
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 776 Session of
2015

INTRODUCED BY RAFFERTY, DINNIMAN, AUMENT, VULAKOVICH, FONTANA,
EICHELBERGER, SCAVELLO, FARNESE AND ARGALL, JULY 16, 2015

REFERRED TO JUDICIARY, JULY 16, 2015

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in miscellaneous provisions, further providing for
3 homicide by vehicle while 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
18 result of the violation of section 3802.]

1 (1) A person who unintentionally causes the death of
2 another person as the result of a violation of section 3802
3 (relating to driving under influence of alcohol or controlled
4 substance) and who is convicted of violating section 3802 if
5 the violation is the cause of death:

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

7 (ii) is guilty of a felony of the first degree if,
8 before sentencing on the present violation, the person
9 has incurred a conviction, adjudication of delinquency,
10 juvenile consent decree, acceptance of accelerated
11 rehabilitative disposition or other form of preliminary
12 disposition for any of the following:

13 (A) An offense under section 3802.

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

17 (C) An offense which constitutes a felony under
18 Subchapter B of Chapter 37 (relating to serious
19 traffic offenses).

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

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

25 (2) The sentencing court shall order a person convicted
26 under paragraph (1)(i) to serve a minimum term of
27 imprisonment of not less than three years. A consecutive
28 three-year term of imprisonment shall be imposed for each
29 victim whose death is the result of a violation of section
30 3802.

1 (3) The sentencing court shall order a person convicted
2 under paragraph (1)(ii) to serve a minimum term of
3 imprisonment of:

4 (i) Not less than five years if, before sentencing
5 on the present violation, the person has incurred one or
6 two convictions, adjudications of delinquency, juvenile
7 consent decrees, acceptances of accelerated
8 rehabilitative disposition or other forms of preliminary
9 disposition for any of the offenses listed under
10 paragraph (1)(ii)(A), (B), (C), (D) or (E). A consecutive
11 five-year term of imprisonment shall be imposed for each
12 victim whose death is the result of a violation of
13 section 3802.

14 (ii) Not less than seven years if, before sentencing
15 on the present violation, the person has incurred at
16 least three convictions, adjudications of delinquency,
17 juvenile consent decrees, acceptances of accelerated
18 rehabilitative disposition or other forms of preliminary
19 disposition for any of the offenses listed under
20 paragraph (1)(ii)(A), (B), (C), (D) or (E). A consecutive
21 seven-year term of imprisonment shall be imposed for each
22 victim whose death is the result of a violation of
23 section 3802.

24 * * *

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