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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1733 Session of  
2013

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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

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REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 1, 2013

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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.

15 (B) An offense under former section 3731  
16 (relating to driving under influence of alcohol or  
17 controlled substance).

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

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

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

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

1     3802.

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

7     \* \* \*

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