

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, D. COSTA, DAVIS, PHILLIPS-HILL, KNOWLES, BARBIN, GABLER, DUSH, BOYLE, SCHLOSSBERG, HAHN, SCHWEYER AND NESBIT, MAY 11, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 7, 2016

AN ACT

1 Amending ~~Titles 18 (Crimes and Offenses) and TITLE 75 (Vehicles)~~ <--
2 of the Pennsylvania Consolidated Statutes, ~~in criminal~~ <--
3 ~~homicide, 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~~ AND FOR THE <--
9 OFFENSE OF AGGRAVATED ASSAULT BY VEHICLE.

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

12 Section 1. ~~Section 2504 of Title 18 of the Pennsylvania~~ <--
13 ~~Consolidated Statutes is amended by adding a subsection to read:~~
14 ~~§ 2504. Involuntary manslaughter.~~

15 * * *

16 ~~(c) Sentencing.~~

17 ~~(1) In addition to any other penalty provided by law, a~~

~~person convicted of a violation of subsection (a) as the
result of a violation of 75 Pa.C.S. § 3732(a) (relating to
homicide by vehicle) and who is convicted of violating
section 3732(a) may be sentenced to an additional term not to
exceed five years' confinement when the violation resulted in
death.~~

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

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

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

SECTION 1. SECTIONS 3732(B) (1.1) AND (3) AND 3732.1(B) (2) <--
AND (4) OF TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED STATUTES
ARE AMENDED TO READ:

§ 3732. Homicide by vehicle.

* * *

(b) Sentencing.--

* * *

(1.1) In addition to any other penalty provided by law,
a person convicted of a violation of subsection (a) as the
result of a violation of section 3316 (relating to
prohibiting text-based communications), 3325 (relating to
duty of driver on approach of emergency vehicle) or 3327
(relating to duty of driver in emergency response areas) and
who is convicted of violating section 3316, 3325 or 3327 may

1 be sentenced to an additional term not to exceed five years'
2 confinement when the violation resulted in death.

3 * * *

4 (3) The Pennsylvania Commission on Sentencing, pursuant
5 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for
6 sentencing), shall provide for a sentencing enhancement for
7 an offense under this section when the violation occurred in
8 an active work zone or was the result of a violation of
9 section 3316, 3325 or 3327.

10 ~~Section 3. Title 75 is amended by adding sections to read: <--~~

11 ~~§ 3735.2. Homicide by vehicle while using text based~~
12 ~~communications.~~

13 ~~Any person who unintentionally causes the death of another~~
14 ~~person as the result of a violation of section 3316 (relating to~~
15 ~~prohibiting text based communications) commits a felony of the~~
16 ~~second degree when the violation is the cause of death.~~

17 ~~§ 3735.3. Aggravated assault by vehicle while using text based~~
18 ~~communications.~~

19 ~~Any person who negligently causes serious bodily injury to~~
20 ~~another person as the result of a violation of section 3316~~
21 ~~(relating to the prohibition of text based communications) and~~
22 ~~who is convicted of violating section 3316 commits a felony of~~
23 ~~the second degree when the violation is the cause of the injury.~~

24 § 3732.1. AGGRAVATED ASSAULT BY VEHICLE. <--

25 * * *

26 (B) SENTENCING.--

27 * * *

28 (2) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A
29 PERSON CONVICTED OF A VIOLATION OF SUBSECTION (A) AS THE
30 RESULT OF A VIOLATION OF SECTION 3316 (RELATING TO

1 PROHIBITING TEXT-BASED COMMUNICATIONS), 3325 (RELATING TO
2 DUTY OF DRIVER ON APPROACH OF EMERGENCY VEHICLE) OR 3327
3 (RELATING TO DUTY OF DRIVER IN EMERGENCY RESPONSE AREAS) AND
4 WHO IS CONVICTED OF VIOLATING SECTION 3316, 3325 OR 3327 MAY
5 BE SENTENCED TO AN ADDITIONAL TERM NOT TO EXCEED TWO YEARS'
6 CONFINEMENT WHEN THE VIOLATION RESULTED IN SERIOUS BODILY
7 INJURY.

8 * * *

9 (4) THE PENNSYLVANIA COMMISSION ON SENTENCING, UNDER 42
10 PA.C.S. § 2154 (RELATING TO ADOPTION OF GUIDELINES FOR
11 SENTENCING), SHALL PROVIDE FOR A SENTENCING ENHANCEMENT FOR
12 AN OFFENSE UNDER THIS SECTION WHEN THE VIOLATION OCCURRED IN
13 AN ACTIVE WORK ZONE OR WAS THE RESULT OF A VIOLATION OF
14 SECTION 3316, 3325 OR 3327.

15 Section 4 2. This act shall take effect in 60 days.

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