

AMENDMENTS TO HOUSE BILL NO. 916

Sponsor: REPRESENTATIVE HENNESSEY

Printer's No. 1037

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.