

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1116 Session of 2024

INTRODUCED BY FLYNN, FONTANA, SANTARSIERO, BOSCOLA, ROTHMAN AND
BROOKS, MARCH 28, 2024

REFERRED TO JUDICIARY, MARCH 28, 2024

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in miscellaneous provisions relating to operation
3 of vehicles, further providing for homicide by vehicle while
4 driving under influence.

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

7 Section 1. Section 3735(a) of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding a paragraph to read:
9 § 3735. Homicide by vehicle while driving under influence.

10 (a) Offense defined.--

11 * * *

12 (4) If the violation under this section resulted in the
13 death of a parent of a child under 18 years of age, the
14 sentencing court may order restitution in accordance with
15 this paragraph. The following apply to each child under 18
16 years of age of the parent:

17 (i) Restitution may require the defendant to pay an
18 amount that is reasonable and necessary for the
19 maintenance of the child until:

1 (A) the child reaches 18 years of age; or
2 (B) if the child is pursuing an accredited
3 course of instruction leading to the acquisition of a
4 high school diploma or its equivalent, the child
5 reaches 19 years of age.

6 (ii) Restitution may be paid to the surviving parent
7 or legal guardian of the child.

8 (iii) The sentencing court may consider any of the
9 following factors in determining the amount of
10 restitution:

11 (A) The financial needs and resources of the
12 child.

13 (B) The financial needs and resources of the
14 surviving parent or legal guardian of the child.

15 (C) If the child is in the custody of a county
16 agency, as defined in 23 Pa.C.S. § 6303(a) (relating
17 to definitions), or a comparable agency in another
18 state, the costs incurred regarding the custody of
19 the child.

20 (D) The standard of living to which the child is
21 accustomed.

22 * * *

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