



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1733

PRINTERS NO. 3689

PRIME SPONSOR: Moul

COST / (SAVINGS)

FUND	FY 2013/14	FY 2014/15
General Fund	\$0	\$0
Motor License Fund	\$0	Minimal
Municipal Funds	\$0	\$0

SUMMARY: Amends the Vehicle Code regarding homicide by vehicle while driving under the influence. This legislation would take effect in 60 days.

ANALYSIS: This legislation amends Section 3735(a) of the Vehicle Code (relating to homicide by vehicle while driving under the influence) to establish that, a person who unintentionally causes the death of another as a result of a violation of Section 3802 (relating to driving under the influence) commits:

- (i) a felony of the second degree; or
- (ii) a felony of the first degree where, before sentencing on the present violation, the person has been convicted, adjudicated delinquent, received a juvenile consent decree or accepted into the accelerated rehabilitative disposition (ARD) program for DUI under the present or former statutes (Sections 3802 and 3731), a serious traffic offense constituting a felony under Chapter 37 Subchapter B, an offense substantially similar to these offenses or any combination of such offenses.

Felony offenses under Chapter 37 Subchapter B include:

- Section 3732 (Homicide by vehicle)
- Section 3732.1 (Aggravated assault by vehicle)
- Section 3733 (Fleeing or attempting to elude police officer if DUI, cross state line or endanger officer or member of the public in a high speed chase)
- Section 3735 (Homicide by vehicle while DUI)
- Section 3735.1 (Aggravated assault by vehicle while DUI)

A person convicted under (i) will face a mandatory minimum sentence of 3 years, with consecutive 3 years terms for each additional victim. A person convicted under (ii) will face a mandatory minimum sentence of 5 years, with consecutive 5 years terms for each additional victim.

The legislation exempts minors convicted of a prior driving under the influence of alcohol or controlled substance violation from the repeat offender provisions. The legislation also provides for a lifelong operating privilege suspension for anyone convicted of a violation of Section 3735(a)(1)(ii).

FISCAL IMPACT: This legislation would have no adverse fiscal impact on municipal funds. The legislation would have no adverse fiscal impact on the General Fund from FY 2013-14 through FY 2016-17.

The legislation would have a minimal fiscal impact on the General Fund annually starting in FY 2017-18. According to the Commission on Sentencing, there were 60 convictions for a violation of Title 75, Section 3735(a) in 2012. There were 20,885 DUI convictions reported to the Commission with 9,923 of these convictions being repeat offenders or 47.5%. Utilizing that figure (47.5%), this would suggest that 47.5% of the 60 convictions (29) would be repeat offenders on average each year, thus creating a minimal fiscal impact on the state prison system by increasing the mandatory minimum from 3 to 5 years.

This legislation would have a minimal fiscal impact on the Motor License Fund with the lifelong license prohibition. Under current law, the price of a driver's license is \$29.50 every 4 years, \$21 of which is deposited into the Motor License Fund. If 29 vehicle operators were prohibited from obtaining a license each year, this would result in the loss of \$609 annually.

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House Appropriations Committee (R)

DATE: June 9, 2014

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.