



Select Pennsylvania Mandatory Minimum Laws

IMPORTANT NOTE: This is not necessarily a complete list. Laws frequently change, and these sentences may no longer be accurate or up to date. Talk with a lawyer in your state if you have questions.

Drug Offenses

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|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 18 Pa. C.S. 5123(a.1) | Controlled substance contraband to confined person. | 2 years total confinement |
| 42 Pa. C.S. §9713 | Sentences for offenses committed on public transportation. | 5 years total confinement |
| 42 Pa. C.S. §9719 | Sentences for offenses committed while impersonating a law enforcement officer. | 3 years total confinement |
| 18 Pa. C.S. §2506; 35 P.S. §780-113 (a)(14) or (30) | Drug delivery resulting in death. | 5 years total confinement |
| 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. |
| 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. |
| 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 |
| 35 P.S. §780-113(k) | Manufacture of amphetamines, methamphetamine, or phenylacetone, and phenyl-2-proprionone. | 2 years total confinement |
| 18 Pa.C.S. § 7508 35 P.S. §780-113 (a) (14), (30) & (37) | Marijuana | |
| | 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 51+ live plants | 1st conviction: 5 years subsequent: 5 years |
| | Narcotics of Schedule 1 or II | |
| | 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 |
| | Cocaine | |
| | 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 |
| | Methamphetamine / Phencyclidine | |
| | 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 | 1st conviction: 5 years subsequent: 8 years | |



Drug Offenses, cont.

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| 18 Pa.C.S. § 7508 35 P.S. §780-113 (a) (14), (30) & (37) | Amphetamine | |
| | 5+ grams | 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 |
| | Heroin | |
| | 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 | 1st conviction: 5 years subsequent: 7 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 | 1st conviction: 15 year maximum Subsequent: 30 year maximum |

Violent Offenses

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| 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 |
| 18 Pa. C.S. §1102(a); 18 Pa. C.S. §2604(a) | First degree murder of an unborn child. | Life imprisonment |
| 18 Pa. C.S. §3301(a)(2) | Arson endangering persons as murder of the first degree. | Death or life imprisonment |
| 18 Pa. C.S. §1102(b); 18 Pa. C.S. §2502(a); | Murder of the second degree. | Life imprisonment |
| 18 Pa. C.S. §1102(b); 18 Pa. C.S. §2604(b) | Second degree murder of an unborn child. | Life imprisonment |
| 18 Pa. C.S. §3301(a)(2) | Arson endangering persons as murder of the second degree. | Life imprisonment |
| 42 Pa. C.S. §9715 | Life Imprisonment for homicide. (previously convicted of murder or voluntary manslaughter) | Life imprisonment |
| 18 Pa. C.S. §2716(b)(1) | Weapons of mass destruction and use resulted in death of an individual. | Life imprisonment |
| 18 Pa. C.S. §2704 | Assault by life prisoner. | Life imprisonment |
| 42 Pa. C.S. §9717 | Sentences for offenses against elderly persons: | |
| 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 | IDSII | 5 years imprisonment |
| 18 Pa. C.S. §3922 | Theft by deception | 1 year imprisonment (unless court finds justifiable cause) |



Violent Offenses, cont.

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| 42 Pa. C.S. §9718 | Sentences for offenses against victims younger than age 16 years: | |
| 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 | IDS | 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: | |
| 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 |

Sex Offenses

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| 42 Pa. C.S. §9718.2 | 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 |
| 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) | 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(a)</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 |

Gun Offenses

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| 18 Pa. C.S. 6111(h) | Sale or transfer of firearms; subsequent violation. | 5 years |
| 18 Pa. C.S. §6121 | Certain bullets prohibited. | 5 years |
| 42 Pa. C.S. §9712 | Sentences for offenses committed with firearms. | 5 years |
| 42 Pa. C.S. §9712.1 35 P.S. §780-113(a)(30) | Certain drug offenses committed with firearms. | 5 years |

Habitual Offenders

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| 42 Pa. C.S. §9714 Two/Three Strikes. | 2nd conviction for crime of violence 3rd or subsequent conviction for crime of violence. | 10 years 25 years or life |
| 42 Pa. C.S. §9716 | Two or more mandatory minimum sentences applicable. | Longest mandatory minimum applies |



DWI Offenses

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| 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 |
| 75 Pa. C.S. §3735 | Homicide by vehicle while DUI. | 3 years Consecutive 3 years for each victim. |
| 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 |
| 75 Pa. C.S. §3802 | Driving under influence of alcohol or controlled substance: | |
| | (a)(1) incapable of driving safely or (a)(2) BAC.08 - <.10. | 1st conviction: 6 mos. 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 |

Watercraft DWI Offenses

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| 30 Pa. C.S. §5502 | Operating watercraft under influence of alcohol or controlled substance: | |
| | (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 |