

AMENDMENTS TO SENATE BILL NO. 773

Sponsor: REPRESENTATIVE KLUNK

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1 Amend Bill, page 1, line 13, by inserting after

2 "DEFINITIONS;"

3 and,

4 Amend Bill, page 1, line 13, by inserting after "FOR"

5 ignition interlock limited license, for

6 Amend Bill, page 1, line 18, by inserting after "DISPOSITION"

7 , for drug and alcohol assessment

8 Amend Bill, page 1, line 19, by striking out "24/7 SOBRIETY"

9 and inserting

10 substance

11 Amend Bill, page 1, lines 19 and 20, by striking out "; AND

12 PROVIDING FOR A STUDY OF DRIVING UNDER THE INFLUENCE COURTS"

13 Amend Bill, page 10, line 3, by striking out "MORE" and

14 inserting

15 both

16 Amend Bill, page 10, lines 6 through 10, by striking out all

17 of said lines and inserting

18 (1) A continuous alcohol monitoring device, remote
19 breath testing device or any other alcohol monitoring
20 technology or device, as determined by the court.

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

24 Amend Bill, page 10, line 12, by striking out "SECTION" where

25 it occurs the second time and inserting

26 Sections

Amend Bill, page 10, line 12, by inserting after "1543(B)
(1.1) (I) "

and 1556(b) (1) and (2)

Amend Bill, page 10, line 12, by striking out "IS" and
inserting

are

Amend Bill, page 11, by inserting between lines 16 and 17
§ 1556. Ignition interlock limited license.

* * *

(b) Petition.--

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

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

* * *

Amend Bill, page 12, line 10, by inserting after "THREE"

or more

Amend Bill, page 12, lines 11 and 12, by striking out all of
said lines

Amend Bill, page 12, line 15, by striking out "A SUBSECTION"
and inserting

subsections

Amend Bill, page 12, line 22, by inserting after "COURT"

, except for those with which the offense must merge as a

1 matter of law

2 Amend Bill, page 12, by inserting between lines 22 and 23

3 (c.3) Sentencing enhancement.--The Pennsylvania Commission
4 on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of
5 guidelines for sentencing), shall provide for a sentencing
6 enhancement for a violation of section 3802(a)(1) where the
7 individual refused testing of breath or chemical testing
8 pursuant to a valid search warrant, court order or any other
9 basis permissible by the Constitution of the United States and
10 the Constitution of Pennsylvania or for a violation of section
11 3802(c) or (d) and where the individual has four or more prior
12 offenses.

13 Amend Bill, page 13, line 3, by striking out "A SUBSECTION"
14 and inserting
15 subsections

16 Amend Bill, page 14, by inserting between lines 20 and 21

17 (h.3) Notice to department.--If a violation under subsection
18 (h.2)(1), (2) or (3) occurs in the two consecutive months prior
19 to the date entered on the certificate, the vendor shall notify
20 the department as to the violation on a form designated by the
21 department, and the department shall notify the person of the
22 violation and that ignition interlock device usage shall
23 continue until no violations have occurred within a 60-day
24 period.

25 Amend Bill, page 15, line 10, by inserting after "PARAGRAPH"
26 and subsection (b)(4) is amended

27 Amend Bill, page 15, by inserting after line 30

28 * * *

29 (b) Evaluation and treatment.--

30 * * *

31 (4) The assessment under paragraph (2) shall consider
32 issues of public safety and shall include recommendations for
33 all of the following:

34 (i) Length of stay.

35 (ii) Levels of care.

36 (iii) Follow-up care and monitoring.

37 (iv) The use of medication-assisted treatment in
38 conjunction with behavioral therapies if the treatment is
39 clinically appropriate.

40 * * *

41 Section 7.1. Section 3814(4) of the act is amended to read:
42 § 3814. Drug and alcohol assessments.

43 If a defendant is convicted or pleads guilty or no contest to
44 a violation of section 3802 (relating to driving under influence

1 of alcohol or controlled substance), the following apply prior
2 to sentencing:

3 * * *

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

7 (i) Length of stay.

8 (ii) Levels of care.

9 (iii) Follow-up care and monitoring.

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

13 Amend Bill, page 16, lines 29 and 30; page 17, lines 1
14 through 6; by striking out all of said lines on said pages and
15 inserting

16 3802 and who has one or more prior offenses may be
17 ordered by the court to participate in a substance
18 monitoring program under section 3818.

19 Amend Bill, page 17, lines 8 through 15, by striking out
20 "3802(A)" in line 8 and all of lines 9 through 15 and inserting

21 3802 and who has one or more prior offenses may be ordered
22 by the court to participate in a substance monitoring program as
23 a condition of probation under section 3818.

24 Amend Bill, page 17, lines 19 through 30; pages 18 and 19,
25 lines 1 through 30; page 20, lines 1 through 11; by striking out
26 all of said lines on said pages and inserting

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

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

33 (i) While adjudication of a violation of section
34 3802 (relating to driving under influence of alcohol or
35 controlled substance) is pending for an individual who
36 has one or more prior offenses.

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

39 (iii) As a condition of probation or parole where
40 the individual violates section 3802 and has one or more
41 prior offenses.

42 (2) The court may use the assessment from section 3814
43 (relating to drug and alcohol assessments) to satisfy this

1 requirement under paragraph (1).

2 (b) Monitoring devices and technologies.--

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

6 (i) A continuous alcohol monitoring device, remote
7 breath testing device or any other similar alcohol
8 monitoring technology or device, other than an ignition
9 interlock system, as determined by the court.

10 (ii) Random drug testing or any other controlled
11 substance monitoring technology or device as determined
12 by the court.

13 (2) When determining the devices or technologies to be
14 used under paragraph (1), the court shall consider the
15 individual's:

16 (i) prior offenses;

17 (ii) most recent violation of section 3802;

18 (iii) any pending adjudication for a violation of
19 section 3802;

20 (iv) in consultation with the county, the monitoring
21 devices and technologies available to or utilized by the
22 county; and

23 (v) any other factor deemed appropriate by the
24 court.

25 Amend Bill, page 20, lines 12 and 13, by striking out all of
26 said lines and inserting

27 (c) Determination and costs to be paid.--If the court
28 orders an individual to participate in

29 Amend Bill, page 20, lines 18 through 30; page 21, lines 1
30 through 5; by striking out all of lines 18 through 30 on page
31 20, all of lines 1 through 4 and "(F)" in line 5 on page 21 and
32 inserting

33 (d)

34 Amend Bill, page 21, line 14, by striking out "(G)" and
35 inserting

36 (e)

37 Amend Bill, page 21, line 24, by striking out "IN 120 DAYS."
38 and inserting

39 as follows:

40 (1) The amendment of 75 Pa.C.S. § 1543(b)(1.1) shall
41 take effect immediately.

42 (2) The amendment of 75 Pa.C.S. § 1556(b) shall take

1 effect in eight months.

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

4 (4) The addition of 75 Pa.C.S. § 3805(h.3) shall take
5 effect in eight months.

6 (5) The amendment of 75 Pa.C.S. § 3807(a) shall take
7 effect immediately.

8 (6) This section shall take effect immediately.

9 (7) The remainder of this act shall take effect in four
10 months.