

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1733 Session of 2013

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 9, 2014

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN LICENSING OF DRIVERS, FURTHER PROVIDING FOR <--
3 SUSPENSION OF OPERATING PRIVILEGE; AND, IN MISCELLANEOUS
4 PROVISIONS, further providing for THE OFFENSE OF homicide by <--
5 vehicle while driving under influence.

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

8 ~~Section 1. Section 3735(a) of Title 75 of the Pennsylvania~~ <--
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTION 1532(A.1) (2) OF TITLE 75 OF THE <--
11 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED AND SUBSECTION (B)
12 IS AMENDED BY ADDING A PARAGRAPH TO READ:

13 § 1532. SUSPENSION OF OPERATING PRIVILEGE.

14 * * *

15 (A.1) THREE-YEAR SUSPENSION.--THE DEPARTMENT SHALL SUSPEND
16 THE OPERATING PRIVILEGE OF ANY DRIVER FOR THREE YEARS UPON
17 RECEIVING A CERTIFIED RECORD OF THE DRIVER'S CONVICTION OF OR AN
18 ADJUDICATION OF DELINQUENCY BASED ON A VIOLATION OF ANY OF THE

1 FOLLOWING OFFENSES:

2 * * *

3 (2) ANY VIOLATION OF SECTION 3735(A)(1)(I) (RELATING TO
4 HOMICIDE BY VEHICLE WHILE DRIVING UNDER INFLUENCE).

5 (B) SUSPENSION.--

6 * * *

7 (6) THE DEPARTMENT SHALL SUSPEND THE OPERATING PRIVILEGE
8 OF ANY DRIVER FOR LIFE UPON RECEIVING A CERTIFIED RECORD OF
9 THE DRIVER'S CONVICTION OF OR AN ADJUDICATION OF DELINQUENCY
10 BASED ON SECTION 3735(A)(1)(II).

11 * * *

12 SECTION 2. SECTION 3735(A) OF TITLE 75 IS AMENDED TO READ:

13 § 3735. Homicide by vehicle while driving under influence.

14 (a) Offense defined.--[Any person who unintentionally causes
15 the death of another person as the result of a violation of
16 section 3802 (relating to driving under influence of alcohol or
17 controlled substance) and who is convicted of violating section
18 3802 is guilty of a felony of the second degree when the
19 violation is the cause of death and the sentencing court shall
20 order the person to serve a minimum term of imprisonment of not
21 less than three years. A consecutive three-year term of
22 imprisonment shall be imposed for each victim whose death is the
23 result of the violation of section 3802.]

24 (1) Any person who unintentionally causes the death of
25 another person as the result of a violation of section 3802
26 (relating to driving under influence of alcohol or controlled
27 substance) and who is convicted of violating section 3802 if
28 the violation is the cause of death:

29 (i) is guilty of a felony of the second degree; or

30 (ii) is guilty of a felony of the first degree if,

1 before sentencing on the present violation, the person
2 has incurred a conviction, adjudication of delinquency,
3 juvenile consent decree, acceptance of accelerated
4 rehabilitative disposition or other form of preliminary
5 disposition for any of the following:

6 (A) An offense under section ~~3802~~ 3802(A), (B), <--
7 (C), (D) OR (F).

8 (B) An offense under former section ~~3731~~ 3731(A) <--
9 (1), (2), (3) OR (4)(I) (relating to driving under
10 influence of alcohol or controlled substance).

11 (C) An offense which constitutes a felony under
12 Ch. 37, Subch. B (relating to serious traffic
13 offenses).

14 (D) An offense substantially similar to an
15 offense under clause (A), (B) or (C) in another
16 jurisdiction.

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

19 (2) The sentencing court shall order a person convicted
20 under paragraph (1)(i) to serve a minimum term of
21 imprisonment of not less than three years. A consecutive
22 three-year term of imprisonment shall be imposed for each
23 victim whose death is the result of a violation of section
24 3802.

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

30 * * *

1 Section ~~2~~ 3. This act shall take effect in 60 days.

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