
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 635 Session of
2017

INTRODUCED BY MARTIN, RAFFERTY, BARTOLOTTA, FOLMER, AUMENT,
HUGHES, VULAKOVICH, LANGERHOLC AND SCAVELLO, APRIL 18, 2017

REFERRED TO JUDICIARY, APRIL 18, 2017

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of
2 the Pennsylvania Consolidated Statutes, in culpability,
3 further providing for causal 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 of
13 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) (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 ten-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 ten-year period.--An
15 individual who violates section 3802(a) and has more than two
16 prior offenses within a ten-year period shall be sentenced 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.