



Senate of Pennsylvania

TO: All Senators

FROM: Senator Edwin B. Erickson *EBE*

DATE: December 8, 2010

SUBJECT: Cosponsorship of Legislation – DUI Habitual Offender

I plan to reintroduce Senate Bill 290 of 2009, legislation to address the category of recidivist DUI offenders. These are individuals who have had numerous opportunities to comply with the drunken driving laws and to take advantage of drug and alcohol treatment and rehabilitation programs but have either failed or refused to do so. These offenders routinely ignore restrictions placed on their driving privileges and demonstrate a total disregard for the health and safety of others by continuing to get behind the wheel and driving while impaired. Removal of these serious offenders from the road and ending their ability to further endanger the lives of the men, women and children in our communities is the purpose behind the proposed legislation.

The proposed legislation will remove habitual DUI offenders from the highways in two ways. First, by requiring a two-year mandatory minimum prison sentence and upgrading offenses in this category to a third degree felony. Second, by taking away the instrument of crime used during the commission of the offense, namely, forfeiture of the vehicle the offender was driving. Vehicle forfeiture, along with incarcerating the habitual offender for a longer period of time, are simple and effective means of denying recidivist intoxicated motorists the privilege of using our public highways. The process and procedures for seizures of vehicles in this legislation mirror those contained in Chapter 68, Controlled Substance Forfeitures, including the safeguards for innocent owners.

If you would like to join me in sponsoring this legislation, please contact Linda Kauffman at 7-1350 or lkauffman@pasen.gov.