
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 15

Session of
2005

INTRODUCED BY DIGIROLAMO, BAKER, BOYD, CALTAGIRONE, CAWLEY,
CLYMER, CRAHALLA, GEIST, GEORGE, GINGRICH, GOOD, GOODMAN,
GRELL, HARPER, HARRIS, JAMES, KAUFFMAN, KIRKLAND, LEDERER,
MUNDY, NICKOL, O'NEILL, PHILLIPS, PICKETT, RAYMOND,
E. Z. TAYLOR, WATSON, YOUNGBLOOD AND THOMAS, AUGUST 24, 2005

SENATOR WENGER, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, APRIL 18, 2006

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of
2 the Pennsylvania Consolidated Statutes, further providing for
3 the Substance Abuse Education and Demand Reduction Fund, for
4 driving under influence of alcohol or controlled substance
5 and for penalties.

6 The General Assembly finds and declares as follows:

7 (1) Driving under the influence of alcohol or a
8 controlled substance is a crime with thousands of victims in
9 this Commonwealth.

10 (2) Evidence exists that victim impact panels are
11 effective in reducing offender recidivism and restoring
12 balance to victims' lives in driving under the influence
13 cases.

14 (3) The purpose of this act is to recognize the value of
15 victim impact panels at reducing offender recidivism and
16 addressing victims' issues, to encourage counties to
17 implement the panels and to establish a coordinating

1 committee to provide standardized guidance for the panels.

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

4 ~~Section 1. Section 7508.1(f)(1) of Title 18 of the~~ <—
5 ~~Pennsylvania Consolidated Statutes is amended to read:~~

6 SECTION 1. SECTION 7508.1(F), (G) AND (I) OF TITLE 18 OF THE <—
7 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

8 § 7508.1. Substance Abuse Education and Demand Reduction Fund.

9 * * *

10 (f) Grants.--Notwithstanding any other provision of law, the
11 commission shall, upon written application and subsequent
12 approval, use moneys received under this section to ANNUALLY <—
13 award grants to [eligible organizations] APPROVED APPLICANTS in <—
14 the following manner:

15 (1) [No] (i) Subject to the provisions of subparagraph
16 (ii), no more than 45% of grant moneys awarded [annually] <—
17 EACH FISCAL YEAR shall go to [programs] NONPROFIT, <—
18 STATEWIDE PROGRAMS TO ASSIST FAMILIES IN ACCESSING
19 ADDICTION TREATMENT SERVICES AND to provide research-
20 based approaches to prevention, intervention, training,
21 treatment and education services to reduce substance
22 abuse [and Statewide programs to assist families in <—
23 accessing such services]. <—

24 (ii) Up to 20% of grant moneys awarded under this
25 paragraph may be used to:

26 (A) Assist in the start-up of victim impact
27 panel programs under 75 Pa.C.S. § 3804(f.1) (relating
28 to penalties).

29 (B) Study the impact outcome and benefits of
30 victim impact panels within this Commonwealth,

1 including the impact of victim impact panels on
2 driving under the influence recidivism and their
3 impact on the well-being of participating victims.

4 (C) Provide assistance for the ongoing operation
5 of victim impact panels.

6 (2) NO MORE THAN 20% OF GRANT MONEYS AWARDED [ANNUALLY] <—
7 EACH FISCAL YEAR SHALL GO TO [STATEWIDE PROGRAMS] ELIGIBLE
8 ORGANIZATIONS TO EDUCATE ABOUT THE DANGERS OF SUBSTANCE ABUSE
9 AND INCREASE THE AWARENESS OF THE BENEFITS OF A DRUG-FREE
10 PENNSYLVANIA THROUGH PUBLIC SERVICE ANNOUNCEMENT CAMPAIGNS
11 TARGETED TOWARD YOUTH, CAREGIVERS OF YOUTH AND EMPLOYERS.

12 (3) NO MORE THAN 20% OF GRANT MONEYS AWARDED [ANNUALLY]
13 EACH FISCAL YEAR SHALL GO TO [STATEWIDE PROGRAMS] ELIGIBLE
14 ORGANIZATIONS TO EDUCATE EMPLOYERS, UNIONS AND EMPLOYEES
15 ABOUT THE DANGERS OF SUBSTANCE ABUSE IN THE WORKPLACE AND
16 PROVIDE COMPREHENSIVE DRUG-FREE WORKPLACE PROGRAMS AND
17 TECHNICAL RESOURCES FOR BUSINESSES, INCLUDING, BUT NOT
18 LIMITED TO, TRAINING FOR WORKING PARENTS TO KEEP THEIR
19 CHILDREN DRUG FREE.

20 (4) TEN PERCENT OF THE GRANT MONEYS AVAILABLE TO BE
21 AWARDED [ANNUALLY] EACH FISCAL YEAR SHALL BE TRANSFERRED
22 ANNUALLY TO THE COMMUNITY DRUG ABUSE PREVENTION GRANT PROGRAM
23 WITHIN THE OFFICE OF ATTORNEY GENERAL.

