sentencing Provisions  
As of December 2008 (Please see statute for details and up-to-date listing)**

<b>Relevant Title/Section</b>	<b>Description</b>	<b>Mandatory Minimum Sentence</b>	<b>Prosecutorial Notice Requirement</b>
<b>Vehicle / DUI-Related</b>			
75 Pa. C.S. §1543(b)	Driving while operating privilege is suspended or revoked, DUI-related.	60 days, unless imbibing 1st offense 90 days 2nd offense 6 months 3rd+ offense 2 years	No notice required
75 Pa. C.S. §3735	Homicide by vehicle while DUI.	3 years Consecutive 3 years for each victim.	No notice required
75 Pa. C.S. §3742	Accidents involving death or personal injury; leaving scene of accident. Victim suffers SBI Victim dies	90 days 1 year imprisonment	No notice required
75 Pa. C.S. §3802	Driving under influence of alcohol or controlled substance.		No notice required
	(a)(1) incapable of driving safely or (a)(2) BAC.08 - <10	1st conviction 6 months probation 2nd conviction 5 days 3rd+ conviction 10 days	
	(a)(1) incapable of driving safely involving accident, or (b) BAC .10 - <.16, or (e) minor, or (f) commercial/school vehicle	1st conviction 48 hours 2nd conviction 30 days 3rd conviction 90 days 4th+ conviction 1 year	
	(a)(1) incapable of driving safely involving refused testing, or (c) BAC .16 or greater, (d) controlled substances	1st conviction 72 hours 2nd conviction 90 days 3rd+ conviction 1 year	
75 Pa. C.S. §3808	Illegally operating motor vehicle not equipped with ignition lock.	90 days	No notice required



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Relevant Title/Section	Description	Mandatory Minimum Sentence	Prosecutorial Notice Requirement
<b>Watercraft</b>			
30 Pa. C.S. §5502	Operating watercraft under influence of alcohol or controlled substance.		No notice required
	(a)(1) incapable safe operation	1st offense 6 months prob. 2nd offense 5 days 3rd+ offense 10 days	
	(a)(1) refuse testing	1st offense 72 hours 2nd offense 90 days 3rd+ offense 1 year	
	(a)(1) accident	1st offense 48 hours 2nd offense 30 days 3rd offense 90 days 4th+ offense 1 year	
	(a)(2) BAC .08 - < .10	1st offense 6 months prob. 2nd offense 5 days 3rd + offense 10 days	
	(a.1) BAC .10 - < .16	1st offense 48 hours 2nd offense 30 days 3rd offense 90 days 4th+ offense 1 year	
	(a.2) BAC .16+	1st offense 72 hours 2nd offense 90 days 3rd+ offense 1 year	
	(a.3) controlled substance	1st offense 72 hours 2nd offense 90 days 3rd+ offense 1 year	
	(a.4) under 21 years of age	1st offense 48 hours 2nd offense 30 days 3rd offense 90 days 4th+ offense 1 year	
30 Pa. C.S. §5502.1	Homicide by watercraft while operating under the influence.	3 years imprisonment	No notice required