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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2707 Session of  
2018

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INTRODUCED BY FARRY, OCTOBER 12, 2018

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REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 12, 2018

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in miscellaneous provisions, further providing for  
3 the offenses of homicide by vehicle, aggravated assault by  
4 vehicle, homicide by vehicle while driving under influence  
5 and aggravated assault by vehicle while driving under the  
6 influence.

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

9 Section 1. Sections 3732(b), 3732.1(b) and 3735 of Title 75  
10 of the Pennsylvania Consolidated Statutes are amended to read:

11 § 3732. Homicide by vehicle.

12 \* \* \*

13 (b) Sentencing.--

14 (1) In addition to any other penalty provided by law, a  
15 person convicted of a violation of subsection (a) may be  
16 sentenced to an additional term not to exceed five years'  
17 confinement if at trial the prosecution proves beyond a  
18 reasonable doubt that the offense occurred in an active work  
19 zone.

20 (1.1) In addition to any other penalty provided by law,

1 a person convicted of a violation of subsection (a) [as the  
2 result of a violation of section], who is also convicted of a  
3 violation of section 1501 (relating to drivers required to be  
4 licensed), 1543 (relating to driving while operating  
5 privilege is suspended or revoked), 3316 (relating to  
6 prohibiting text-based communications), 3325 (relating to  
7 duty of driver on approach of emergency vehicle) or 3327  
8 (relating to duty of driver in emergency response areas) [and  
9 who is convicted of violating section 3316, 3325 or 3327],  
10 may be sentenced to an additional term not to exceed five  
11 years' confinement [when the violation resulted in death].

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

15 (3) The Pennsylvania Commission on Sentencing, pursuant  
16 to 42 Pa.C.S. § 2154 (relating to adoption of guidelines for  
17 sentencing), shall provide for a sentencing enhancement for  
18 an offense under this section when the violation occurred in  
19 an active work zone or [was the result of a violation of  
20 section] the individual was also convicted of a violation of  
21 section 1501, 1543, 3316, 3325 or 3327.

22 § 3732.1. Aggravated assault by vehicle.

23 \* \* \*

24 (b) Sentencing.--

25 (1) In addition to any other penalty provided by law, a  
26 person convicted of a violation of subsection (a) may be  
27 sentenced to an additional term not to exceed two years'  
28 confinement if at trial the prosecution proves beyond a  
29 reasonable doubt that the offense occurred in an active work  
30 zone.

1           (2) In addition to any other penalty provided by law, a  
2 person convicted of a violation of subsection (a) [as the  
3 result of a violation of section], who is also convicted of a  
4 violation of section 1501 (relating to drivers required to be  
5 licensed), 1543 (relating to driving while operating  
6 privilege is suspended or revoked), 3316 (relating to  
7 prohibiting text-based communications), 3325 (relating to  
8 duty of driver on approach of emergency vehicle) or 3327  
9 (relating to duty of driver in emergency response areas) [and  
10 who is convicted of violating section 3316, 3325 or 3327],  
11 may be sentenced to an additional term not to exceed two  
12 years' confinement [when the violation resulted in serious  
13 bodily injury].

14           (3) The prosecution must indicate intent to proceed  
15 under this section in the indictment or information which  
16 commences the prosecution.

17           (4) The Pennsylvania Commission on Sentencing, under 42  
18 Pa.C.S. § 2154 (relating to adoption of guidelines for  
19 sentencing), shall provide for a sentencing enhancement for  
20 an offense under this section when the violation occurred in  
21 an active work zone or [was the result of a violation of  
22 section] the individual was also convicted of a violation of  
23 section 1501, 1543, 3316, 3325 or 3327.

24 § 3735. Homicide by vehicle while driving under influence.

25           (a) Offense defined.--

26           (1) Any person who unintentionally causes the death of  
27 another person as the result of a violation of section 3802  
28 (relating to driving under influence of alcohol or controlled  
29 substance) and who is convicted of violating section 3802 is  
30 guilty of a felony of the second degree when the violation is

1 the cause of death and the sentencing court shall order the  
2 person to serve a minimum term of imprisonment of not less  
3 than three years. [A consecutive three-year term of  
4 imprisonment shall be imposed for each victim whose death is  
5 the result of the violation of section 3802.]

6 (2) In addition to any other penalty provided by law, a  
7 person convicted of a violation of paragraph (1) and a  
8 violation of section 1501 (relating to drivers required to be  
9 licensed) or 1543 (relating to driving while operating  
10 privilege is suspended or revoked) when committed at the same  
11 time and place may be sentenced to an additional term under  
12 subsection (b) (2) not to exceed two years' confinement.

13 (3) A consecutive term of imprisonment under this  
14 subsection shall be imposed for each victim whose death is  
15 the result of the violation of section 3802.

16 (b) Applicability of sentencing guidelines.--[The]

17 (1) Subject to paragraph (2), the sentencing guidelines  
18 promulgated by the Pennsylvania Commission on Sentencing  
19 shall not supersede the mandatory penalty of this section.

20 (2) For a penalty under subsection (a) (2), the  
21 Pennsylvania Commission on Sentencing, pursuant to 42 Pa.C.S.  
22 § 2154 (relating to adoption of guidelines for sentencing),  
23 shall determine the term of a sentencing enhancement in  
24 addition to the existing mandatory penalty of this section.

25 Section 2. Section 3735.1 of Title 75 is amended by adding a  
26 subsection to read:

27 § 3735.1. Aggravated assault by vehicle while driving under the  
28 influence.

29 \* \* \*

30 (a.1) Sentencing.--In addition to any other penalty provided

1 by law, a person convicted of a violation of subsection (a) and  
2 a violation of section 1501 (relating to drivers required to be  
3 licensed) or 1543 (relating to driving while operating privilege  
4 is suspended or revoked) when committed at the same time and  
5 place may be sentenced to an additional term not to exceed two  
6 years' confinement.

7 Section 3. This act shall take effect in 60 days.