

## AMENDMENTS TO HOUSE BILL NO. 916

Sponsor: SENATOR K. WARD

Printer's No. 2582

1 Amend Bill, page 1, lines 1 through 6, by striking out all of  
2 said lines and inserting

3 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
4 Statutes, in general provisions, further providing for  
5 definitions; in licensing of drivers, further providing for  
6 suspension of operating privilege, for the offense of driving  
7 while operating privilege is suspended or revoked and for  
8 ignition interlock limited license and providing for Relief  
9 from Administrative Suspension Program; and, in driving after  
10 imbibing alcohol or utilizing drugs, further providing for  
11 penalties, for ignition interlock, for prior offenses, for  
12 Accelerated Rehabilitative Disposition, for drug and alcohol  
13 assessments and for mandatory sentencing and providing for  
14 substance monitoring program.  
15 This act may be referred to as Deana's Law.

16 Amend Bill, page 1, lines 11 through 19; pages 2 through 5,  
17 lines 1 through 30; page 6, lines 1 through 8; by striking out  
18 all of said lines on said pages and inserting

19 Section 1. Section 102 of Title 75 of the Pennsylvania  
20 Consolidated Statutes is amended by adding definitions to read:  
21 § 102. Definitions.

22 Subject to additional definitions contained in subsequent  
23 provisions of this title which are applicable to specific  
24 provisions of this title, the following words and phrases when  
25 used in this title shall have, unless the context clearly  
26 indicates otherwise, the meanings given to them in this section:

27 \* \* \*

28 "Continuous alcohol monitoring device." A monitoring device  
29 or instrument that:

30 (1) is attached to an individual;

31 (2) is designed to automatically and frequently test the  
32 presence of alcohol in the individual regardless of the  
33 method by which the device or instrument is attached to the  
34 individual;

35 (3) detects the presence of alcohol; and

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

3           \* \* \*

4           "Remote breath testing device." An unsupervised mobile  
5 breath testing device that:

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

7           (2) has the ability to confirm the identity and location  
8 of an individual; and

9           (3) detects the presence of alcohol.

10          \* \* \*

11          "Substance monitoring program." The court-ordered use of or  
12 participation in any one or both of the following as a condition  
13 of bail, probation or parole consistent with section 3818  
14 (relating to substance monitoring program):

15          (1) A continuous alcohol monitoring device, remote  
16 breath testing device or any other alcohol monitoring  
17 technology or device, as determined by the court.

18          (2) Random drug testing or any other controlled  
19 substance monitoring technology or device, as determined by  
20 the court.

21          \* \* \*

22          Section 2. Section 1532(d) of Title 75 is amended and  
23 subsection (b) is amended by adding a paragraph to read:  
24 § 1532. Suspension of operating privilege.

25          \* \* \*

26          (b) Suspension.--

27          \* \* \*

28          (6) Beginning as soon as practicable, but no later than  
29 10 months after the effective date of this paragraph, the  
30 department shall update driver records as follows:

31           (i) If a driver record shows on the effective date  
32 of this paragraph an active sanction imposed by the  
33 department for a conviction of any offense under a  
34 Federal, State or other state's controlled substance  
35 laws, except for an offense under section 1532(a), the  
36 driver record will be changed to indicate the active  
37 departmental sanction has ended. The following shall  
38 apply:

39           (A) If the ending of the active departmental  
40 sanction means a driver's operating privilege is  
41 eligible for restoration, no points will be placed on  
42 the driver record as required by section 1545  
43 (relating to restoration of operating privilege) and  
44 no restoration fee shall be imposed as required by  
45 section 1960 (relating to reinstatement of operating  
46 privilege or vehicle registration).

47           (B) If a driver record shows a pending  
48 departmental sanction after the active sanction  
49 imposed by the department for a conviction of any  
50 offense under a Federal, State or other state's  
51 controlled substance laws, except for an offense

1 under section 1532(a), the effective dates of the  
2 pending departmental sanction will be adjusted as if  
3 the active sanction ended under this subsection had  
4 been rescinded from the record.

