

MEMORANDUM

TO: All House Members

FROM: Representative Phyllis Mundy

DATE: January 6, 2011

RE: Reintroduction of Legislation – Strengthening “Hit & Run” Penalties (*Formerly HB 352 of the 2009-2010 Legislative Session*)

I will soon reintroduce legislation to increase the grade of violation for fleeing the scene of an automobile accident where death or serious bodily injury occurs. Current law creates a loophole in which it is more advantageous for a drunk driver to flee the scene of a fatal or injurious accident than it is to stay and offer assistance.

Current statute classifies a “drunken driving” accident where death or serious bodily injury occurs as a second-degree felony, with a mandatory minimum sentence of three years in prison per victim when fatality occurs. The second-degree felony designation provides for a maximum sentence of ten years in prison and a \$25,000 fine under Pennsylvania’s sentencing provisions.

By contrast, a “hit-and-run” accident where death or serious bodily injury occurs is merely classified as a third-degree felony, with mandatory minimum sentences of one year for a fatality and 90 days for serious bodily injury, and fines of \$2,500 for a fatality and \$1,000 for serious bodily injury. The third-degree felony designation provides for a maximum sentence of only seven years in prison and a \$15,000 fine. This “loophole,” in effect, creates an incentive for a drunk driver to flee the scene of an accident instead of staying to provide information and/or administer aid.

My proposal would eliminate this incentive and strengthen the current law by re-classifying a hit-and-run accident where death occurs to a second-degree felony, bringing it more in accordance with drunk driving penalties and with the seriousness of the offense. Moreover, this legislation will add an additional fine and term of imprisonment for each victim in the accident, as well as further raise the fines and terms of imprisonment if the hit-and-run was committed while under the influence of alcohol or controlled substance.

PRIOR CO-SPONSORS:

Reed, Belfanti, Brennan, Carroll, Cruz, Fleck, Geist, Gingrich, Hornaman, Josephs, Kirkland, Kortz, Levdansky, Mann, Melio, Millard, Miller, Moul, Murt, M. O’Brien, O’Neill, Payne, Pyle, Readshaw, Roae, Siptroth, K. Smith, Solobay, Staback, Stern, Swanger, Thomas, True, Vulakovich, Walko, Freeman, and Farry

If you wish to co-sponsor this bill, please contact Kris Bernard in my Harrisburg office at kbernard@pahouse.net or 783-1614.