

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 208

PRINTER'S NO. 3491

AMOUNT

Minimal Fiscal Impact

FUND

General Fund and Motor License Fund

DATE INTRODUCED

January 25, 2011

PRIME SPONSOR

Representative Reed

HISTORY OF BILL

Referred to TRANSPORTATION, Jan. 25, 2011

Reported as amended, March 7, 2011

First consideration, March 7, 2011

Laid on the table, March 7, 2011

Removed from table, March 8, 2011

Second consideration, March 9, 2011

Re-committed to APPROPRIATIONS, March 9, 2011

(Remarks see House Journal Page 410-419), March 9, 2011

Re-reported as committed, April 4, 2011

Third consideration and final passage, April 4, 2011 (194-1)

(Remarks see House Journal Page 464-466), April 4, 2011

In the Senate

Referred to JUDICIARY, May 3, 2011

Reported as amended, May 8, 2012

First consideration, May 8, 2012

Re-referred to APPROPRIATIONS, June 4, 2012

Re-reported as committed, June 26, 2012

DESCRIPTION AND PURPOSE OF BILL

House Bill 208 amends several sections contained within Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes further providing for driving while operating privilege is suspended or revoked, for duties of drivers in accidents involving death or personal injury and for subsequent convictions of certain offenses.

Specifically, this legislation does the following:

- §1543 (b) (relating to driving while operating privilege is suspended or revoked) is amended to include in the offense when a person refuses testing of blood or breath. This language is consistent with other similar provisions within Title 75.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- §3742 (b) is amended to increase the grading of a “hit and run” offense, when a fatality is involved, from a felony of the third degree to a felony of the second degree. As a result, the range for this offense in the sentencing guidelines is pushed upwards, but the sentencing decision is still within the presiding Judge’s discretion.
- §6503 (a) (relating to subsequent convictions of certain offenses) is amended by eliminating the reference to §3733 (relating to fleeing or attempting to elude a police officer) because §3733 includes specific penalties not consistent with the penalties in §6503. This is a technical amendment to §6503 (a).

This act shall take effect in 60 days.

FISCAL IMPACT:

Current law states that a driver of any vehicle involved in an accident resulting in the death of any person, and does not immediately stop the vehicle at the scene of the accident to render aid, is guilty of a felony of the third degree and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than one year and not more than seven years and a mandatory minimum fine of \$2,500 but not more than \$15,000. This legislation increases the maximum term of imprisonment to ten years and the maximum amount of the fine to \$25,000.

According to the Pennsylvania Department of Transportation and the Administrative Office of Pennsylvania Courts, there is no data that segregates sentencing rates for “hit and run involving a fatality” from other accidents involving death or personal injury.

Although there is the potential that some offenders will receive a harsher sentence under the increased sentencing guidelines, this legislation affects the maximum term of incarceration and not the minimum.

Therefore, the enactment of this legislation would have a minimal fiscal impact on the Pennsylvania Department of Corrections. The Governor’s Office of the Budget has indicated the same.