24 (G) ADMINISTRATION.--THE COMMISSION SHALL DEVELOP
25 GUIDELINES, PROCEDURES AND ALL APPLICATIONS NECESSARY TO
26 IMPLEMENT THE GRANT PROGRAM. THE COMMISSION SHALL EQUITABLY
27 DISTRIBUTE GRANT MONEYS TO APPROVED APPLICANTS [WHO APPLY FOR
28 GRANTS] UNDER SUBSECTION (F)(1) [AND (2)] ACROSS ALL CLASSES OF
29 COUNTIES[.] AND ELIGIBLE ORGANIZATIONS UNDER SUBSECTION (F)(2)
30 AND (3). EACH FISCAL YEAR, THE COMMISSION SHALL AWARD GRANTS

1 EQUALING 90% OF THE BALANCE OF THE MONEYS DEPOSITED INTO THE
2 FUND AS OF JUNE 30 OF THE PREVIOUS FISCAL YEAR. THE MONEYS SHALL
3 BE DISTRIBUTED AS PROVIDED FOR UNDER SUBSECTION (F). NO MORE
4 THAN 5% OF TOTAL MONEYS DEPOSITED IN THE FUND DURING A FISCAL
5 YEAR MAY BE USED BY THE COMMISSION TO ADMINISTER THE PROVISIONS
6 OF THIS SECTION.

7 * * *

8 (I) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING <—
9 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
10 SUBSECTION:

11 "COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND
12 DELINQUENCY.

13 "ELIGIBLE ORGANIZATION." A STATEWIDE ORGANIZATION THAT MEETS
14 ALL OF THE FOLLOWING REQUIREMENTS:

15 (1) POSSESSES FIVE OR MORE CONSECUTIVE YEARS OF
16 EXPERIENCE CARRYING OUT SUBSTANCE ABUSE EDUCATION AND DEMAND
17 REDUCTION OR SUBSTANCE ABUSE TREATMENT PROGRAMS.

18 (2) MAINTAINS A DRUG-FREE WORKPLACE POLICY.

19 (3) HAS AS ITS PURPOSE THE REDUCTION OF SUBSTANCE ABUSE.

20 "FUND." THE SUBSTANCE ABUSE EDUCATION AND DEMAND REDUCTION
21 FUND ESTABLISHED BY THIS SECTION.

22 Section 2. Section 3802(g)(1) of Title 75 is amended to
23 read:

24 § 3802. Driving under influence of alcohol or controlled
25 substance.

26 * * *

27 (g) Exception to two-hour rule.--Notwithstanding the
28 provisions of subsection (a), (b), (c), (e) or (f), where
29 alcohol or controlled substance concentration in an individual's
30 blood or breath is an element of the offense, evidence of such

1 alcohol or controlled substance concentration more than two
2 hours after the individual has driven, operated or been in
3 actual physical control of the movement of the vehicle is
4 sufficient to establish that element of the offense under the
5 following circumstances:

6 (1) where the Commonwealth shows good cause explaining
7 why the chemical test sample could not be [performed]
8 obtained within two hours; and

9 * * *

10 Section 3. Section 3804 of Title 75 is amended by adding a
11 subsection to read:

12 § 3804. Penalties.

13 * * *

14 (f.1) Victim impact panels.--

15 (1) In addition to any other penalty imposed under this
16 section, the court may order a person who violates section
17 3802 to attend a victim impact panel program.

18 (2) A victim impact panel program shall provide a
19 nonconfrontational forum for driving under the influence
20 crash victims, their family members, their friends or other
21 pertinent persons to speak to driving under the influence
22 offenders about the impact of the crash on victims' lives and
23 on the lives of families, friends and neighbors.

24 (3) A victim impact panel shall be administrated through
25 the local office of probation and parole or other office as
26 the court shall determine and shall be operated in
27 consultation with the Mothers Against Drunk Driving-
28 Pennsylvania State Organization.

29 (4) A victim impact panel program may assess a
30 reasonable participation fee to achieve program self-

1 sufficiency but may not operate for profit. The department
2 shall establish an acceptable range of fees.

3 (5) The department shall develop standards and
4 incentives to encourage counties to establish victim impact
5 panel programs. In developing these standards, the department
6 shall establish and chair a coordinating committee among
7 pertinent agencies and organizations, including the
8 Department of Health, the Pennsylvania Commission on Crime
9 and Delinquency, the Office of Victim Advocate, the
10 Administrative Office of Pennsylvania Courts, county
11 officials, the Mothers Against Drunk Driving-Pennsylvania
12 State Organization and the Pennsylvania DUI Association. The
13 standards shall address items including all of the following:

14 (i) Prototype design and structure standards for
15 victim impact panels.

16 (ii) Training standards and curricula for
17 presenters, facilitators and administrators.

18 (iii) Operations policy and guidelines manual.

19 (iv) Evaluation standards, design and structure
20 allowing for the tracking and analysis of recidivism
21 data.

22 (v) Standards for counseling and debriefing
23 activities for victim presenters.

24 (vi) Standards for reimbursing reasonable costs to
25 victims for participation in panels.

26 (vii) Assistance to counties through coordinating
27 potential Federal and State funding streams to carry out
28 this subsection and to assist counties as may be needed.

29 * * *

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