

REMARKS – HOUSE TRANSPORTATION COMMITTEE HEARING ON HB 197

April 20, 2009

- Mr. Chairman, Members of the Committee; thank you very much for hosting today's meeting of the House Transportation Committee focused on the different House Bills focused on Hit & Run Accidents involving Death and/or Personal Injury.
- House Bill 197 seeks to amend the Vehicle Code (Title 75) by increasing the mandatory minimum term of imprisonment for a hit and run fatality.
- Currently, if a driver is involved in an accident resulting in the injury or death of a person, he/she is required to stop at the scene. If the driver fails to stop, and the injured person dies, the driver is subject to a *one year* mandatory minimum sentence.
- However, if the person complies with the law and stops after the accident, they can be sentenced to a minimum of *three years* imprisonment if found to be under the influence of drugs and/or alcohol.
- House Bill 197 seeks to address the loophole that currently exists in statute that may encourage an intoxicated driver to flee the scene of an accident to avoid being prosecuted for a DUI and later turn themselves in after they have sobered up, thereby resulting in a lesser penalty.
- It accomplishes that goal by increasing the mandatory minimum sentence for leaving the scene of an accident that results in the death of the victim from *one year* to *five years* in prison.
- The end goal of this proposal is to promote individuals to stop at the scene of the accident and render aid to the victim rather than encourage them to flee the scene and receive a lesser penalty.
- I would also note, that at the House Appropriations Committee Hearing held on February 19th of this year, the Commissioner of the Pennsylvania State Police – Col. Frank Pawlowski also voiced his support for increasing the Mandatory Minimum Sentence for such offenses.
- This bill may be short and simplistic in nature; but I assure you, the lives that it seeks to impact are not. We may have over 13 million people in our commonwealth, but we do have a single one that we can afford to needlessly lose.
- Again, thank you Mr. Chairman for holding today's hearing and I look forward to the testimony ahead.

Proposed Changes to 75 Pa.C.S. § 3742

	Current Law ¹	HB 197 (Reed)	HB 352 (Mundy)	HB 748 (Markosek)
Violation without Serious Bodily Injury or Death (b)(1)	First Degree Misdemeanor	No Change (First Degree Misdemeanor)	No Change (First Degree Misdemeanor)	Mandatory minimum fine of \$300 (First Degree Misdemeanor)
Violation with Serious Bodily Injury (b)(2)	Third Degree Felony with mandatory minimum of 90 days and \$1000 fine	No Change (Third Degree Felony)	No Change (Third Degree Felony)	No Change (Third Degree Felony)
Violation with Death (b)(3)	Third Degree Felony with mandatory minimum of one year and \$2500 fine	Increases mandatory minimum to five years (Third Degree Felony)	Increases grade to Second Degree Felony	Increases grade to Second Degree Felony

Relevant Pennsylvania Maximum Sentencing Provisions²

Grade	Longest Allowable Minimum Sentence	Longest Allowable Maximum Sentence	Longest Allowable Fines
First Degree Felony	10 years	20 years	\$25,000
Second Degree Felony	5 years	10 years	\$25,000
Third Degree Felony	3.5 years	7 years	\$15,000
First Degree Misdemeanor	2.5 years	5 years	\$10,000
Second Degree Misdemeanor	1 year	2 years	\$5,000
Third Degree Misdemeanor	6 months	1 year	\$2,500

Number of Convictions for Sections (Source: PennDOT)

	2006	2007	2008	Total
3742	176	22	15	213
3742a M1	100	248	263	611
3742b1 M1	4	7	10	21
3742b2 Injury F3	1	0	4	5
3742b3 Death F3	0	2	2	4
3742.1 not properly licensed	247	260	313	820
Total	528	539	607	1674

PSP Investigations and Arrests (Source: PSP)

	2006	2007	2008	Total
Hit-and-run accidents investigated	8163	8064	7635	23862
Hit-and-run accidents involving injury or death	566	566	544	1676
Arrests for 3742 Violations	1	1	0	2
Total	8730	8631	8179	25540

Hit and Run Crashes by Injury Severity (Source: PennDOT)

	Total Crashes	Fatalities	Major Injuries	Moderate Injuries	Minor Injuries	Unknown Injury Type
2006	5,354	32	107	556	1,784	3,750
2007	5,158	37	121	504	1,863	3,621
2008*	4,481	37	97	429	1,474	3,248
Total	14,993	106	325	1,489	5,121	10,619

*Preliminary data

Title 75 3742 and 3742.1 Violations (Source: AOPC)

Magisterial Justice Judicial System

	2006	2007	2008	Total
F	0	3	0	9
F2	1	0	3	4
F3	73	59	78	210
M	14	26	32	72
M1	255	276	265	796
M2	11	17	31	59
M3	9	11	6	26
Not Graded	436	486	338	1260
Summary	8	12	11	31
Total	807	890	764	2461

Court of Common Pleas

	2006	2007	2008	Total
Not Graded	143	90	109	342
F3	189	218	223	630
M1	537	604	507	1648
Total	869	912	839	2620