5 (ii) If a driver record shows on the effective date  
6 of this paragraph a pending sanction imposed by the  
7 department for a conviction of any offense under a  
8 Federal, State or other state's controlled substance  
9 laws, except for an offense under section 1532(a), the  
10 driver record will be changed to indicate that the  
11 pending sanction will not be imposed. The effective dates  
12 for a departmental sanction to be imposed after a  
13 conviction of any offense under a Federal, State or other  
14 state's controlled substance laws will be adjusted as if  
15 the controlled substance-related departmental sanction  
16 had been rescinded from the record.

17 (iii) If a driver record shows on the effective date  
18 of this paragraph an active suspension imposed under  
19 former subsection (d), the driver record will be changed  
20 to indicate the suspension has ended. The following shall  
21 apply:

22 (A) If the ending of the suspension means the  
23 driver's operating privilege is eligible for  
24 restoration, no restoration fee shall be imposed as  
25 required by section 1960.

26 (B) If the driver record shows any pending  
27 departmental sanction after the suspension imposed  
28 under former subsection (d), the effective dates of  
29 any such pending departmental sanction will be  
30 adjusted as if the suspension ended under this  
31 section had been rescinded from the record.

32 (iv) If the driver record shows on the effective  
33 date of this paragraph a pending suspension imposed under  
34 former subsection (d), the driver record will be changed  
35 to indicate the suspension will not be imposed. The  
36 effective dates for any departmental sanctions to be  
37 imposed after the pending suspension under former  
38 subsection (d) will be adjusted as if the pending  
39 suspension had been rescinded from the record.

40 \* \* \*

41 [(d) Additional suspension.--The department shall suspend  
42 the operating privilege of any person upon receiving a certified  
43 record of the driver's conviction, adjudication of delinquency  
44 or admission into a preadjudication program for a violation  
45 under 18 Pa.C.S. § 6307 (relating to misrepresentation of age to  
46 secure liquor or malt or brewed beverages), 6308 (relating to  
47 purchase, consumption, possession or transportation of liquor or  
48 malt or brewed beverages) or 6310.3 (relating to carrying a  
49 false identification card). The duration of the suspension shall  
50 be as follows:

51 (1) For a first offense, the department shall impose a

1 suspension for a period of 90 days.

2 (2) For a second offense, the department shall impose a  
3 suspension for a period of one year.

4 (3) For a third and subsequent offense, the department  
5 shall impose a suspension for a period of two years. Any  
6 multiple suspensions imposed shall be served consecutively.

7 Courts may certify the conviction, adjudication of  
8 delinquency or admission into the preadjudication program on the  
9 same form used to submit the order of suspension required under  
10 the provisions of 18 Pa.C.S. § 6310.4 (relating to restriction  
11 of operating privileges). Wherever practicable, the suspension  
12 imposed under this section shall be made concurrent with the  
13 suspension imposed under the provisions of 18 Pa.C.S. § 6310.4.  
14 All offenses committed on or after May 23, 1988, shall be  
15 included in considering whether an offense is a first, second,  
16 third or subsequent offense.]

17 Section 2.1. Sections 1543(b)(1.1)(i) and 1556(b)(1) and (2)  
18 of Title 75 are amended to read:

19 § 1543. Driving while operating privilege is suspended or  
20 revoked.

