

No. 1996-18

AN ACT

SB 140

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury.

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

Section 1. Section 3742(b), (c) and (d) of Title 75 of the Pennsylvania Consolidated Statutes are amended to read:

§ 3742. Accidents involving death or personal injury.

* * *

(b) Penalties.—

(1) Except as otherwise provided in this section, any person violating this section commits a misdemeanor of the [third] *first* degree.

(2) If the victim suffers serious bodily injury [or death], any person violating subsection (a) commits a [misdemeanor of the first degree.] *felony of the third degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than 90 days and a mandatory minimum fine of \$1,000, notwithstanding any other provision of law.*

(3) [If the violation of subsection (a) materially contributes to any serious bodily injury suffered by the victim, any person violating subsection (a) commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 and to imprisonment for not less than 90 days nor more than five years.] *If the victim dies, any person violating subsection (a) commits a felony of the third degree, and the sentencing court shall order the person to serve a minimum term of imprisonment of not less than one year and a mandatory minimum fine of \$2,500, notwithstanding any other provision of law.*

[(4) If the violation of subsection (a) materially contributes to the death of the victim, any person violating subsection (a) commits a felony of the third degree and shall, upon conviction, be sentenced to pay a fine of not more than \$15,000 and to imprisonment for not less than one year nor more than seven years.]

(c) Authority of sentencing court.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection [(b)(3) or (4)] *(b)(2) or (3)* or to place such offender on probation or to suspend sentence. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Definitions.—As used in this section, the term “serious bodily injury” means any bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

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

APPROVED—The 4th day of April, A.D. 1996.

THOMAS J. RIDGE