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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 408 Session of  
2023

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INTRODUCED BY GALLOWAY, MARCH 14, 2023

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2023

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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 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 are amended to read:

10 § 3735. Homicide by vehicle while driving under influence.

11 (a) Offense defined.--

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

16 (i) is guilty of a felony of the second degree; [or]

17 (ii) is guilty of a felony of the first degree if,  
18 before sentencing on the present violation, the person  
19 has incurred a conviction, adjudication of delinquency,  
20 juvenile consent decree, acceptance of Accelerated

1 Rehabilitative Disposition or other form of preliminary  
2 disposition for any of the following:

3 (A) An offense under section 3802.

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

7 (C) An offense which constitutes a felony under  
8 this subchapter.

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

12 (E) Any combination of the offenses under clause  
13 (A), (B), (C) or (D) [.]; or

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

18 \* \* \*

19 § 3735.1. Aggravated assault by vehicle while driving under the  
20 influence.

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

26 (1) A felony of the second degree when the violation is  
27 the cause of the injury.

28 (2) A misdemeanor of the second degree when the  
29 violation is not the cause of the injury, and the sentencing  
30 court shall impose a fine of not more than \$2,500.

1 \* \* \*

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