

## AMENDMENTS TO HOUSE BILL NO. 916

Sponsor: REPRESENTATIVE HENNESSEY

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1 Amend Bill, page 1, lines 3 and 4, by striking out "in  
2 licensing of drivers, providing for" in line 3 and all of line 4  
3 and inserting

4 in driving after imbibing alcohol or utilizing drugs, providing  
5 for evaluation for substance monitoring.

6 Amend Bill, page 1, lines 7 and 8, by striking out all of  
7 said lines and inserting

8 Section 1. Section 102 of Title 75 of the Pennsylvania  
9 Consolidated Statutes is amended by adding definitions to read:

10 Amend Bill, page 1, lines 16 through 18; page 2, lines 1  
11 through 30; page 3, lines 1 through 20; by striking out all of  
12 said lines on said pages and inserting

13 "Continuous alcohol monitoring device." A monitoring device  
14 or instrument that:

15 (1) is attached to the individual;

16 (2) is designed to automatically test the alcohol  
17 content in an individual by contact with the skin of the  
18 individual at least once per one-half hour regardless of the  
19 location on the individual;

20 (3) detects the presence of alcohol; and

21 (4) detects an attempt to tamper with, obstruct or  
22 remove the device or instrument.

23 \* \* \*

24 "Remote breath testing device." An unsupervised mobile  
25 breath testing device that:

26 (1) is not affixed to a motor vehicle;

27 (2) has the ability to confirm the identity and location  
28 of the individual; and

29 (3) detects the presence of alcohol.

30 \* \* \*

31 "Substance monitoring program." The required use of or  
32 participation in one or more of the following for no less than  
33 90 days as a condition of bail:

1           (1) A continuous alcohol monitoring device, remote  
2 breath testing device or any other alcohol monitoring  
3 technology or device.

4           (2) Random drug testing or any other controlled  
5 substance monitoring technology or device.

6 \* \* \*

7 Section 2. Title 75 is amended by adding a section to read:  
8 § 3818. Evaluation for substance monitoring.

9           (a) Evaluation required.--In all of the following  
10 circumstances an individual shall be evaluated by a court to  
11 determine whether, at the court's discretion, the individual may  
12 be ordered to participate in a substance monitoring program:

13           (1) While adjudication of a violation of section 3802  
14 (relating to driving under influence of alcohol or controlled  
15 substance) is pending for an individual who has one or more  
16 prior convictions for an offense under section 3802 within 10  
17 years of the current offense.

18           (2) While adjudication of two or more violations of  
19 section 3802 is concurrently pending for an individual.

20           (b) Determination and costs to be paid.--If the court  
21 requires an individual to participate in a substance monitoring  
22 program after an evaluation is administered under subsection  
23 (a), the individual shall pay for all costs associated with the  
24 substance monitoring program, including administrative and  
25 operating costs or costs associated with any required devices or  
26 technologies. The court may authorize the county to finance  
27 costs associated with the substance monitoring program if the  
28 court, at any time, determines the individual lacks the  
29 financial ability to pay all or part of costs associated with a  
30 substance monitoring program.

31           (c) Financial inquiry.--A court determination under  
32 subsection (b) shall be based on an appropriate inquiry into the  
33 financial circumstances of the individual required to  
34 participate in a substance monitoring program and an affidavit  
35 or certificate, signed by that individual, demonstrating  
36 financial inability to pay all or part of the costs associated  
37 with the substance monitoring program.

38           (d) Prohibitions.--An individual required to participate in  
39 a substance monitoring program is prohibited from all of the  
40 following for the duration of the substance monitoring program:

41           (1) Imbibing alcohol, using controlled substances or  
42 both as determined by the court.

43           (2) Tampering with any devices or technologies  
44 associated with the substance monitoring program.

45           (3) Failing to comply with any other requirements  
46 ordered by the court as part of the substance monitoring  
47 program.

48           (e) Construction.--Nothing in this section shall be  
49 construed to prohibit a court from performing a substance  
50 monitoring program evaluation on an individual pending  
51 adjudication for a single violation of section 3802 with no

1 previous convictions for an offense under section 3802 within  
2 the previous 10 years.