

AMENDMENTS TO HOUSE BILL NO. 1049

Sponsor: REPRESENTATIVE FARRY

Printer's No. 1221

1 Amend Bill, page 1, line 3, by striking out the period after
2 "revoked" and inserting
3 ; and, in miscellaneous provisions, further providing for
4 homicide by vehicle while driving under influence.

5 Amend Bill, page 1, lines 6 and 7, by striking out all of
6 said lines and inserting

7 Section 1. Sections 1543(b)(1) and 3735 of Title 75 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 Amend Bill, page 2, by inserting between lines 25 and 26

10 § 3735. Homicide by vehicle while driving under influence.

11 (a) Offense defined.--

12 (1) Any person who unintentionally causes the death of
13 another person as the result of a violation of section 3802
14 (relating to driving under influence of alcohol or controlled
15 substance) and who is convicted of violating section 3802 is
16 guilty of a felony of the second degree when the violation is
17 the cause of death and the sentencing court shall order the
18 person to serve a minimum term of imprisonment of not less
19 than three years.

20 (2) In addition to any other penalty provided by law, a
21 person convicted of a violation of paragraph (1) as the
22 result of a violation of section 1501 (relating to drivers
23 required to be licensed) or 1543 (relating to driving while
24 operating privilege is suspended or revoked) and who is
25 convicted of violating section 1501 or 1543 may be sentenced
26 to an additional term under subsection (b)(2) not to exceed
27 two years' confinement when the violation resulted in death.

28 (3) A consecutive [three-year] term of imprisonment
29 under this subsection shall be imposed for each victim whose
30 death is the result of the violation of section 3802.

31 (b) Applicability of sentencing guidelines.--[The]

32 (1) Subject to paragraph (2), the sentencing guidelines
33 promulgated by the Pennsylvania Commission on Sentencing
34 shall not supersede the mandatory penalty of this section.

35 (2) For a penalty under subsection (a)(2), the

1 sentencing guidelines promulgated by the commission shall
2 determine the term of a sentencing enhancement in addition to
3 the existing mandatory penalty of this section.

4 Section 2. The amendment of 75 Pa.C.S. § 3735 shall apply to
5 offenses committed on or after the effective date of this
6 section.

7 Amend Bill, page 2, line 26, by striking out "2" and
8 inserting

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