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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 873 Session of  
2017

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INTRODUCED BY GALLOWAY, READSHAW, D. COSTA, KINSEY, RYAN,  
MILLARD AND DeLUCA, MARCH 16, 2017

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REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 16, 2017

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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) and 3735.1(a) of Title 75 of the  
9 Pennsylvania Consolidated Statutes are amended to read:

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

11 (a) Offense defined.--Any person who unintentionally causes  
12 the death of another person as the result of a violation of  
13 section 3802 (relating to driving under influence of alcohol or  
14 controlled substance) and who is convicted of violating section  
15 3802 is guilty of [a] the following:

16 (1) A felony of the second degree when the violation is  
17 the cause of death and the sentencing court shall order the  
18 person to serve a minimum term of imprisonment of not less  
19 than three years. A consecutive three-year term of

1 imprisonment shall be imposed for each victim whose death is  
2 the result of the violation of section 3802.

3 (2) A misdemeanor of the second degree when the  
4 violation is not the cause of death and the sentencing court  
5 shall impose a fine of not more than \$5,000.

6 \* \* \*

7 § 3735.1. Aggravated assault by vehicle while driving under the  
8 influence.

9 (a) Offense defined.--Any person who negligently causes  
10 serious bodily injury to another person as the result of a  
11 violation of section 3802 (relating to driving under influence  
12 of alcohol or controlled substance) and who is convicted of  
13 violating section 3802 commits [a] the following:

14 (1) A felony of the second degree when the violation is  
15 the cause of the injury.

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

19 \* \* \*

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