21 \* \* \*

22 (b) Certain offenses.--

23 \* \* \*

24 (1.1) (i) A person who has an amount of alcohol by  
25 weight in his blood that is equal to or greater than .02%  
26 at the time of testing or who at the time of testing has  
27 in his blood any amount of a Schedule I or nonprescribed  
28 Schedule II or III controlled substance, as defined in  
29 the act of April 14, 1972 (P.L.233, No.64), known as The  
30 Controlled Substance, Drug, Device and Cosmetic Act, or  
31 its metabolite or [who refuses testing of blood or  
32 breath] who refuses testing of breath under section 1547  
33 (relating to chemical testing to determine amount of  
34 alcohol or controlled substance) or chemical testing of  
35 blood pursuant to a valid search warrant, court order or  
36 any other basis permissible by the Constitution of the  
37 United States and the Constitution of Pennsylvania, and  
38 who drives a motor vehicle on any highway or trafficway  
39 of this Commonwealth at a time when the person's  
40 operating privilege is suspended or revoked as a  
41 condition of acceptance of Accelerated Rehabilitative  
42 Disposition for a violation of section 3802 or former  
43 section 3731 or because of a violation of section 1547(b)  
44 (1) or 3802 or former section 3731 or is suspended under  
45 section 1581 for an offense substantially similar to a  
46 violation of section 3802 or former section 3731 shall,  
47 upon a first conviction, be guilty of a summary offense  
48 and shall be sentenced to pay a fine of \$1,000 and to  
49 undergo imprisonment for a period of not less than 90  
50 days.

51 \* \* \*

1 § 1556. Ignition interlock limited license.

2 \* \* \*

3 (b) Petition.--

4 (1) An applicant for an ignition interlock limited  
5 license shall file a petition with the department, by  
6 certified mail, on a form prescribed by the department[, and  
7 shall include proof that an approved ignition interlock  
8 system, as defined in section 3801, has been installed in one  
9 or more motor vehicles that the applicant seeks permission to  
10 operate]. The petition shall include proof of financial  
11 responsibility covering each vehicle the applicant requests  
12 to be permitted to operate. Upon approval of the petition,  
13 the ignition interlock system shall be installed in any motor  
14 vehicle to be operated by the applicant, and proof of  
15 installation shall be provided by the ignition interlock  
16 device vendor.

17 (2) [The petition shall also include proof of financial  
18 responsibility covering each vehicle the applicant requests  
19 to be permitted to operate.] The department shall promulgate  
20 regulations to require additional information as well as  
21 additional evidence to verify the information contained in  
22 the petition.

23 \* \* \*

24 Section 2.2. Chapter 15 of Title 75 is amended by adding a  
25 subchapter to read:

26 SUBCHAPTER E

27 RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM

28 Sec.

29 1591. Definitions.

30 1592. Relief from Administrative Suspension Program.

31 1593. Program requirements.

32 1594. Use of revenue.

33 1595. Proceedings relating to violations barred.

34 § 1591. Definitions.

35 The following words and phrases when used in this subchapter  
36 shall have the meanings given to them in this section unless the  
37 context clearly indicates otherwise:

38 "Court." The issuing authority or court of competent  
39 jurisdiction which notified the department of an individual's  
40 failure to respond that resulted in the indefinite suspension of  
41 that individual's operating privilege under section 1533  
42 (relating to suspension of operating privilege for failure to  
43 respond to citation).

44 "Program." The Relief from Administrative Suspension Program  
45 established under section 1592 (relating to Relief from  
46 Administrative Suspension Program).

47 § 1592. Relief from Administrative Suspension Program.

48 (a) Establishment.--The department, in consultation with the  
49 Administrative Office of Pennsylvania Courts, shall establish  
50 the Relief from Administrative Suspension Program that shall  
51 begin on the effective date of this section and end 12 months

1 after the effective date of this section.

2 (b) Purposes.--The program shall permit the department to  
3 restore the operating privileges of eligible individuals from  
4 suspensions imposed under sections 1533(a), (b) or (d) (relating  
5 to suspension of operating privilege for failure to respond to  
6 citation), 1543(a) (relating to driving while operating  
7 privilege is suspended or revoked) and 1544(a) (relating to  
8 additional period of revocation or suspension).

9 (c) Duties.--The department, in consultation with the  
10 Administrative Office of Pennsylvania Courts, shall:

11 (1) Review the applications filed for relief under the  
12 program and make a determination as to the applicant's  
13 eligibility for relief within 30 days of receipt of the  
14 application and all other required items.

