

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1733 Session of
2013

INTRODUCED BY MOUL, BIZZARRO, MUNDY, DAVIS, MILLARD, TRUITT,
TALLMAN, READSHAW, R. MILLER, KAUFFMAN, C. HARRIS, SWANGER,
MILNE, ROCK, WATSON, CALTAGIRONE, GILLEN, D. COSTA AND MURT,
OCTOBER 1, 2013

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 1, 2013

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for homicide by vehicle while
3 driving under influence.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 3735(a) of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3735. Homicide by vehicle while driving under influence.

9 (a) Offense defined.--[Any person who unintentionally causes
10 the death of another person as the result of a violation of
11 section 3802 (relating to driving under influence of alcohol or
12 controlled substance) and who is convicted of violating section
13 3802 is guilty of a felony of the second degree when the
14 violation is the cause of death and the sentencing court shall
15 order the person to serve a minimum term of imprisonment of not
16 less than three years. A consecutive three-year term of
17 imprisonment shall be imposed for each victim whose death is the



1 result of the violation of section 3802.]

2 (1) Any person who unintentionally causes the death of
3 another person as the result of a violation of section 3802
4 (relating to driving under influence of alcohol or controlled
5 substance) and who is convicted of violating section 3802 if
6 the violation is the cause of death:

7 (i) is guilty of a felony of the second degree; or

8 (ii) is guilty of a felony of the first degree if,
9 before sentencing on the present violation, the person
10 has incurred a conviction, adjudication of delinquency,
11 juvenile consent decree, acceptance of accelerated
12 rehabilitative disposition or other form of preliminary
13 disposition for any of the following:

14 (A) An offense under section ~~3802~~ 3802(a), (b),
15 (c), (d) or (f).

16 (B) An offense under former section ~~3731~~ 3731(a)
17 (1), (2), (3) or (4)(i) (relating to driving under
18 influence of alcohol or controlled substance).

19 (C) An offense which constitutes a felony under
20 Ch. 37, Subch. B (relating to serious traffic
21 offenses).

22 (D) An offense substantially similar to an
23 offense under clause (A), (B) or (C) in another
24 jurisdiction.

25 (E) Any combination of the offenses under clause
26 (A), (B), (C) or (D).

27 (2) The sentencing court shall order a person convicted
28 under paragraph (1)(i) to serve a minimum term of
29 imprisonment of not less than three years. A consecutive
30 three-year term of imprisonment shall be imposed for each



1 victim whose death is the result of a violation of section
2 3802.

3 (3) The sentencing court shall order a person convicted
4 under paragraph (1)(ii) to serve a minimum term of
5 imprisonment of not less than five years. A consecutive five-
6 year term of imprisonment shall be imposed for each victim
7 whose death is the result of a violation of section 3802.

8 * * *

9 Section 2. This act shall take effect in 60 days.

