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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 874 Session of  
2019

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INTRODUCED BY GALLOWAY, HILL-EVANS, MURT, MILLARD, T. DAVIS,  
READSHAW, BERNSTINE, McCLINTON AND GILLEN, MARCH 19, 2019

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REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 19, 2019

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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 while driving under  
4 influence and for aggravated assault by vehicle while driving  
5 under the influence.

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

8 Section 1. Sections 3735(a)(1) and 3735.1(a) of Title 75 of  
9 the Pennsylvania Consolidated Statutes, amended or added October  
10 24, 2018 (P.L.925, No.153), are amended to read:

11 § 3735. Homicide by vehicle while driving under influence.

12 (a) Offense defined.--

13 (1) A person who unintentionally causes the death of  
14 another person as the result of a violation of section 3802  
15 (relating to driving under influence of alcohol or controlled  
16 substance) and who is convicted of violating section 3802:

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

18 (ii) is guilty of a felony of the first degree if,

19 before sentencing on the present violation, the person

1 has incurred a conviction, adjudication of delinquency,  
2 juvenile consent decree, acceptance of Accelerated  
3 Rehabilitative Disposition or other form of preliminary  
4 disposition for any of the following:

5 (A) An offense under section 3802.

6 (B) An offense under former section 3731  
7 (relating to driving under influence of alcohol or  
8 controlled substance).

9 (C) An offense which constitutes a felony under  
10 this subchapter.

11 (D) An offense substantially similar to an  
12 offense under clause (A), (B) or (C) in another  
13 jurisdiction.

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

16 (iii) is guilty of a misdemeanor of the second  
17 degree when the violation is not the cause of death, and  
18 the sentencing court shall impose a fine of not more than  
19 \$5,000.

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21 § 3735.1. Aggravated assault by vehicle while driving under the  
22 influence.

23 (a) Offense defined.--Any person who negligently causes  
24 serious bodily injury to another person as the result of a  
25 violation of section 3802 (relating to driving under influence  
26 of alcohol or controlled substance) and who is convicted of  
27 violating section 3802 commits [a]:

28 (1) A felony of the second degree when the violation is  
29 the cause of the injury.

30 (2) A misdemeanor of the second degree when the

1 violation is not the cause of the injury and the sentencing  
2 court shall impose a fine of not more than \$2,500.

3 \* \* \*

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