

PENNSYLVANIA'S MANDATORY MINIMUM SENTENCING PROVISIONS

These mandatory sentences are organized by type of offense. For more detailed and technical information, please refer to the Sentencing Guideline Manual.

Relevant Title/Section	Description	Mandatory Minimum Sentence	Prosecutorial Notice Requirement
Murder / Homicide			
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. §2604(a)	First degree murder of an unborn child.	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. §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. §2604(b)	Second degree murder of an unborn child.	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
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
18 Pa. C.S. §2716(b)(1)	Weapons of mass destruction and use resulted in death of an individual.	Life imprisonment	No notice required
Multiple Offenses			
42 Pa. C.S. §9714	Two/Three Strikes. 2 nd conviction for crime of violence 3 rd or subsequent conviction for crime of violence.	10 years 25 years total confinement or 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	
Firearm-Related			
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
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

Pennsylvania Mandatory Minimum Sentencing Provisions

Relevant Title/Section	Description	Mandatory Minimum Sentence	Prosecutorial Notice Requirement
Assaults / Sex Offenses			
18 Pa. C.S. §2704	Assault by life prisoner.	Life imprisonment	No notice required
42 Pa. C.S. §9717 18 Pa. C.S. 2702 (a)(1) & (a)(4) 18 Pa. C.S. §3121 18 Pa. C.S. §3123 18 Pa. C.S. §3922	Sentences for offenses against elderly persons. Aggravated assault Rape IDSI Theft by deception	2 years imprisonment 5 years imprisonment 5 years imprisonment 1 year imprisonment (unless court finds justifiable cause)	No notice required / Notice required prior to guilty plea
42 Pa. C.S. §9718 18 Pa. C.S. §2702 (a)(1) & (a)(4) 18 Pa. C.S. §3121 (a)(1)-(5) 18 Pa. C.S. §3123 18 Pa. C.S. §3125 (a)(1)-(6)	Sentences for offenses against victims younger than age 16 years. Aggravated assault Rape IDSI Aggravated indecent assault	2 years imprisonment 10 years imprisonment 10 years imprisonment 5 years imprisonment	No notice required / Notice required prior to guilty plea
42 Pa. C.S. §9718 18 Pa. C.S. §2702 (a)(1) 18 Pa. C.S. §3121 (c) and (d) 18 Pa. C.S. §3125 (a)(7) 18 Pa. C.S. §3125 (b) and (a)(1)-(6)	Sentences for offenses against victims younger than age 13 years. Aggravated assault Rape Aggravated indecent assault Aggravated indecent assault	5 years imprisonment 10 years imprisonment 5 years imprisonment 10 years imprisonment	Notice required prior to sentencing / Proof required at sentencing
42 Pa. C.S. §9718.2	Sentences for sex offenses. Current conviction of a Megan's Law offense and previously convicted of Megan's Law offense or equivalent. Current conviction of a Megan's Law offense and previously convicted of 2 or more Megan's Law offenses or equivalent.	25 years confinement / maximum double minimum Life imprisonment	Notice required prior to sentencing / Proof required at sentencing
42 Pa. C.S. §9718.3	Sentences for failure to comply with registration of sexual offenders. <u>1st offense / subject to 42 §9795.1(a)</u> violated 18 §4915(a)(1) or (2) violated 18 §4915(a)(3) <u>1st offense / subject to 42 §9795.1(b)</u> violated 18 §4915(a)(1) or (2) violated 18 §4915(a)(3) <u>2nd + offense / subject to 42 §9795.1(a)</u> violated 18 §4915(a)(1) or (2) <u>2nd + offense / subject to 42 §9795.1</u> violated 18 §4915(a)(3)	2 years 3 years 3 years 5 years 5 years 7 years	Notice required prior to sentencing / Proof required at sentencing

