

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 368 Session of 2011

INTRODUCED BY D. WHITE, TARTAGLIONE, FOLMER, ORIE, RAFFERTY,
ERICKSON, LEACH, BREWSTER, WOZNIAK, STACK AND WARD,
FEBRUARY 1, 2011

REFERRED TO TRANSPORTATION, FEBRUARY 1, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for aggravated assault by vehicle
3 while driving under the influence, for accidents involving
4 death or personal injury and for subsequent convictions of
5 certain offenses.

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

8 Section 1. Section 3735.1(a) of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 3735.1. Aggravated assault by vehicle while driving under the
11 influence.

12 (a) Offense defined.--Any person who negligently causes
13 serious bodily injury to another person as the result of a
14 violation of section 3802 (relating to driving under influence
15 of alcohol or controlled substance) and who is convicted of
16 violating section 3802 commits a felony of the second degree
17 when the violation is the cause of the injury, and the
18 sentencing court shall order the person to serve a minimum term
19 of imprisonment of not less than one year.

1 * * *

2 Section 2. Section 3742(b)(3) and (c) of Title 75 are
3 amended and the section is amended by adding a subsection to
4 read:

5 § 3742. Accidents involving death or personal injury.

6 * * *

7 (b) Penalties.--

8 * * *

9 (3) If the victim dies, any person violating subsection
10 (a) commits a felony of the [third] second degree, and the
11 sentencing court shall order the person to serve a minimum
12 term of imprisonment of not less than one year and a
13 mandatory minimum fine of \$2,500, notwithstanding any other
14 provision of law.

15 (b.1) Enhanced penalties.--

16 (1) Except as otherwise provided in this subsection, any
17 person violating subsection (a) concurrently with a violation
18 of section 3802 (relating to driving under influence of
19 alcohol or controlled substance) and who is convicted of
20 violating section 3802 commits a felony of the third degree.

21 (2) If the victim suffers serious bodily injury, any
22 person violating subsection (a) concurrently with a violation
23 of section 3802 and who is convicted of violating section
24 3802 commits a felony of the second degree, and the
25 sentencing court shall, in addition to the sentence imposed
26 under section 3802, order the person to serve a minimum
27 consecutive term of imprisonment of not less than one year
28 and to pay a fine of \$2,500, notwithstanding any other
29 provision of law.

30 (3) If the victim dies, any person violating subsection

1 (a) concurrently with a violation of section 3802 and who is
2 convicted of violating section 3802 commits a felony of the
3 second degree, and the sentencing court shall, in addition to
4 the sentence imposed under section 3802, order the person to
5 serve a minimum consecutive term of imprisonment of not less
6 than three years and to pay a fine of \$5,000, notwithstanding
7 any other provision of law.

8 (c) Authority of sentencing court.--There shall be no
9 authority in any court to impose on an offender to which this
10 section is applicable any lesser sentence than provided for in
11 subsection (b) (2) or (3) or (b.1) (2) or (3) or to place such
12 offender on probation or to suspend sentence. Sentencing
13 guidelines promulgated by the Pennsylvania Commission on
14 Sentencing shall not supersede the mandatory sentences provided
15 in this section.

16 * * *

17 Section 3. Section 6503(a) of Title 75 is amended to read:
18 § 6503. Subsequent convictions of certain offenses.

19 (a) General offenses.--Every person convicted of a second or
20 subsequent violation of any of the following provisions shall be
21 sentenced to pay a fine of not less than \$200 nor more than
22 \$1,000 or to imprisonment for not more than six months, or both:

23 Section 1543(a) (relating to driving while operating
24 privilege is suspended or revoked) except as set forth in
25 subsection (a.1).

26 Section 3367 (relating to racing on highways).

27 [Section 3733 (relating to fleeing or attempting to elude
28 police officer).]

29 Section 3734 (relating to driving without lights to avoid
30 identification or arrest).

1 Section 3748 (relating to false reports).

2 * * *

3 Section 4. The following provisions shall apply to offenses
4 committed on or after the effective date of this section:

5 (1) The amendment of 75 Pa.C.S. § 3735.1(a).

6 (2) The amendment or addition of 75 Pa.C.S. § 3742(b)

7 (3), (b.1) and (c).

8 Section 5. This act shall take effect in 60 days.