

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1127 Session of  
2006

INTRODUCED BY ORIE, O'PAKE, ERICKSON, RAFFERTY, RHOADES, MUSTO,  
REGOLA, FONTANA, MADIGAN, CORMAN, WONDERLING, PICCOLA,  
D. WHITE, SCARNATI, LOGAN AND ARMSTRONG, MARCH 28, 2006

REFERRED TO JUDICIARY, MARCH 28, 2006

AN ACT

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

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

7 Section 1. Sections 3735 and 3735.1 of Title 75 of the  
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 3735. Homicide by vehicle while driving under influence.

10 (a) Offense defined.--Any person who unintentionally causes  
11 the death of another person, including, but not limited to, an  
12 unborn child as defined in 18 Pa.C.S. § 3203 (relating to  
13 definitions), as the result of a violation of section 3802  
14 (relating to driving under influence of alcohol or controlled  
15 substance) and who is convicted of violating section 3802 is  
16 guilty of a felony of the second degree when the violation is  
17 the cause of death and the sentencing court shall order the  
18 person to serve a minimum term of imprisonment of not less than

1 three years. A consecutive three-year term of imprisonment shall  
2 be imposed for each victim whose death is the result of the  
3 violation of section 3802.

4 (b) Applicability of sentencing guidelines.--The sentencing  
5 guidelines promulgated by the Pennsylvania Commission on  
6 Sentencing shall not supersede the mandatory penalty of this  
7 section.

8 § 3735.1. Aggravated assault by vehicle while driving under the  
9 influence.

10 (a) Offense defined.--Any person who negligently causes  
11 serious bodily injury to another person, including, but not  
12 limited to, an unborn child, as the result of a violation of  
13 section 3802 (relating to driving under influence of alcohol or  
14 controlled substance) and who is convicted of violating section  
15 3802 commits a felony of the second degree when the violation is  
16 the cause of the injury.

17 [(b) Definition.--As used in this section, the term "serious  
18 bodily injury" means any bodily injury which creates a  
19 substantial risk of death or which causes serious, permanent  
20 disfigurement or protracted loss or impairment of the function  
21 of any bodily member or organ.]

22 (b) Definitions.--As used in this section, the following  
23 words and phrases shall have the meanings given to them in this  
24 subsection:

25 "Serious bodily injury." Any bodily injury which creates a  
26 substantial risk of death or which causes serious, permanent  
27 disfigurement or protracted loss or impairment of the function  
28 of any bodily member or organ.

29 "Unborn child." The term shall have the same meaning given  
30 to it under 18 Pa.C.S. § 3203 (relating to definitions).

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