



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1049

PRINTERS NO. 1819

PRIME SPONSOR: Hahn

COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
General Fund	See "Fiscal Impact"	See "Fiscal Impact"
Motor License Fund	\$0	\$0
Judicial Computer System Augmentation Account	See "Fiscal Impact"	See "Fiscal Impact"
County Funds	See "Fiscal Impact"	See "Fiscal Impact"

SUMMARY: Amends Title 75 (Vehicle Code) to create a tiered penalty system for driving on a suspended license as a result of a conviction for driving under influence (DUI) and enhances penalties for homicide by vehicle as well as homicide by vehicle while driving under the influence while driving without a valid driver's license. This legislation would take effect in 60 days.

ANALYSIS: This legislation amends the Vehicle Code to create a tiered penalty system for driving on a suspended license as a result of a DUI, enhances penalties for homicide by vehicle as well as homicide by vehicle while driving under the influence driving without a valid driver's license.

Enhanced Penalties for Driving while Operating Privilege is Suspended or Revoked: Section 1543(b)(1) (relating to driving while operating privilege is suspended or revoked) of the Vehicle Code to add additional penalties for second and subsequent violations for driving while operating privileges are suspended or revoked as follows:

- as a condition of Accelerated Rehabilitative Disposition (ARD) for a DUI;
- for a DUI;
- refusal to submit to chemical testing; or
- under the Driver's License Compact for an offense substantially similar to a DUI.

The penalties are as follows:

1st violation: a summary offense with a fine of \$500 and imprisonment of a period of not less than 60 days nor more than 90 days.

2nd violation: a summary offense with a fine of \$1,000 and imprisonment of a period of not less than 90 days.

3rd violation: a misdemeanor of the 3rd degree with a fine of \$2,500 and imprisonment of a period of not less than 6 months.

4th or subsequent violation: a misdemeanor of the 1st degree with a fine of \$5,000 and imprisonment for not less than 2 years.

Enhanced Penalties for Homicide by Vehicle: The legislation amends the Vehicle Code to enhance the penalty for a violation of Section 3732 (Homicide by Vehicle) if the individual was driving without being licensed (Section 1501) or with a suspended license (Section 1543) to an additional term not to exceed five years' confinement. The Pennsylvania Commission on Sentencing shall provide for a sentencing enhancement for an offense under this section when the violation occurred in an active work zone or was the result of a violation of section 1501, 1543, 3316, 3325 or 3327.

Enhanced Penalties for Homicide by Vehicle while DUI: This legislation also enhances the penalty for a violation of Section 3735 of the Vehicle Code (Homicide by Vehicle while Driving Under the Influence) if the individual was driving without being licensed (Section 1501) or with a suspended license (Section 1543) to an additional term not to exceed two years' confinement. A consecutive term of imprisonment shall be imposed for each victim whose death is a result of a violation of this new subsection. The Pennsylvania Commission on Sentencing shall determine the term of a sentencing enhancement in addition to the existing mandatory penalty of this section.

FISCAL IMPACT: According to the Administrative Office of the Pennsylvania Courts (AOPC), their databases do not identify whether a Section 1543 offense is a second, third, or fourth offense, therefore it is unknown as to the number of repeat offenders who would receive increased prison sentences under this legislation. Back in 2016, there were 5,959 violations of Section 1543(b)(1) within the Commonwealth of Pennsylvania. There would likely be increased imprisonment costs at both the county and State level which would depend on the number of repeat offenders and the sentence of imprisonment. Without the repeat offender data, an estimate of such costs is impossible.

According to data provided by the Pennsylvania Commission on Sentencing, in 2015 there was only one conviction for a Section 3732 offense and zero convictions for a Section 3735 offense where a Section 1543 offense occurred as well. Section 1501 violations are not reported to the Commission since they are summary offences. These changes would add only minimal, if any, imprisonment costs to the Commonwealth or the counties.

With the increase in fines within this legislation, this would provide for additional fine revenue to be deposited into the Judicial Computer System Augmentation Account. Any estimate of that revenue is indeterminable at this point due to the lack of repeat offender data.

This legislation would have no adverse fiscal impact on the Motor License Fund.

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House Appropriations Committee (R)

DATE: May 24, 2017

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