

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 977 Session of
2009

INTRODUCED BY ORIE, JUNE 22, 2009

REFERRED TO TRANSPORTATION, JUNE 22, 2009

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 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] as provided for in
17 subsection (a.1). An additional three-year term of imprisonment
18 shall be imposed for each victim whose death is the result of
19 the violation of section 3802.

1 (a.1) Sentences imposed under subsection (a).--Sentences
2 imposed under subsection (a) shall be determined according to
3 blood alcohol content in the following manner:

4 (1) Persons with a blood alcohol content between 0.08%
5 and 0.10% at the time of the offense who are sentenced under
6 subsection (a) shall serve a minimum term of imprisonment of
7 not less than three years.

8 (2) Persons with a blood alcohol content between 0.10%
9 and 0.16% at the time of the offense who are sentenced under
10 subsection (a) shall serve a minimum term of imprisonment of
11 not less than six years.

12 (3) Persons with a blood alcohol content between 0.16%
13 and 0.20% at the time of the offense who are sentenced under
14 subsection (a) shall serve a minimum term of imprisonment of
15 not less than nine years.

16 (4) Persons with a blood alcohol content between 0.20%
17 and 0.25% at the time of the offense who are sentenced under
18 subsection (a) shall serve a minimum term of imprisonment of
19 not less than 12 years, and the offense shall be a felony of
20 the first degree.

21 (5) Persons with a blood alcohol content of 0.25% or
22 higher at the time of the offense who are sentenced under
23 subsection (a) shall serve a minimum term of imprisonment of
24 not less than 15 years, and the offense shall be a felony of
25 the first degree.

26 (b) Applicability of sentencing guidelines.--The sentencing
27 guidelines promulgated by the Pennsylvania Commission on
28 Sentencing shall not supersede the mandatory [penalty] penalties
29 of this section.

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