15 (2) Determine if an applicant has satisfied all court-  
16 ordered obligations which resulted in a suspension of the  
17 applicant's operating privilege under section 1533(a), (b) or  
18 (d).

19 (3) Determine if an applicant was convicted of one or  
20 more violations under section 1543(a) that occurred only as  
21 the result of a suspension imposed under the authority of  
22 section 1533 or 6146 (relating to enforcement agreements) and  
23 is currently serving or will serve an operating privilege  
24 suspension for a section 1543(a) conviction.

25 (4) Determine whether the granting of relief under the  
26 program would result in immediate restoration of the  
27 applicant's operating privilege.

28 (5) Prioritize the processing of applications for which  
29 the granting of relief will result in an immediate  
30 restoration of the applicant's operating privilege.

31 (6) Update eligible applicants' driver's records and  
32 restore the operating privilege of applicants as permitted  
33 under this title.

34 (d) Eligibility.--The program shall be available to an  
35 individual who meets the following criteria:

36 (1) The individual's operating privilege has been  
37 indefinitely suspended under section 1533(a), (b) or (d)  
38 prior to the effective date of this subsection.

39 (2) The department's records show that the individual's  
40 operating privilege will be or is suspended for a conviction  
41 under section 1543(a) only as a result of a suspension  
42 imposed under the authority of section 1533 or 6146 prior to  
43 the effective date of this section.

44 (3) The individual has served any operating privilege  
45 suspension required by the underlying offense which resulted  
46 in violation of section 1533(a), (b) or (d).

47 (4) The individual has submitted a completed application  
48 for relief to the department on a form prescribed by the  
49 department. The following items must also be submitted with  
50 the application:

51 (i) the restoration fee; and

1           (ii) proof of financial responsibility; or  
2           (iii) in the case of an individual who does not own  
3           a motor vehicle currently registered in this  
4           Commonwealth, a signed statement certifying that the  
5           individual does not own a motor vehicle currently  
6           registered in this Commonwealth.

7           (e) Prohibitions.--An individual shall be prohibited from  
8           receiving relief under the program for convictions of violations  
9           committed after the effective date of this subsection.

10          (f) Reinstatement.--The department shall amend eligible  
11          individuals' driver's records to show they satisfied all court-  
12          ordered obligations which resulted in a suspension of the  
13          individual's operating privilege under section 1533. The  
14          department shall amend eligible individuals' driver's records to  
15          show that suspensions imposed for relevant convictions under  
16          section 1543(a) will end or will not be imposed. Any add-on  
17          suspensions imposed under section 1544(a) for violations that  
18          occurred at the same time as a relevant violation of section  
19          1543(a) shall be rescinded from eligible individuals' driver's  
20          records. The department shall not be required to reinstate the  
21          operating privilege of an individual under this subchapter if  
22          the department is authorized under this title to suspend the  
23          operating privilege of the individual for other violations of  
24          this title. Upon restoration from suspension under this program,  
25          eligible individuals' driver's records shall show five points.

26          (g) Compliance.--The department may not be required to  
27          restore the operating privilege of an individual under this  
28          subchapter until the individual has complied with section 1593  
29          (relating to program requirements).  
30          § 1593. Program requirements.

31          (a) Form.--An individual who seeks to participate in the  
32          program shall respond to the court pursuant to the instructions  
33          in a restoration requirements letter which shall be provided by  
34          the department.

35          (b) Satisfaction of payments owed.--The individual is  
36          required to pay 100% of the original penalty and any other  
37          court-ordered obligations imposed under the applicable laws of  
38          this Commonwealth.

39          (c) Requirements.--In addition to the requirements under  
40          section 1960 (relating to reinstatement of operating privilege  
41          or vehicle registration), an individual applying for the program  
42          shall perform one of the following:

43                  (1) Pay all court-ordered obligations immediately or in  
44                  a single remittance.

