

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 763 Session of
2001

INTRODUCED BY BELL, APRIL 4, 2001

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, APRIL 30, 2002

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for the offense of driving under
3 influence of alcohol or controlled substance.

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

6 Section 1. Section 3731(e)(1) of Title 75 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 3731. Driving under influence of alcohol or controlled
9 substance.

10 * * *

11 (e) Penalty.--

12 (1) Any person violating any of the provisions of this
13 section is guilty of a misdemeanor of the second degree,
14 except that a person convicted of a third or subsequent
15 offense is guilty of a misdemeanor of the first degree, and
16 the sentencing court [shall] MAY order the person to
17 reimburse the Commonwealth or municipality, as the case may
18 be, for the cost of any chemical test of breath, blood or

<—

1 urine of the person that established such violation and SHALL <—
2 ORDER THE PERSON to pay a fine of not less than \$300 and to
3 serve a minimum term of imprisonment of:

4 (i) Not less than 48 consecutive hours.

5 (ii) Not less than 30 days if the person has
6 previously accepted Accelerated Rehabilitative
7 Disposition or any other form of preliminary disposition,
8 been convicted of, adjudicated delinquent or granted a
9 consent decree under the Juvenile Act (42 Pa.C.S. § 6301
10 et seq.) based on an offense under this section or of an
11 equivalent offense in this or other jurisdictions within
12 the previous seven years.

13 (iii) Not less than 90 days if the person has twice
14 previously been convicted of, adjudicated delinquent or
15 granted a consent decree under the Juvenile Act based on
16 an offense under this section or of an equivalent offense
17 in this or other jurisdictions within the previous seven
18 years.

19 (iv) Not less than one year if the person has three
20 times previously been convicted of, adjudicated
21 delinquent or granted a consent decree under the Juvenile
22 Act based on an offense under this section or of an
23 equivalent offense in this or other jurisdictions within
24 the previous seven years.

25 * * *

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