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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

No. **961** Session of  
2017

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INTRODUCED BY RAFFERTY, DINNIMAN, MARTIN, SABATINA, TARTAGLIONE,  
SCAVELLO AND AUMENT, NOVEMBER 15, 2017

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REFERRED TO TRANSPORTATION, NOVEMBER 15, 2017

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in miscellaneous provisions relating to operation  
3 of vehicles, further providing for homicide by vehicle while  
4 driving under influence.

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

7 Section 1. Section 3735(a) of Title 75 of the Pennsylvania  
8 Consolidated Statutes is amended to read:

9 § 3735. Homicide by vehicle while driving under influence.

10 (a) Offense defined.--[Any person who unintentionally causes  
11 the death of another person as the result of a violation of  
12 section 3802 (relating to driving under influence of alcohol or  
13 controlled substance) and who is convicted of violating section  
14 3802 is guilty of a felony of the second degree when the  
15 violation is the cause of death and the sentencing court shall  
16 order the person to serve a minimum term of imprisonment of not  
17 less than three years. A consecutive three-year term of  
18 imprisonment shall be imposed for each victim whose death is the  
19 result of the violation of section 3802.]

1           (1) A person who unintentionally causes the death of  
2 another person as the result of a violation of section 3802  
3 (relating to driving under influence of alcohol or controlled  
4 substance) and who is convicted of violating section 3802:

5           (i) is guilty of a felony of the second degree; or

6           (ii) is guilty of a felony of the first degree if,  
7 before sentencing on the present violation, the person  
8 has incurred a conviction, adjudication of delinquency,  
9 juvenile consent decree, acceptance of Accelerated  
10 Rehabilitative Disposition or other form of preliminary  
11 disposition for any of the following:

12           (A) An offense under section 3802.

13           (B) An offense under former section 3731  
14 (relating to driving under influence of alcohol or  
15 controlled substance).

16           (C) An offense which constitutes a felony under  
17 this subchapter.

18           (D) An offense substantially similar to an  
19 offense under clause (A), (B) or (C) in another  
20 jurisdiction.

21           (E) Any combination of the offenses under clause  
22 (A), (B), (C) or (D).

23           (2) The sentencing court shall order a person convicted  
24 under paragraph (1)(i) to serve a minimum term of  
25 imprisonment of not less than three years. A consecutive  
26 three-year term of imprisonment shall be imposed for each  
27 victim whose death is the result of a violation of section  
28 3802.

29           (3) The sentencing court shall order a person convicted  
30 under paragraph (1)(ii) to serve a minimum term of

1 imprisonment of:

2 (i) Not less than five years if, before sentencing  
3 on the present violation, the person has incurred one or  
4 two convictions, adjudications of delinquency, juvenile  
5 consent decrees, acceptances of Accelerated  
6 Rehabilitative Disposition or other forms of preliminary  
7 disposition for any of the offenses listed under  
8 paragraph (1)(ii)(A), (B), (C), (D) or (E). A consecutive  
9 five-year term of imprisonment shall be imposed for each  
10 victim whose death is the result of a violation of  
11 section 3802.

12 (ii) Not less than seven years if, before sentencing  
13 on the present violation, the person has incurred at  
14 least three convictions, adjudications of delinquency,  
15 juvenile consent decrees, acceptances of Accelerated  
16 Rehabilitative Disposition or other forms of preliminary  
17 disposition for any of the offenses listed under  
18 paragraph (1)(ii)(A), (B), (C), (D) or (E). A consecutive  
19 seven-year term of imprisonment shall be imposed for each  
20 victim whose death is the result of a violation of  
21 section 3802.

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