45                  (2) If an individual is unable to pay all obligations  
46                  under subparagraph (i), the individual shall either:

47                          (i) pay in installments all court-ordered  
48                          obligations after a hearing conducted by the issuing  
49                          authority to determine the individual's ability to pay  
50                          and the issuance of an order providing for installment  
51                          payments; or

1 (ii) notwithstanding 42 Pa.C.S. § 1520(a) (relating  
2 to adjudication alternative program), complete a court-  
3 ordered public service or other adjudication alternative  
4 program under 42 Pa.C.S. § 1520(b).

5 (d) Proof of financial responsibility.--Notwithstanding  
6 section 1783 (relating to proof of financial responsibility  
7 before restoring operating privilege or registration), before  
8 restoring an operating privilege, the department shall require  
9 an individual participating in the program to provide the  
10 department with:

11 (1) proof of financial responsibility; or

12 (2) in the case of an individual who does not own a  
13 motor vehicle currently registered in this Commonwealth, a  
14 signed statement certifying that the individual does not own  
15 a motor vehicle currently registered in this Commonwealth.

16 (e) Certification.--The court shall certify to the  
17 department that an individual is eligible for relief under the  
18 program because:

19 (1) an individual has satisfied the amounts owed to the  
20 court; or

21 (2) an individual has completed or satisfied all court-  
22 ordered public service requirements or other alternative  
23 adjudication programs.

24 § 1594. Use of revenue.

25 All revenue received by the court under the program shall be  
26 distributed in accordance with law.

27 § 1595. Proceedings relating to violations barred.

28 Participation in the program is conditioned upon the  
29 individual's agreement not to protest or pursue an  
30 administrative or judicial proceeding against the department for  
31 the sanctions it imposed on the individual's operating privilege  
32 under section 1533 (relating to suspension of operating  
33 privilege for failure to respond to citation), 1543 (relating to  
34 driving while operating privilege is suspended or revoked), 1544  
35 (relating to additional period of revocation or suspension) or  
36 6146 (relating to enforcement agreements) as addressed by the  
37 program.

38 Section 3. Section 3803(b) (3) and (4.1) of Title 75 are  
39 amended to read:

40 § 3803. Grading.

41 \* \* \*

42 (b) Other offenses.--

43 \* \* \*

44 (3) An individual who violates section 3802(a) (1) where  
45 there was an accident resulting in bodily injury, serious  
46 bodily injury or death of any person or in damage to a  
47 vehicle or other property, or who violates section 3802(b),  
48 (e) or (f) and who has two prior offenses commits a  
49 [misdemeanor of the first] felony of the third degree.

50 \* \* \*

51 (4.1) An individual who violates section 3802(a) (1)



1 where the individual refused testing of breath or chemical  
2 testing pursuant to a valid search warrant, court order or  
3 any other basis permissible by the Constitution of the United  
4 States and the Constitution of Pennsylvania, or who violates  
5 section 3802(c) or (d) [and who] commits:

6 (i) A felony of the third degree if the individual  
7 has two [or more] prior offenses [commits a felony of the  
8 third degree].

9 (ii) A felony of the second degree if the individual  
10 has three or more prior offenses.

11 \* \* \*

12 Section 4. Section 3804(e) (2) of Title 75 is amended and the  
13 section is amended by adding subsections to read:

14 § 3804. Penalties.

15 \* \* \*

16 (c.2) Consecutive sentence.--A sentence imposed upon an  
17 individual under this section who has two or more prior offenses  
18 shall be served consecutively to any other sentence the  
19 individual is serving and to any other sentence being then  
20 imposed by the court, except for those with which the offense  
21 must merge as a matter of law.

22 (c.3) Sentencing enhancement.--The Pennsylvania Commission  
23 on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of  
24 guidelines for sentencing), shall provide for a sentencing  
25 enhancement for a violation of section 3802(a) (1) where the  
26 individual refused testing of breath or chemical testing  
27 pursuant to a valid search warrant, court order or any other  
28 basis permissible by the Constitution of the United States and  
29 the Constitution of Pennsylvania or for a violation of section  
30 3802(c) or (d) and where the individual has four or more prior  
31 offenses.

