
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 589 Session of
2007

INTRODUCED BY ORIE, RAFFERTY, SCARNATI, RHOADES, GORDNER, LOGAN,
FOLMER, FONTANA, COSTA, ERICKSON, PICCOLA, CORMAN, MUSTO AND
WONDERLING, MARCH 20, 2007

REFERRED TO JUDICIARY, MARCH 20, 2007

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.