



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1353

PRINTERS NO. 1930

PRIME SPONSOR: Moul

### COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
General Fund	\$0	See "Fiscal Impact"
Motor License Fund	\$0	See "Fiscal Impact"
County 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 enhancement will not apply where the prior violation was for Section 3802(e), pertaining to a person under the age of 21 operating a vehicle with a blood alcohol level of .02% or higher. The legislation also provides for a lifelong operating privilege suspension for anyone convicted of a violation of Section 3735(a)(1)(ii).

**FISCAL IMPACT:** Though it is impossible to predict the number of future offenses under Section 3735(a)(1)(ii) of the Vehicle Code, the legislation would likely have only a minimal fiscal impact on the General Fund annually starting in FY 2019-20 by increasing the mandatory minimum from 3 to 5 years. According to the Commission on Sentencing, there were just 4 convictions for a violation of Title 75, Section 3735(a) in 2014 for homicide by vehicle while driving under the influence where a prior conviction for driving under the influence had occurred. The legislation would have no adverse fiscal impact on county funds.

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 4 vehicle operators were prohibited from obtaining a license each year, this would result in the loss of \$84 annually.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** April 4, 2016

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