32 \* \* \*

33 (e) Suspension of operating privileges upon conviction.--

34 \* \* \*

35 (2) Suspension under paragraph (1) shall be in  
36 accordance with the following:

37 \* \* \*

38 (ii) 18 months for a misdemeanor of the first degree  
39 or felony [of the third degree] under this chapter.

40 \* \* \*

41 Section 5. Section 3805(c) and (h.2) of Title 75 are amended  
42 and the section is amended by adding subsections to read:

43 § 3805. Ignition interlock.

44 \* \* \*

45 (c) Issuance of unrestricted license.--[One year from the  
46 date of issuance of an ignition interlock restricted license  
47 under this section, if] If otherwise eligible, a person may be  
48 issued a replacement license under section 1951(d) that does not  
49 contain the ignition interlock system restriction. The  
50 department shall not issue an unrestricted license until a  
51 person has presented all of the following:

1 (1) Proof that the person has completed the ignition  
2 interlock restricted license period under [this section]  
3 subsection (c.1).

4 (2) Certification by the vendor that provided the  
5 ignition interlock device that the person has complied with  
6 subsection (h.2).

7 (c.1) Restricted license period.--An individual may be  
8 issued an unrestricted license under subsection (c) after a  
9 period of time as follows:

10 (1) Except as provided under paragraph (2), one year  
11 from the date of issuance of the ignition interlock  
12 restricted license.

13 (2) Two years from the date of issuance of the ignition  
14 interlock restricted license in the case of an individual  
15 convicted of an offense under section 3802 who has two or  
16 more prior offenses.

17 \* \* \*

18 (h.2) Declaration of compliance.--Restrictions imposed under  
19 section 1556 [(relating to ignition interlock limited license)]  
20 shall remain in effect until the department receives a  
21 declaration from the person's ignition interlock device vendor,  
22 in a form provided or approved by the department, certifying  
23 that the following incidents have not occurred in the two  
24 consecutive months prior to the date entered on the certificate,  
25 and for the purposes of a suspension imposed under section  
26 3807(d) (2), the person's ignition interlock device vendor shall  
27 certify the following incidents have not occurred in the prior  
28 30 days entered on the certificate:

29 (1) An attempt to start the vehicle with a breath  
30 alcohol concentration of 0.08% or more, not followed within  
31 10 minutes by a subsequent attempt with a breath alcohol  
32 concentration lower than 0.08%.

33 (2) Failure to take or pass any required retest.

34 (3) Failure of the person to appear at the ignition  
35 interlock system vendor when required for maintenance,  
36 repair, calibration, monitoring, inspection or replacement of  
37 the device such that the ignition interlock system no longer  
38 functions as required under subsection (h).

39 (h.3) Notice to department.--If a violation under subsection  
40 (h.2) (1), (2) or (3) occurs in the two consecutive months prior  
41 to the date entered on the certificate, the vendor shall notify  
42 the department as to the violation on a form designated by the  
43 department, and the department shall notify the person of the  
44 violation and that ignition interlock device usage shall  
45 continue until no violations have occurred within a 60-day  
46 period.

47 \* \* \*

48 Section 6. Section 3806(b) (1) of Title 75 is amended to  
49 read:

50 § 3806. Prior offenses.

51 \* \* \*

1 (b) Timing.--

2 (1) For purposes of sections 1553(d.2) (relating to  
3 occupational limited license), 1556 (relating to ignition  
4 interlock limited license), 3803 (relating to grading), 3804  
5 (relating to penalties) [and], 3805 (relating to ignition  
6 interlock), 3815 (relating to mandatory sentencing) and 3818  
7 (relating to substance monitoring program), the prior offense  
8 must have occurred:

9 (i) within 10 years prior to the date of the offense  
10 for which the defendant is being sentenced; or

11 (ii) on or after the date of the offense for which  
12 the defendant is being sentenced.

