

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 15

Session of
2005

INTRODUCED BY DiGIROLAMO, BAKER, BOYD, CALTAGIRONE, CAWLEY,
CLYMER, CRAHALLA, GEIST, GEORGE, GINGRICH, GOOD, GOODMAN,
GRELL, HARPER, HARRIS, JAMES, KAUFFMAN, KIRKLAND, LEDERER,
MUNDY, NICKOL, O'NEILL, PHILLIPS, PICKETT, RAYMOND,
E. Z. TAYLOR, WATSON, YOUNGBLOOD AND THOMAS, AUGUST 24, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JANUARY 31, 2006

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of
2 the Pennsylvania Consolidated Statutes, further providing for
3 the Substance Abuse Education and Demand Reduction Fund, FOR <—
4 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE
5 and for penalties.

6 The General Assembly finds and declares as follows:

7 (1) Driving under the influence of alcohol or a
8 controlled substance is a crime with thousands of victims in
9 this Commonwealth.

10 (2) Evidence exists that victim impact panels are
11 effective in reducing offender recidivism and restoring
12 balance to victims' lives in driving under the influence
13 cases.

14 (3) The purpose of this act is to recognize the value of
15 victim impact panels at reducing offender recidivism and
16 addressing victims' issues, to encourage counties to
17 implement the panels and to establish a coordinating

1 committee to provide standardized guidance for the panels.

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

4 Section 1. Section 7508.1(f)(1) of Title 18 of the
5 Pennsylvania Consolidated Statutes is amended to read:

6 § 7508.1. Substance Abuse Education and Demand Reduction Fund.

7 * * *

8 (f) Grants.--Notwithstanding any other provision of law, the
9 commission shall, upon written application and subsequent
10 approval, use moneys received under this section to award grants
11 to eligible organizations in the following manner:

12 (1) [No] (i) Subject to the provisions of subparagraph
13 (ii), no more than 45% of grant moneys awarded annually
14 shall go to programs to provide research-based approaches
15 to prevention, intervention, training, treatment and
16 education services to reduce substance abuse and
17 Statewide programs to assist families in accessing such
18 services.

19 (ii) Up to 20% of grant moneys awarded under this
20 paragraph may be used to:

21 (A) Assist in the start-up of victim impact
22 panel programs under 75 Pa.C.S. § 3804(f.1) (relating
23 to penalties).

24 (B) Study the impact outcome and benefits of
25 victim impact panels within this Commonwealth,
26 including the impact of victim impact panels on
27 driving under the influence recidivism and their
28 impact on the well-being of participating victims.

29 (C) Provide assistance for the ongoing operation
30 of victim impact panels.

1 * * *

2 SECTION 2. SECTION 3802(G)(1) OF TITLE 75 IS AMENDED TO
3 READ:

4 § 3802. DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
5 SUBSTANCE.

6 * * *

7 (G) EXCEPTION TO TWO-HOUR RULE.--NOTWITHSTANDING THE
8 PROVISIONS OF SUBSECTION (A), (B), (C), (E) OR (F), WHERE
9 ALCOHOL OR CONTROLLED SUBSTANCE CONCENTRATION IN AN INDIVIDUAL'S
10 BLOOD OR BREATH IS AN ELEMENT OF THE OFFENSE, EVIDENCE OF SUCH
11 ALCOHOL OR CONTROLLED SUBSTANCE CONCENTRATION MORE THAN TWO
12 HOURS AFTER THE INDIVIDUAL HAS DRIVEN, OPERATED OR BEEN IN
13 ACTUAL PHYSICAL CONTROL OF THE MOVEMENT OF THE VEHICLE IS
14 SUFFICIENT TO ESTABLISH THAT ELEMENT OF THE OFFENSE UNDER THE
15 FOLLOWING CIRCUMSTANCES:

16 (1) WHERE THE COMMONWEALTH SHOWS GOOD CAUSE EXPLAINING
17 WHY THE CHEMICAL TEST SAMPLE COULD NOT BE [PERFORMED]
18 OBTAINED WITHIN TWO HOURS; AND

19 * * *

20 Section ~~2~~ 3. Section 3804 of Title 75 is amended by adding a
21 subsection to read:

22 § 3804. Penalties.

23 * * *

24 (f.1) Victim impact panels.--

25 (1) In addition to any other penalty imposed under this
26 section, the court may order a person who violates section
27 3802 to attend a victim impact panel program.

28 (2) A victim impact panel program shall provide a
29 nonconfrontational forum for driving under the influence
30 crash victims, their family members, their friends or other

1 pertinent persons to speak to driving under the influence
2 offenders about the impact of the crash on victims' lives and
3 on the lives of families, friends and neighbors.

4 (3) A victim impact panel shall be administrated through
5 the local office of probation and parole or other office as
6 the court shall determine and shall be operated in
7 consultation with the Mothers Against Drunk Driving-
8 Pennsylvania State Organization.

9 (4) A victim impact panel program may assess a
10 reasonable participation fee to achieve program self-
11 sufficiency but may not operate for profit. The department
12 shall establish an acceptable range of fees.

13 (5) The department shall develop standards and
14 incentives to encourage counties to establish victim impact
15 panel programs. In developing these standards, the department
16 shall establish and chair a coordinating committee among
17 pertinent agencies and organizations, including the
18 Department of Health, the Pennsylvania Commission on Crime
19 and Delinquency, the Office of Victim Advocate, the
20 Administrative Office of Pennsylvania Courts, county
21 officials, the Mothers Against Drunk Driving-Pennsylvania
22 State Organization and the Pennsylvania DUI Association. The
23 standards shall address items including all of the following:

24 (i) Prototype design and structure standards for
25 victim impact panels.

26 (ii) Training standards and curricula for
27 presenters, facilitators and administrators.

28 (iii) Operations policy and guidelines manual.

29 (iv) Evaluation standards, design and structure
30 allowing for the tracking and analysis of recidivism

1 data.

2 (v) Standards for counseling and debriefing
3 activities for victim presenters.

4 (vi) Standards for reimbursing reasonable costs to
5 victims for participation in panels.

6 (vii) Assistance to counties through coordinating
7 potential Federal and State funding streams to carry out
8 this subsection and to assist counties as may be needed.

9 * * *

10 Section 3 4. This act shall take effect in 60 days.

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