

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 839 Session of  
2015

---

INTRODUCED BY SMUCKER, SCAVELLO, RAFFERTY, AUMENT AND HUGHES,  
AUGUST 19, 2015

---

REFERRED TO JUDICIARY, AUGUST 19, 2015

---

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of  
2 the Pennsylvania Consolidated Statutes, in culpability,  
3 further providing for casual relationship between conduct and  
4 result; in criminal homicide, further providing for the  
5 offense of murder; and, in driving after imbibing alcohol or  
6 utilizing drugs, further providing for grading and for  
7 penalties.

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

10 Section 1. Sections 303(c) and 2502(c) of Title 18 of the  
11 Pennsylvania Consolidated Statutes are amended to read:

12 § 303. Causal relationship between conduct and result.

13 \* \* \*

14 (c) Divergence between probable and actual result.--When  
15 recklessly or negligently causing a particular result is an  
16 element of an offense, the element is not established if the  
17 actual result is not within the risk of which the actor is aware  
18 or, in the case of negligence, of which he should be aware  
19 unless:

20 (1) the actual result differs from the probable result

1 only in the respect that a different person or different  
2 property is injured or affected or that the probable injury  
3 or harm would have been more serious or more extensive than  
4 that caused; [or]

5 (2) the actual result involves the same kind of injury  
6 or harm as the probable result and is not too remote or  
7 accidental in its occurrence to have a bearing on the  
8 liability of the actor or on the gravity of his offense[.];  
9 or

10 (3) the actual result involves the death of a person  
11 caused by the actor committing an offense under section  
12 2502(c)(2) (relating to murder), in which case, the element  
13 of recklessly or negligently causing the death of the person  
14 shall be presumed.

15 \* \* \*

16 § 2502. Murder.

17 \* \* \*

18 (c) Murder of the third degree.--

19 (1) All other kinds of murder shall be murder of the  
20 third degree. Murder of the third degree is a felony of the  
21 first degree.

22 (2) This subsection applies to murder of an individual  
23 killed as a result of an offense committed under 75 Pa.C.S. §  
24 3803(a)(3) or (4) (relating to grading).

25 \* \* \*

26 Section 2. Section 3803(a) of Title 75 is amended to read:

27 § 3803. Grading.

28 (a) Basic offenses.--Except as provided in subsection (b):

29 (1) An individual who violates section 3802(a) (relating  
30 to driving under influence of alcohol or controlled

1 substance) and has no more than one prior offense commits a  
2 misdemeanor for which the individual may be sentenced to a  
3 term of imprisonment of not more than six months and to pay a  
4 fine under section 3804 (relating to penalties).

5 (2) An individual who violates section 3802(a) and has  
6 more than one prior offense commits a misdemeanor of the  
7 second degree, unless paragraph (3) applies.

8 (3) An individual who violates section 3802(a) and has  
9 more than two prior offenses within a 10-year period commits  
10 a felony of the third degree.

11 \* \* \*

12 Section 3. Section 3804(a) of Title 75 is amended and the  
13 section is amended by adding a subsection to read:

14 § 3804. Penalties.

15 (a) General impairment.--Except as set forth in subsection  
16 (a.1), (b) or (c), an individual who violates section 3802(a)  
17 (relating to driving under influence of alcohol or controlled  
18 substance) shall be sentenced as follows:

19 (1) For a first offense, to:

20 (i) undergo a mandatory minimum term of six months'  
21 probation;

22 (ii) pay a fine of \$300;

23 (iii) attend an alcohol highway safety school  
24 approved by the department; and

25 (iv) comply with all drug and alcohol treatment  
26 requirements imposed under sections 3814 (relating to  
27 drug and alcohol assessments) and 3815 (relating to  
28 mandatory sentencing).

29 (2) For a second offense, to:

30 (i) undergo imprisonment for not less than five

1 days;

2 (ii) pay a fine of not less than \$300 nor more than  
3 \$2,500;

4 (iii) attend an alcohol highway safety school  
5 approved by the department; and

6 (iv) comply with all drug and alcohol treatment  
7 requirements imposed under sections 3814 and 3815.

8 (3) For a third or subsequent offense, to:

9 (i) undergo imprisonment of not less than ten days;

10 (ii) pay a fine of not less than \$500 nor more than  
11 \$5,000; and

12 (iii) comply with all drug and alcohol treatment  
13 requirements imposed under sections 3814 and 3815.

14 (a.1) More than two offenses within 10-year period.--An  
15 individual who violates section 3802(a)(4) shall be sentenced  
16 to:

17 (1) undergo imprisonment of not less than two years nor  
18 more than seven years; and

19 (2) pay a fine of not more than \$15,000.

20 \* \* \*

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