13 \* \* \*

14 Section 7. Section 3807(b)(4) of Title 75 is amended and  
15 subsection (a) is amended by adding a paragraph to read:

16 § 3807. Accelerated Rehabilitative Disposition.

17 (a) Eligibility.--

18 \* \* \*

19 (2.1) Notwithstanding the procedures for Accelerated  
20 Rehabilitative Disposition for other crimes, the attorney for  
21 the Commonwealth shall not submit a charge brought under this  
22 chapter for Accelerated Rehabilitative Disposition unless  
23 all of the following apply:

24 (i) The defendant admits that the Commonwealth's  
25 evidence would prove the elements beyond a reasonable  
26 doubt under section 3802.

27 (ii) The defendant agrees that the defendant's  
28 admission may be used as a prior conviction for the  
29 purpose of increasing the grading and penalty of any  
30 subsequent offense under this title.

31 (iii) The defendant knowingly and voluntarily waives  
32 the defendant's right to challenge the use of the  
33 Accelerated Rehabilitative Disposition as a prior  
34 conviction for the purpose of enhancing the grading and  
35 sentencing of any subsequent offense under this title.

36 \* \* \*

37 (b) Evaluation and treatment.--

38 \* \* \*

39 (4) The assessment under paragraph (2) shall consider  
40 issues of public safety and shall include recommendations for  
41 all of the following:

42 (i) Length of stay.

43 (ii) Levels of care.

44 (iii) Follow-up care and monitoring.

45 (iv) The use of medication-assisted treatment in  
46 conjunction with behavioral therapies if the treatment is  
47 clinically appropriate.

48 \* \* \*

49 Section 7.1. Section 3814(4) of Title 75 is amended to read:

50 § 3814. Drug and alcohol assessments.

51 If a defendant is convicted or pleads guilty or no contest to

1 a violation of section 3802 (relating to driving under influence  
2 of alcohol or controlled substance), the following apply prior  
3 to sentencing:

4 \* \* \*

5 (4) The assessment under paragraph (2) shall consider  
6 issues of public safety and shall include recommendations for  
7 all of the following:

8 (i) Length of stay.

9 (ii) Levels of care.

10 (iii) Follow-up care and monitoring.

11 (iv) The use of medication-assisted treatment in  
12 conjunction with behavioral therapies if the treatment is  
13 clinically appropriate.

14 Section 8. Section 3815(b) (2) of Title 75 is amended and the  
15 section is amended by adding a subsection to read:

16 § 3815. Mandatory sentencing.

17 \* \* \*

18 (b) Parole.--

19 \* \* \*

20 (2) The following shall be conditions of parole:

21 (i) If the offender is not determined under the  
22 procedures set forth in section 3814 to be addicted to  
23 alcohol or another substance, the offender must refrain  
24 from:

25 (A) the use of illegal controlled substances;

26 and

27 (B) the abuse of prescription drugs, over-the-  
28 counter drugs or any other substances.

29 (ii) If the offender is determined under the  
30 procedures set forth in section 3814 to be addicted to  
31 alcohol or another substance, the offender must do all of  
32 the following:

33 (A) Refrain from:

34 (I) the use of alcohol or illegal controlled  
35 substances; and

36 (II) the abuse of prescription drugs, over-  
37 the-counter drugs or any other substances.

38 (B) Participate in and cooperate with drug and  
39 alcohol addiction treatment under subsection (c).

40 (iii) In addition to any other condition or  
41 restriction imposed, an individual who violates section  
42 3802 and who has one or more prior offenses may be  
43 ordered by the court to participate in a substance  
44 monitoring program under section 3818.

45 (b.1) Probation.--In addition to any other condition or  
46 restriction imposed, an individual who violates section 3802 and  
47 who has one or more prior offenses may be ordered by the court  
48 to participate in a substance monitoring program as a condition  
49 of probation under section 3818.

