

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 311 Session of 2017

INTRODUCED BY D. COSTA, PICKETT, MILLARD, V. BROWN, McNEILL,  
DeLUCA, READSHAW, MILNE, CALTAGIRONE, DEASY AND NEILSON,  
FEBRUARY 3, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2017

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in bonds and  
3 recognizances, providing for bail in driving-under-influence  
4 offenses.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 5762. Bail in driving-under-influence offenses.

10 (a) General rule.--If a person is charged with a violation  
11 of 75 Pa.C.S. § 3802 (relating to driving under influence of  
12 alcohol or controlled substance), the installation of an  
13 ignition interlock system on each motor vehicle owned by the  
14 person or registered to the person shall be required for the  
15 person to be admitted to bail if either:

16 (1) The person is charged with a second or subsequent  
17 violation of 75 Pa.C.S. § 3802 within the past 10 years.

18 (2) The magisterial district judge or judge determines

1 that the installation of an ignition interlock system is  
2 necessary to ensure the safety of any person or the  
3 community.

4 (b) Responsibilities of defendant.--The defendant shall:

5 (1) Cause each motor vehicle owned by the defendant or  
6 registered to the defendant to be equipped with an ignition  
7 interlock system in accordance with the requirements for  
8 installation established by regulation of the Department of  
9 Transportation.

10 (2) Submit proof of installation of the ignition  
11 interlock system to the court within five business days of  
12 release on bail, or as soon as proof of installation is  
13 available.

14 (3) Participate in a continuous, 24-hours-per-day,  
15 seven-days-per-week sobriety monitoring program approved by  
16 the court until the person submits proof of installation of  
17 the ignition interlock system under paragraph (2).

18 (4) Agree not to drive, operate or be in actual physical  
19 control of the movement of any motor vehicle within this  
20 Commonwealth unless the motor vehicle is equipped with an  
21 ignition interlock system.

22 (c) Cost of installation.--

23 (1) The county shall pay all costs associated with  
24 installation of an ignition interlock system and  
25 participation in a continuous sobriety monitoring program  
26 under this section.

27 (2) If the defendant is convicted, the following shall  
28 apply:

29 (i) The defendant shall reimburse the county for all  
30 costs in paragraph (1).

1           (ii) If the defendant proves that the defendant is  
2           without the financial means to pay the costs in paragraph  
3           (1), the court may order payment of money owed in  
4           installments appropriate to the circumstances of the  
5           person and shall fix the amounts, times and manner of  
6           payment.

7           (d) Revocation of bail.--The court shall revoke the  
8           defendant's bail if the court finds that the defendant:

9           (1) Failed to submit proof of installation of the  
10           ignition interlock system as required under subsection (b)  
11           (2).

12           (2) Was arrested for a subsequent violation of 75  
13           Pa.C.S. § 3802.

14           (3) Drove, operated or was in actual physical control of  
15           the movement of a motor vehicle not equipped with an ignition  
16           interlock system.

17           (4) Tampered with an ignition interlock system as  
18           defined in 75 Pa.C.S. § 3808 (relating to illegally operating  
19           a motor vehicle not equipped with ignition interlock).

20           (5) Failed to comply with any condition of bail imposed  
21           by the court under this section and this chapter.

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