

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 888 Session of 2011

INTRODUCED BY FARNESE, KITCHEN, FONTANA, LEACH, BREWSTER,
BOSCOLA, STACK, WOZNIAK AND BROWNE, MARCH 28, 2011

REFERRED TO JUDICIARY, MARCH 28, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in serious traffic offenses, providing for the
3 offense of aggravated assault by vehicle.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3732.2 Aggravated assault by vehicle.

9 (a) Offense.--Any person who recklessly or with gross
10 negligence causes serious bodily injury to another person while
11 engaged in the violation of any law of this Commonwealth or
12 municipal ordinance applying to the operation or use of a
13 vehicle or to the regulation of traffic except section 3802
14 (relating to driving under influence of alcohol or controlled
15 substance) is guilty of aggravated assault by vehicle, a felony
16 of the third degree, when the violation is the cause of injury.

17 (b) Sentencing.--

18 (1) In addition to any other penalty provided by law, a

1 person convicted of a violation of subsection (a) may be
2 sentenced to an additional term not to exceed two years'
3 confinement if at trial the prosecution proves beyond a
4 reasonable doubt that the offense occurred in an active work
5 zone or the victim was an emergency service responder as
6 defined in section 3327 (relating to duty of driver in
7 emergency response areas).

8 (2) The prosecution must indicate intent to proceed
9 under this section in the indictment or information which
10 commences the prosecution.

11 (3) The Pennsylvania Commission on Sentencing, under 42
12 Pa.C.S. § 2154 (relating to adoption of guidelines for
13 sentencing), shall provide for a sentencing enhancement for
14 an offense under this section when the violation occurred in
15 an active work zone or the victim was an emergency service
16 responder as defined in section 3327.

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