

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 320 Session of
2007

INTRODUCED BY RAFFERTY, C. WILLIAMS, ORIE, PICCOLA, RHOADES AND
WAUGH, MARCH 12, 2007

REFERRED TO TRANSPORTATION, MARCH 12, 2007

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for limitations on discovery of certain
3 information in cases involving driving after imbibing alcohol
4 or utilizing drugs.

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

7 Section 1. Title 75 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 3818. Limitations on discovery.

10 A defendant charged with a violation of section 3802
11 (relating to driving under influence of alcohol or controlled
12 substance) and the defendant's attorney shall have no right to
13 discover from the Commonwealth any of the following:

14 (1) Any manual, schematic or software of the instrument
15 used to test the blood or breath of the defendant or any
16 other material that is not in the actual possession of the
17 Commonwealth.

18 (2) Information relating to the instrument used to test

1 the blood or breath of the defendant that is in the
2 possession of the manufacturer of the instrument.
3 Section 2. This act shall take effect in 60 days.