

**Pennsylvania House of Representatives
Transportation Committee
Public Hearing on Fleeing the Scene Legislation
Monday, April 20, 2009**

**Testimony
by
Rep. Phyllis Mundy**

Good morning Chairman Markosek and Chairman Geist and members of the committee. Thank you for the opportunity to testify this morning on House Bill 352, a proposal I have reintroduced to close a serious loophole in state law with respect to those who flee the scene of an accident.

All of us know how difficult it is to lose a loved one. Imagine how you would feel, however, if the death of a relative or friend could have been prevented if they received timely medical attention. When a driver of a hit-and-run accident decides to flee, they are essentially imposing a death sentence on the victim. This selfish disregard for human life may increase the time it takes for medical personnel to be notified — especially if the accident occurs in an isolated location or late at night — or lead to the victim suffering additional injuries or even death if no one is there to assist them and alert oncoming traffic.

I was very surprised to learn that current Pennsylvania law actually makes it advantageous for a drunk driver to leave the scene of an injurious or fatal accident rather than stay and render aid. This legal loophole was brought to my attention in 2007 following a fatal hit-and-run accident in my district. The victim, a nineteen year old man named Erik Vannucchi, was struck while waiting on the side of the road for a tow truck operator — Erik's father, Albert Vannucchi, is with us here today and will testify shortly.

Despite the fact that the driver who struck Erik admitted to drinking the night of the accident, police were unable to test her blood alcohol level because of the amount of time that had elapsed between the accident and when the driver was taken into custody. Consequently, the driver ended up receiving a lesser sentence because the penalty for a hit-and-run offense is lower than it is for drunken driving.

Current Pennsylvania law 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, in cases involving a fatality. The second degree felony designation provides for a maximum sentence of ten years in prison and a \$25,000 fine, under the Commonwealth'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 the following mandatory minimum sentences and fines:

- 90 days in prison and a \$1,000 fine if the victim suffers serious bodily injury; and

- One year in prison and \$2,500 fine if the victim dies.

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 administer aid.

House Bill 352 would eliminate this incentive and strengthen current law by re-classifying a hit-and-run accident where death or serious bodily injury occurs to a second degree felony, bringing it more in line with drunk driving penalties and the seriousness of the offense.

Please note that my proposal does not increase the mandatory minimum sentence for such an offense. I generally oppose mandatory minimums because I believe judges should have the ability to exercise discretion given the particular facts of a case. But it does increase the penalty and thereby eliminate the incentive to flee if you have been drinking.

After introducing this legislation last session, I was again reminded of the absurdity of this loophole when a 31 year old woman from my area was killed while attempting to cross the street. The victim, Sharon Shaughnessy of Kingston, was hit by three separate vehicles. While the driver of the second vehicle did stop, the other drivers simply drove away. Again, police were unable to determine if the drivers who fled had been intoxicated given the time that had passed when they came forward. Perhaps, if the first driver acted responsibly and pulled over to offer assistance, the victim would not have been hit by the other two cars and may still be alive. Unfortunately, we will never know.

I am sure we all agree that something must be done so that those who flee the scene of an accident are not rewarded for their selfish actions. The loophole in the current law is not only an insult to our legal system but also an abomination to victims and their families. While closing this loophole may not influence someone's decision to flee an accident, it would certainly ensure that the punishment they receive fits the crime.

House Bill 352 is my approach to addressing this issue. I am very willing to work with the committee to explore other options.

Thank you again, Mr. Chairman, for holding this hearing and for the opportunity to testify. I'd be happy to answer any questions.