

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 853 Session of 2015

INTRODUCED BY GIBBONS, THOMAS, McNEILL, JAMES, MARSHALL, ROZZI, MARSICO, MILLARD, READSHAW, FARINA, McGINNIS, SAINATO, NEUMAN, KINSEY, MURT, MACKENZIE, SONNEY, BRIGGS, EVERETT, SNYDER, BARRAR, CAUSER, WATSON, LONGIETTI, GOODMAN, BURNS, GREINER, PYLE, M. K. KELLER, A. HARRIS, SIMMONS, DiGIROLAMO, CONKLIN, REESE, HELM, KAUFFMAN, GERGELY, CUTLER, REGAN, KORTZ, EMRICK, GROVE, QUIGLEY, P. DALEY, RAPP, KOTIK AND D. COSTA, MAY 11, 2015

REFERRED TO COMMITTEE ON JUDICIARY, MAY 11, 2015

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of  
 2 the Pennsylvania Consolidated Statutes, in criminal homicide,  
 3 further providing for the offense of involuntary  
 4 manslaughter; and, in serious traffic offenses, further  
 5 providing for the offense of homicide by vehicle, and  
 6 providing for the offenses of homicide by vehicle while using  
 7 text-based communications and for aggravated assault by  
 8 vehicle while using text-based communications.

9 The General Assembly of the Commonwealth of Pennsylvania  
 10 hereby enacts as follows:

11 Section 1. Section 2504 of Title 18 of the Pennsylvania  
 12 Consolidated Statutes is amended by adding a subsection to read:  
 13 § 2504. Involuntary manslaughter.

14 \* \* \*

15 (c) Sentencing.--

16 (1) In addition to any other penalty provided by law, a  
 17 person convicted of a violation of subsection (a) as the  
 18 result of a violation of 75 Pa.C.S. § 3732(a) (relating to

1 homicide by vehicle) and who is convicted of violating  
2 section 3732(a) may be sentenced to an additional term not to  
3 exceed five years' confinement when the violation resulted in  
4 death.

5 (2) The prosecution must indicate intent to proceed  
6 under this section in the indictment or information which  
7 commences the prosecution.

8 (3) The Pennsylvania Commission on Sentencing, pursuant  
9 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for  
10 sentencing), shall provide for a sentencing enhancement for  
11 an offense under this section when the violation was the  
12 result of a violation of 75 Pa.C.S. § 3732(a).

13 Section 2. Section 3732(b) (1.1) and (3) of Title 75 are  
14 amended to read:

15 § 3732. Homicide by vehicle.

16 \* \* \*

17 (b) Sentencing.--

18 \* \* \*

19 (1.1) In addition to any other penalty provided by law,  
20 a person convicted of a violation of subsection (a) as the  
21 result of a violation of section 3316 (relating to  
22 prohibiting text-based communications), 3325 (relating to  
23 duty of driver on approach of emergency vehicle) or 3327  
24 (relating to duty of driver in emergency response areas) and  
25 who is convicted of violating section 3316, 3325 or 3327 may  
26 be sentenced to an additional term not to exceed five years'  
27 confinement when the violation resulted in death.

28 \* \* \*

29 (3) The Pennsylvania Commission on Sentencing, pursuant  
30 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for

1 sentencing), shall provide for a sentencing enhancement for  
2 an offense under this section when the violation occurred in  
3 an active work zone or was the result of a violation of  
4 section 3316, 3325 or 3327.

5 Section 3. Title 75 is amended by adding sections to read:

6 § 3735.2. Homicide by vehicle while using text-based  
7 communications.

8 Any person who unintentionally causes the death of another  
9 person as the result of a violation of section 3316 (relating to  
10 prohibiting text-based communications) commits a felony of the  
11 second degree when the violation is the cause of death.

12 § 3735.3. Aggravated assault by vehicle while using text-based  
13 communications.

14 Any person who negligently causes serious bodily injury to  
15 another person as the result of a violation of section 3316  
16 (relating to the prohibition of text-based communications) and  
17 who is convicted of violating section 3316 commits a felony of  
18 the second degree when the violation is the cause of the injury.

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