

AMENDMENTS TO SENATE BILL NO. 773

Sponsor: SENATOR KILLION

Printer's No. 1408

1 Amend Bill, page 1, line 8, by inserting after "sentencing"
2 and providing for 24/7 sobriety monitoring program

3 Amend Bill, page 2, line 4, by striking out "person" and
4 inserting

5 individual

6 Amend Bill, page 2, lines 5 and 6, by striking out "alcohol
7 content in a person" and inserting

8 presence of alcohol in an individual

9 Amend Bill, page 2, line 6, by striking out "person" where it
10 occurs the second time and inserting

11 individual

12 Amend Bill, page 2, line 8, by striking out "person" and
13 inserting

14 individual

15 Amend Bill, page 8, line 4, by striking out "An offender" and
16 inserting

17 At the court's discretion and consistent with
18 section 3818 (relating to 24/7 sobriety monitoring
19 program), an individual

20 Amend Bill, page 8, line 5, by striking out "shall" and
21 inserting

22 may

23 Amend Bill, page 8, line 6, by striking out "continuous
24 alcohol monitoring" and inserting

25 CAM

Amend Bill, page 8, lines 8 through 30; page 9, lines 1 through 8; by striking out "Tampering with or obstructing the CAM" in line 8, all of lines 9 through 30 on page 8 and all of lines 1 through 8 on page 9 and inserting

(b.1) Probation.--At the court's discretion, as a condition of a probation order and consistent with section 3818 (relating to 24/7 sobriety monitoring program), an individual serving a sentence for a violation of section 3802 who has two or more prior offenses may be fitted with a CAM device for one year or for the duration of the period of probation, whichever is less.

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Section 7. Title 75 is amended by adding a section to read: § 3818. 24/7 sobriety monitoring program.

(a) Establishment.--A 24/7 sobriety monitoring program is established under the Unified Judicial System of Pennsylvania.

(b) Requirements.--The use of or participation in a 24/7 sobriety monitoring program is required in one or more of the following for no less than 90 days as a condition of bail while adjudication of a violation of section 3802 (relating to driving under influence of alcohol or controlled substance) is pending for an individual who has two or more prior offenses:

(1) A CAM device or any other similar alcohol monitoring technology or device as determined by the court.

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

(c) Determination and costs to be paid.--The individual shall pay for all costs associated with the 24/7 sobriety monitoring program, including administrative and operating costs or costs associated with any required devices or technologies. The court may authorize the county to finance costs associated with the 24/7 sobriety monitoring program if the court, at any time, determines the individual lacks the financial ability to pay all or part of costs associated with a 24/7 sobriety monitoring program.

(d) Financial inquiry.--A court determination under subsection (c) shall be based on an appropriate inquiry into the financial circumstances of the individual required to participate in a 24/7 sobriety monitoring program and an affidavit or certificate, signed by that individual, demonstrating financial inability to pay all or part of the costs associated with the 24/7 sobriety monitoring program.

(e) Prohibitions.--An individual required to participate in a 24/7 sobriety monitoring program is prohibited from all of the following for the duration of the 24/7 sobriety monitoring program:

(1) Imbibing alcohol, using controlled substances or

1 both as determined by the court.

2 (2) Tampering with devices or technologies associated
3 with the 24/7 sobriety monitoring program.

4 (3) Failing to comply with any other requirements
5 ordered by the court as part of the 24/7 sobriety monitoring
6 program.

7 Section 8. The Department of Transportation, in consultation
8 with the Pennsylvania State Police and the Administrative Office
9 of Pennsylvania Courts, shall evaluate the effectiveness of
10 driving under the influence courts in this Commonwealth and
11 submit a report with findings and recommendations to the
12 Transportation Committees of the Senate and the Transportation
13 Committees of the House of Representatives within six months of
14 the effective date of this section.

15 Amend Bill, page 9, line 9, by striking out "8" and inserting

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