



**BILL SUMMARY: PA HB 1590 (Rep. Todd Stephens (R), District 151)  
Mandatory Guideline Sentencing for Certain Offenses Involving Guns**

**The bill:** If passed, HB 1590 would reinstate five-year sentences (and harsher sentencing generally) for certain offenses by making the Pa. sentencing guidelines “presumptive.” It will deter and prohibit judges from exercising discretion at sentencing.

**FAMM’s position: FAMM opposes HB 1590 in its entirety.**

**Bill Status:** HB was introduced in the Pa. House and has been passed by the House Judiciary Committee. To become law, it must be approved by committees, passed by both the Pa. House and Senate and signed by the Governor. We do not know if or when this bill will become law.

**Background:** Pennsylvania has sentencing guidelines that apply in all cases. The guidelines are advisory, not mandatory. The current law, 42 Pa.C.S. § 9721, gives judges discretion over sentencing, and requires courts to provide a statement of reason(s) for giving a sentence below the guidelines range. If a court does not, it can be grounds to resentence a person.

**What the bill would do: HB 1590 tries to reinstate harsh mandatory minimums by making the sentencing guidelines presumptive rather than advisory.** If passed, it would direct judges to impose five-year sentences (or a standard guideline range sentence, whichever is less) for the following convictions where a firearm was possessed during the commission of the offense:

- Crimes of violence<sup>1</sup>;
- Drug trafficking;
- Unlawful possession of a firearm, where the person has a “serious” prior conviction<sup>2</sup>.

The bill would make the guidelines “presumptive,” meaning they are applied automatically and more strictly. It will require courts to state, on the record, a substantial and compelling reason that an injustice would occur by imposing the sentence that the bill mandates. And, even if the Court *does* find good reason for a lower sentence, the bill *completely* prohibits judges from imposing less than four years (or the mitigated range of the guidelines) where:

- The person was previously convicted of an offense punishable by more than two years (*e.g.* in PA, that means most people with a prior first-degree misdemeanor or felony);
- The current offense resulted in death or serious bodily injury;
- The person used violence or credible threats of violence, or induced another to, during the current offense;

---

<sup>1</sup> “Crime of violence” defined in 42 Pa.C.S. § 9714(g).

<sup>2</sup> Applicable serious crimes defined in 18 Pa.C.S. § 6105(b).





- The person possessed a deadly weapon during the commission of the current offense.

Finally, if a judge does give a sentence below the guideline range, the bill would require a written statement of the reasons for doing so. HB 1590 would go into effect 60 days from its passage and apply to everyone sentenced after that date.

For more information, contact FAMM Pennsylvania State Policy Director **Maria Goellner at (717) 945-9089 or [mgoellner@famm.org](mailto:mgoellner@famm.org)**.

###

*For nearly three decades, FAMM has united the voices of affected families, the formerly incarcerated, and a range of stakeholders and advocates to fight for a more fair and effective justice system. FAMM's focus on ending a one-size-fits-all punishment structure has led to reforms to sentencing and prison policies at the state and federal level and is paving the way to programs that support rehabilitation for the 94% of all prisoners who will return to our neighborhoods one day.*



1100 H Street NW, Suite 1000 • Washington, D.C. 20005



(202) 822-6700



[www.famm.org](http://www.famm.org)