

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2129

Session of
1988

INTRODUCED BY GRUITZA, ROBBINS, FARGO AND LaGROTTA,
JANUARY 26, 1988

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 8, 1988

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for the imposition of ~~court~~ CERTAIN costs <—
3 relating to the administration of the Accelerated
4 Rehabilitative Disposition program and permitting counties to
5 keep those fees to defray the administrative expenses of that
6 program.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 3731(e)(6) and (8) of Title 75 of the
10 Pennsylvania Consolidated Statutes are amended to read:

11 § 3731. Driving under influence of alcohol or controlled
12 substance.

13 * * *

14 (e) Penalty.--

15 * * *

16 (6) Any person who accepts Accelerated Rehabilitative
17 Disposition of any charge brought under this section shall
18 accept as conditions the imposition of and the judge shall
19 impose in addition to any other conditions all of the

1 following:

2 (i) A fee to cover the costs referred to in section
3 1548(e) (relating to costs).

4 (ii) A mandatory suspension of operating privilege
5 for a period of not less than one month but not more than
6 12 months.

7 (iii) A condition that the defendant, as a condition
8 to entering the program, make restitution to any person
9 who incurred determinable financial loss as a result of
10 the defendant's actions which resulted in a charge of
11 violating this section.

12 (iv) Court supervision for any defendant required to
13 make restitution or submit to counseling or treatment.

14 (v) Court supervision for a period of not less than
15 six months when the Court Reporting Network indicates
16 that counseling or treatment is not necessary and not
17 less than 12 months when the Court Reporting Network
18 indicates that counseling or treatment is in order.

19 (vi) A fee to cover the reasonable costs, if any, of
20 a municipal corporation ~~or of the Pennsylvania State~~ <—
21 ~~Police~~ in connection with a charge brought under this
22 section which results in Accelerated Rehabilitative
23 Disposition.

24 (vii) A fee to cover the reasonable court costs <—
25 relating to the expenses of administering the ARD program
26 WHICH SHALL BE PAYABLE TO THE COUNTY. <—

27 * * *

28 (8) ~~With~~ the exception of program costs referred to in <—
29 section 1548(e) or any restitution referred to in this
30 section, and with the exception of any fees imposed pursuant

1 to paragraph (6)(vi) AND (VII) which shall be distributed to <—
2 the affected municipal corporation OR COUNTY, any fee or <—
3 financial condition] ~~Any fine~~ imposed by a judge as a <—
4 condition of Accelerated Rehabilitative Disposition or any
5 other preliminary disposition of any charge under this
6 section shall be distributed as provided for in 42 Pa.C.S. §§
7 3571 (relating to Commonwealth portion of fines, etc.) and
8 3573 (relating to municipal corporation portion of fines,
9 etc.).

10 * * *

11 Section 2. This act shall take effect in 60 days.