
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2246 Session of
2010

INTRODUCED BY TALLMAN, READSHAW, BARRAR, BELFANTI, BOBACK,
D. COSTA, EVERETT, FABRIZIO, FARRY, GEORGE, GILLESPIE, GROVE,
HESS, HICKERNELL, HORNAMAN, KNOWLES, KORTZ, MARSHALL, MATZIE,
MILLARD, MILLER, MOUL, MURT, OBERLANDER, PASHINSKI, ROAE,
SAYLOR, SIPTROTH, SOLOBAY, SWANGER, J. TAYLOR AND VULAKOVICH,
FEBRUARY 8, 2010

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 8, 2010

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for definitions and for
3 sentencing for homicide by vehicle; providing for the offense
4 of aggravated assault by vehicle; and imposing penalties.

5 RESOLVED, That this act may be referred to as the Sgt.
6 Michael C. Weigand Law.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 102 of Title 75 of the Pennsylvania
10 Consolidated Statutes is amended by adding definitions to read:

11 § 102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this title which are applicable to specific
14 provisions of this title, the following words and phrases when
15 used in this title shall have, unless the context clearly
16 indicates otherwise, the meanings given to them in this section:

17 * * *

1 "Emergency medical services personnel." Includes, but is not
2 limited to, the following persons while working within the scope
3 of their employment:

4 (1) Doctors.

5 (2) Residents.

6 (3) Interns.

7 (4) Registered nurses.

8 (5) Licensed practical nurses.

9 (6) Nurse aides.

10 (7) Ambulance attendants and operators.

11 (8) Paramedics.

12 (9) Emergency medical technicians.

13 (10) Members of a hospital security force.

14 "Emergency service responder." An individual acting in an
15 official capacity as any of the following:

16 (1) A police officer.

17 (2) A sheriff or deputy sheriff.

18 (3) A coroner or deputy coroner.

19 (4) A firefighter.

20 (5) Fire police.

21 (6) A fire marshal.

22 (7) A medical examiner or deputy medical examiner.

23 (8) Rescue personnel.

24 (9) Ambulance personnel.

25 (10) Towing and recovery personnel.

26 (11) Highway maintenance and construction personnel.

27 (12) Hazardous material response team member.

28 (13) Emergency medical services personnel.

29 * * *

30 "Serious bodily injury." Any bodily injury which creates a

1 substantial risk of death or which causes serious, permanent
2 disfigurement or protracted loss or impairment of the function
3 of any bodily member or organ.

4 Section 2. Section 3732(b) of Title 75 is amended to read:
5 § 3732. Homicide by vehicle.

6 * * *

7 (b) Sentencing.--

8 (1) In addition to any other penalty provided by law, a
9 person convicted of a violation of subsection (a) may be
10 sentenced to an additional term not to exceed five years'
11 confinement if at trial the prosecution proves beyond a
12 reasonable doubt that the offense occurred in an active work
13 zone or the victim was an emergency service responder as
14 defined in section 102 (relating to definitions).

15 (2) The prosecution must indicate intent to proceed
16 under this section in the indictment or information which
17 commences the prosecution.

18 (3) The Pennsylvania Commission on Sentencing, pursuant
19 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for
20 sentencing), shall provide for a sentencing enhancement for
21 an offense under this section when the violation occurred in
22 an active work zone or the victim was an emergency service
23 responder as defined in section 102.

24 Section 3. Title 75 is amended by adding a section to read:
25 § 3732.1. Aggravated assault by vehicle.

26 (a) Offense.--Any person who recklessly or with gross
27 negligence causes serious bodily injury to another person while
28 engaged in the violation of any law of this Commonwealth or
29 municipal ordinance applying to the operation or use of a
30 vehicle or to the regulation of traffic, except section 3802

1 (relating to driving under influence of alcohol or controlled
2 substance), is guilty of aggravated assault by vehicle, a felony
3 of the third degree when the violation is the cause of the
4 injury.

5 (b) Sentencing.--

6 (1) In addition to any other penalty provided by law, a
7 person convicted of a violation of subsection (a) may be
8 sentenced to an additional term not to exceed two years'
9 confinement if at trial the prosecution proves beyond a
10 reasonable doubt that the offense occurred in an active work
11 zone or the victim was an emergency service responder.

12 (2) The prosecution must indicate intent to proceed
13 under this section in the indictment or information which
14 commences the prosecution.

15 (3) The Pennsylvania Commission on Sentencing, under 42
16 Pa.C.S. § 2154 (relating to adoption of guidelines for
17 sentencing), shall provide for a sentencing enhancement for
18 an offense under this section when the violation occurred in
19 an active work zone or the victim was an emergency service
20 responder.

21 Section 4. This act shall take effect in 60 days.