

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1241 Session of
2003

INTRODUCED BY MELIO, BEBKO-JONES, CASORIO, HARHAI, HORSEY,
LaGROTTA, LEWIS, PRESTON, TANGRETTI, TIGUE, KIRKLAND,
LESCOVITZ, McCALL, SHANER, J. TAYLOR AND WASHINGTON,
APRIL 29, 2003

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 29, 2003

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes,
3 integrating criminal and administrative penalties on driving
4 with a suspended or revoked license and driving under the
5 influence of alcohol or a controlled substance.

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

8 Section 1. The definition of "eligible offender" in section
9 9802 of Title 42 of the Pennsylvania Consolidated Statutes is
10 amended to read:

11 § 9802. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Eligible offender." Subject to section 9721(a.1) (relating
17 to sentencing generally), a person convicted of an offense who
18 would otherwise be sentenced to a county correctional facility,

1 who does not demonstrate a present or past pattern of violent
2 behavior and who would otherwise be sentenced to partial
3 confinement pursuant to section 9724 (relating to partial
4 confinement) or total confinement pursuant to section 9725
5 (relating to total confinement). The term does not include an
6 offender convicted of any of the following offenses:

7 18 Pa.C.S. § 2502 (relating to murder).

8 18 Pa.C.S. § 2503 (relating to voluntary manslaughter).

9 18 Pa.C.S. § 2702 (relating to aggravated assault).

10 18 Pa.C.S. § 2703 (relating to assault by prisoner).

11 18 Pa.C.S. § 2704 (relating to assault by life prisoner).

12 18 Pa.C.S. § 2901 (relating to kidnapping).

13 18 Pa.C.S. § 3121 (relating to rape).

14 18 Pa.C.S. § 3122.1 (relating to statutory sexual
15 assault).

16 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual
17 intercourse).

18 18 Pa.C.S. § 3124.1 (relating to sexual assault).

19 18 Pa.C.S. § 3125 (relating to aggravated indecent
20 assault).

21 18 Pa.C.S. § 3126 (relating to indecent assault).

22 18 Pa.C.S. § 3301 (relating to arson and related
23 offenses).

24 18 Pa.C.S. § 3502 (relating to burglary) when graded as a
25 felony of the first degree.

26 18 Pa.C.S. § 3701 (relating to robbery).

27 18 Pa.C.S. § 3923 (relating to theft by extortion).

28 18 Pa.C.S. § 4302 (relating to incest).

29 18 Pa.C.S. § 5121 (relating to escape).

30 75 Pa.C.S. § 1543 (b)(1) (relating to driving while

operating privilege is suspended or revoked).

75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance).

* * *

Section 2. Section 1543(a) and (b)(1) of Title 75, amended October 4, 2002 (P.L.845, No.123), are amended to read:

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

(a) Offense defined.--Except as provided in subsection (b), any person who drives a motor vehicle on any highway or trafficway of this Commonwealth after the commencement of a suspension, revocation or cancellation of the operating privilege and before the operating privilege has been restored is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of [\$200] \$1,000.

(b) Certain offenses.--

(1) A person who drives a motor vehicle on a highway or trafficway of this Commonwealth at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3731 (relating to driving under influence of alcohol or controlled substance) or because of a violation of section 1547(b)(1) (relating to suspension for refusal) or 3731 or is suspended under section 1581 (relating to Driver's License Compact) for an offense substantially similar to a violation of section 3731 shall, upon conviction, be guilty of a [summary offense] misdemeanor of the third degree and shall be sentenced to pay a fine of [\$1,000] \$2,000 and to undergo imprisonment for a period of not less than 90 days.

(1.1) (i) A person who has an amount of alcohol by weight in his blood that is equal to or greater than .02% or is under the influence of a controlled substance as defined in section 1603 (relating to definitions) and who drives a motor vehicle on any highway or trafficway of this Commonwealth at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for a violation of section 3731 or because of a violation of section 1547(b)(1) or 3731 or is suspended under section 1581 for an offense substantially similar to a violation of section 3731 shall, upon a first conviction, be guilty of a [summary offense and shall be sentenced to pay a fine of \$1,000] misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine of \$2,000 and to undergo imprisonment for a period of not less than 90 days.

(ii) A second violation of this paragraph shall constitute a misdemeanor of the third degree and, upon conviction thereof, the person shall be sentenced to pay a fine of \$2,500 and to undergo imprisonment for not less than six months.

(iii) A third or subsequent violation of this paragraph shall constitute a misdemeanor of the first degree and, upon conviction thereof, the person shall be sentenced to pay a fine of \$5,000 and to undergo imprisonment for not less than two years.

* * *

Section 3. This act shall apply to offenses committed on or after the effective date of this act.

1 Section 4. This act shall take effect in 60 days.