Pennsylvania Mandatory Minimum Sentencing Provisions

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Drug-Related Offenses			
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. §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
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
35 P.S. §780-113(k)	Manufacture of amphetamines, methamphetamine, or phenylacetone, and phenyl-2-proprionone.	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.	1 st conviction 1 year subsequent - 2 years	
	10 lbs. to < 50 lbs. or 21 to 51 live plants	1 st conviction 3 years subsequent - 4 years	
	50 lbs. or more or 51 live plants or more.	1 st conviction 5 years subsequent - 5 years	
	<u>Heroin</u>		
	1 gram to < 5 grams	1 st conviction 2 years subsequent - 3 years	
	5 grams to < 50 grams	1 st conviction 3 years subsequent - 5 years	
	50 grams or more	1 st conviction 5 years subsequent - 7 years	
	<u>Cocaine</u>		
	2 grams to < 10 grams	1 st conviction 1 years subsequent - 3 years	
	10 grams < 100 grams	1 st conviction 3 years subsequent - 5 years	
	100 grams or more	1 st conviction 4 years subsequent - 7 years	
	<u>Methamphetamine / Phencyclidine</u>		
	5 grams to < 10 grams	1 st conviction 3 years subsequent - 5 years	
	10 grams to < 100 grams	1 st conviction 4 years subsequent - 7 years	
	100 grams or more	1 st conviction 5 years subsequent - 8 years	
	<u>Amphetamine</u>		
	5 grams or more	1 st conviction 2.5 years subsequent - 5 years	
	<u>Methaqualone</u>		
50 tables to < 200 tablets or 25 grams to < 100 grams	1 st conviction 1 year subsequent - 3 years		
200 tablets or more or 100 grams or more	1 st conviction 2.5 years subsequent - 5 years		

Pennsylvania Mandatory Minimum Sentencing Provisions

Relevant Title/Section	Description	Mandatory Minimum Sentence	Prosecutorial Notice Requirement
Vehicle / DUI-Related			
75 Pa. C.S. §1543(b)	Driving while operating privilege is suspended or revoked, DUI-related.	60 days, unless Imbibing Imbibing 1 st offense 90 days 2 nd offense 6 months 3 rd + 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.	1 st conviction 6 months probation 2 nd conviction 5 days 3 rd + conviction 10 days	
	(a)(1) incapable of driving safely involving accident, or (b) BAC .10 - <.16, or (e) minor, or (f) commercial/school vehicle	1 st conviction 48 hours 2 nd conviction 30 days 3 rd conviction 90 days 4 th + conviction 1 year	
	(a)(1) incapable of driving safely involving refused testing, or (c) BAC .16 or greater, (d) controlled substances	1 st conviction 72 hours 2 nd conviction 90 days 3 rd + conviction 1 year	
75 Pa. C.S. §3808	Illegally operating motor vehicle not equipped with ignition lock.	90 days	No notice required

Pennsylvania Mandatory Minimum Sentencing Provisions

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Watercraft			
30 Pa. C.S. §5502	Operating watercraft under influence of alcohol or controlled substance.		
	(a)(1) incapable safe operation	1 st offense 6 months prob. 2 nd offense 5 days 3 rd + offense 10 days	No notice required
	(a)(1) refuse testing	1 st offense 72 hours 2 nd offense 90 days 3 rd + offense 1 year	
	(a)(1) accident	1 st offense 48 hours 2 nd offense 30 days 3 rd offense 90 days 4 th + offense 1 year	
	(a)(2) BAC .08 - < .10	1 st offense 6 months prob. 2 nd offense 5 days 3 rd + offense 10 days	
	(a.1) BAC .10 - < .16	1 st offense 48 hours 2 nd offense 30 days 3 rd offense 90 days 4 th + offense 1 year	
	(a.2) BAC .16+	1 st offense 72 hours 2 nd offense 90 days 3 rd + offense 1 year	
	(a.3) controlled substance	1 st offense 72 hours 2 nd offense 90 days 3 rd + offense 1 year	
	(a.4) under 21 years of age	1 st offense 48 hours 2 nd offense 30 days 3 rd offense 90 days 4 th + offense 1 year	
30 Pa. C.S. §5502.1	Homicide by watercraft while operating under the influence.	3 years imprisonment	
Other			
18 Pa. C.S. 5123(a.1)	Controlled substance contraband to confined person.	2 years total confinement	No notice required
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. §9719	Sentences for offenses committed while impersonating a law enforcement officer.	3 years total confinement	Notice required prior to sentencing / proof required at sentencing