50 \* \* \*

51 Section 9. Title 75 is amended by adding a section to read:

1 § 3818. Substance monitoring program.

2 (a) Evaluation required.--The following shall apply:

3 (1) In all of the following circumstances, in addition  
4 to any other condition or restriction imposed, an individual  
5 shall be evaluated by a court to determine whether, at the  
6 court's discretion, the individual may be ordered to  
7 participate in a substance monitoring program:

8 (i) While adjudication of a violation of section  
9 3802 (relating to driving under influence of alcohol or  
10 controlled substance) is pending for an individual who  
11 has one or more prior offenses.

12 (ii) While adjudication of two or more violations of  
13 section 3802 are concurrently pending for an individual.

14 (iii) As a condition of probation or parole where  
15 the individual violates section 3802 and has one or more  
16 prior offenses.

17 (2) The court may use the assessment from section 3814  
18 (relating to drug and alcohol assessments) to satisfy this  
19 requirement under paragraph (1).

20 (b) Monitoring devices and technologies.--

21 (1) A substance monitoring program shall include a  
22 requirement that the individual use or participate in one or  
23 both of the following, as determined by the court:

24 (i) A continuous alcohol monitoring device, remote  
25 breath testing device or any other similar alcohol  
26 monitoring technology or device, other than an ignition  
27 interlock system, as determined by the court.

28 (ii) Random drug testing or any other controlled  
29 substance monitoring technology or device as determined  
30 by the court.

31 (2) When determining the devices or technologies to be  
32 used under paragraph (1), the court shall consider the  
33 individual's:

34 (i) prior offenses;

35 (ii) most recent violation of section 3802;

36 (iii) any pending adjudication for a violation of  
37 section 3802;

38 (iv) in consultation with the county, the monitoring  
39 devices and technologies available to or utilized by the  
40 county; and

41 (v) any other factor deemed appropriate by the  
42 court.

43 (c) Determination and costs to be paid.--If the court orders  
44 an individual to participate in a substance monitoring program,  
45 the individual shall pay for costs associated with the  
46 individual's participation in the substance monitoring program,  
47 including costs associated with any required device or  
48 technology.

49 (d) Prohibitions.--An individual ordered to participate in a  
50 substance monitoring program is prohibited from all of the  
51 following for the duration of the substance monitoring program:

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

3           (2) Tampering with any device or technology associated  
4 with the substance monitoring program.

5           (3) Failing to comply with any other requirement ordered  
6 by the court as part of the substance monitoring program.

7           (e) Construction.--Nothing in this section shall be  
8 construed to prohibit a court from:

9           (1) Ordering an individual pending adjudication for a  
10 single violation of section 3802 with no prior offenses to  
11 participate in a substance monitoring program as a condition  
12 of bail.

13           (2) Ordering an individual convicted of a violation of  
14 section 3802 who has no prior offenses to participate in a  
15 substance monitoring program as a condition of probation or  
16 parole.

17 Section 10. This act shall take effect as follows:

18           (1) The following provisions shall take effect  
19 immediately:

20           (i) The amendment of 75 Pa.C.S. § 1543(b)(1.1)(i).

21           (ii) The addition of 75 Pa.C.S. § 3807(a)(2.1).

22           (iii) This section.

23           (2) The amendment or addition of 75 Pa.C.S. § 1532(b)(6)  
24 and (d) shall take effect in 60 days.

25           (3) The amendment or addition of 75 Pa.C.S. § 3805(c)  
26 and (c.1) shall take effect in 90 days.

27           (4) The following provisions shall take effect in eight  
28 months:

29           (i) The amendment of 75 Pa.C.S. § 1556(b)(1) and

30           (2).

31           (ii) The addition of 75 Pa.C.S. § 3805(h.3).

32           (5) The addition of 75 Pa.C.S. Ch. 15 Subch. E shall  
33 take effect in 10 months.

34           (6) The remainder of this act shall take effect in 120  
35 days.