

VEHICLE CODE (75 PA.C.S.) - GRADING AND PENALTIES

Act of Jul. 11, 2022, P.L. 717, No. 59

Cl. 75

Session of 2022

No. 2022-59

HB 773

AN ACT

Amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in driving after imbibing alcohol or utilizing drugs, further providing for grading and for penalties.

This act may be referred to as Deana's Law.

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

Section 1. Section 3803(b)(4.1) of Title 75 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3803. Grading.

* * *

(b) Other offenses.--

* * *

(4.1) An individual who violates section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania, or who violates section 3802(c) or (d) [and who], **commits:**

(i) A felony of the third degree if the individual has two [or more] prior offenses [commits a felony of the third degree].

(ii) A felony of the second degree if the individual has three or more prior offenses.

* * *

Section 2. Section 3804(e)(2)(ii) of Title 75 is amended and the section is amended by adding subsections to read:

§ 3804. Penalties.

* * *

(c.2) Consecutive sentence.--A sentence imposed upon an individual under this section who has two or more prior offenses shall be served consecutively to any other sentence the individual is serving and to any other sentence being then imposed by the court, except for those with which the offense must merge as a matter of law.

(c.3) Sentencing enhancement.--The Pennsylvania Commission on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of guidelines for sentencing), shall provide for a sentencing enhancement for a violation of section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania or for a violation of section 3802(c) or (d) and where the individual has four or more prior offenses.

* * *

(e) Suspension of operating privileges upon conviction.--

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(2) Suspension under paragraph (1) shall be in accordance with the following:

* * *

(ii) 18 months for a misdemeanor of the first degree or felony of the **second or** third degree under this chapter.

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Section 3. This act shall take effect in 120 days.

APPROVED--The 11th day of July, A.D. 2022.

TOM WOLF