



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 539

PRINTERS NO. 545

PRIME SPONSOR: Rafferty

COST / (SAVINGS)

FUND	FY 2011/12	FY 2012/13
General Fund	\$0	See Fiscal Impact
Motor License Fund	\$0	\$0

SUMMARY: Amends Title 75 relating to driving under the influence of alcohol or controlled substances while a minor is in the vehicle. This legislation would take effect in 60 days.

ANALYSIS: This legislation would amend Section 8303(b) of Title 75 (relating to grading) by stating that a person who violates Section 3802 of Title 75 (relating to driving under influence of alcohol or controlled substances) and who does so when a minor is in the vehicle commits a misdemeanor of the first degree. The maximum penalty is five years imprisonment and a \$10,000 fine.

The bill also adds a provision to Section 3804 (relating to penalties) by providing that if a person violates Section 3802 and does so when a minor is in the vehicle, the person must, in addition to any other penalty imposed, be sentenced as follows:

- (1) For a first offense, the person must be sentenced to pay a fine of not less than \$1,000 and to complete 100 hours of community service;
- (2) For a second offense, the person must be sentenced to pay a fine of not less than \$2,500 and to a period of imprisonment of not less than one month nor more than six months;
- (3) For a third or subsequent offense, the person must be sentenced to a period of imprisonment of not less than six months nor more than two years.

FISCAL IMPACT: According to the Administrative Office of Pennsylvania Courts, there is no data available for "driving while under the influence" convictions that identify if a minor was in a vehicle at the time of the offense. Any increased costs of incarceration would be borne by the General Fund.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: April 2, 2012

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.