
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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, MAY 1, 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

committee to provide standardized guidance for the panels.

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

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

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

§ 7508.1. Substance Abuse Education and Demand Reduction Fund.

* * *

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

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

[(1) NO MORE THAN 45% OF GRANT MONEYS AWARDED ANNUALLY
SHALL GO TO PROGRAMS TO PROVIDE RESEARCH-BASED APPROACHES TO
PREVENTION, INTERVENTION, TRAINING, TREATMENT AND EDUCATION
SERVICES TO REDUCE SUBSTANCE ABUSE AND STATEWIDE PROGRAMS TO
ASSIST FAMILIES IN ACCESSING SUCH SERVICES.]

(1) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II),
45% OF GRANT MONEYS DEPOSITED INTO THE FUND EACH FISCAL

1 YEAR SHALL BE MADE AVAILABLE TO NONPROFIT ORGANIZATIONS
2 TO PROVIDE RESEARCH-BASED APPROACHES TO PREVENTION,
3 INTERVENTION, TRAINING, TREATMENT AND EDUCATION SERVICES
4 TO REDUCE SUBSTANCE ABUSE OR TO PROVIDE RESOURCES TO
5 ASSIST FAMILIES IN ASSESSING THE SERVICES. NONPROFIT
6 ORGANIZATIONS MAY JOINTLY APPLY FOR GRANT MONEYS WITH A
7 LOCAL GOVERNMENT UNIT, BUT SHALL NOT BE REQUIRED TO DO
8 SO.

9 ~~(ii) Up to 20% of grant moneys awarded under this~~ <—
10 ~~paragraph may be used to:~~

11 ~~(A) Assist in the start up of victim impact~~
12 ~~panel programs under 75 Pa.C.S. § 3804(f.1) (relating~~
13 ~~to penalties).~~

14 ~~(B) Study the impact outcome and benefits of~~
15 ~~victim impact panels within this Commonwealth,~~
16 ~~including the impact of victim impact panels on~~
17 ~~driving under the influence recidivism and their~~
18 ~~impact on the well being of participating victims.~~

19 ~~(C) Provide assistance for the ongoing operation~~
20 ~~of victim impact panels.~~

21 ~~(2) NO MORE THAN 20% OF GRANT MONEYS AWARDED [ANNUALLY]~~ <—
22 ~~EACH FISCAL YEAR SHALL GO TO [STATEWIDE PROGRAMS] ELIGIBLE~~
23 ~~ORGANIZATIONS TO EDUCATE ABOUT THE DANGERS OF SUBSTANCE ABUSE~~
24 ~~AND INCREASE THE AWARENESS OF THE BENEFITS OF A DRUG FREE~~
25 ~~PENNSYLVANIA THROUGH PUBLIC SERVICE ANNOUNCEMENT CAMPAIGNS~~
26 ~~TARGETED TOWARD YOUTH, CAREGIVERS OF YOUTH AND EMPLOYERS.~~

27 ~~(3) NO MORE THAN 20% OF GRANT MONEYS AWARDED [ANNUALLY]~~
28 ~~EACH FISCAL YEAR SHALL GO TO [STATEWIDE PROGRAMS] ELIGIBLE~~
29 ~~ORGANIZATIONS TO EDUCATE EMPLOYERS, UNIONS AND EMPLOYEES~~
30 ~~ABOUT THE DANGERS OF SUBSTANCE ABUSE IN THE WORKPLACE AND~~

1 ~~PROVIDE COMPREHENSIVE DRUG FREE WORKPLACE PROGRAMS AND~~
2 ~~TECHNICAL RESOURCES FOR BUSINESSES, INCLUDING, BUT NOT~~
3 ~~LIMITED TO, TRAINING FOR WORKING PARENTS TO KEEP THEIR~~
4 ~~CHILDREN DRUG FREE.~~

5 ~~(4) TEN PERCENT OF THE GRANT MONEYS AVAILABLE TO BE~~
6 ~~AWARDED [ANNUALLY] EACH FISCAL YEAR SHALL BE TRANSFERRED~~
7 ~~ANNUALLY TO THE COMMUNITY DRUG ABUSE PREVENTION GRANT PROGRAM~~
8 ~~WITHIN THE OFFICE OF ATTORNEY GENERAL.~~

9 (II) (A) UP TO 20% OF GRANT MONEYS AVAILABLE UNDER <—
10 SUBPARAGRAPH (I) MAY BE USED TO:

11 (I) ASSIST IN THE START-UP OF VICTIM IMPACT
12 PANEL PROGRAMS UNDER 75 PA.C.S. § 3804(F.1)
13 (RELATING TO PENALTIES).

14 (II) STUDY THE IMPACT OUTCOME AND BENEFITS
15 OF VICTIM IMPACT PANELS WITHIN THIS COMMONWEALTH,
16 INCLUDING THE IMPACT OF VICTIM IMPACT PANELS ON
17 DRIVING UNDER THE INFLUENCE RECIDIVISM AND THEIR
18 IMPACT ON THE WELL-BEING OF PARTICIPATING
19 VICTIMS.

20 (III) PROVIDE ASSISTANCE FOR THE ONGOING
21 OPERATION OF VICTIM IMPACT PANELS.

22 (B) AN APPLICANT FOR A GRANT UNDER THIS
23 SUBPARAGRAPH MAY BE AN ENTITY OTHER THAN A NONPROFIT
24 ORGANIZATION.

25 (2) [NO MORE THAN 20% OF GRANT MONEYS AWARDED ANNUALLY
26 SHALL GO TO STATEWIDE PROGRAMS TO EDUCATE ABOUT THE DANGERS
27 OF SUBSTANCE ABUSE AND INCREASE THE AWARENESS OF THE BENEFITS
28 OF A DRUG-FREE PENNSYLVANIA THROUGH PUBLIC SERVICE
29 ANNOUNCEMENT CAMPAIGNS TARGETED TOWARD YOUTH, CAREGIVERS OF
30 YOUTH AND EMPLOYERS.] TWENTY PERCENT OF GRANT MONEYS

1 DEPOSITED INTO THE FUND EACH FISCAL YEAR SHALL BE MADE
2 AVAILABLE TO ELIGIBLE ORGANIZATIONS TO EDUCATE YOUTH,
3 CAREGIVERS OF YOUTH AND EMPLOYERS ABOUT THE DANGERS OF
4 SUBSTANCE ABUSE AND TO INCREASE THE AWARENESS OF THE BENEFITS
5 OF A DRUG-FREE PENNSYLVANIA THROUGH MEDIA-RELATED EFFORTS
6 THAT MAY INCLUDE PUBLIC SERVICE ANNOUNCEMENTS, PUBLIC
7 AWARENESS CAMPAIGNS AND MEDIA LITERACY.

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

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

22 (G) ADMINISTRATION.--THE COMMISSION SHALL DEVELOP
23 GUIDELINES[, PROCEDURES AND ALL APPLICATIONS] AND PROCEDURES <—
24 NECESSARY TO IMPLEMENT THE GRANT PROGRAM. THE COMMISSION SHALL
25 EQUITABLY DISTRIBUTE GRANT MONEYS TO APPROVED APPLICANTS [WHO
26 APPLY FOR GRANTS] UNDER SUBSECTION (F)(1) [AND (2)] ACROSS ALL <—
27 CLASSES OF COUNTIES+.] AND ELIGIBLE ORGANIZATIONS UNDER <—
28 SUBSECTION (F)(2) AND (3). EACH FISCAL YEAR, THE COMMISSION
29 SHALL AWARD GRANTS EQUALING 90% OF THE BALANCE OF THE MONEYS <—
30 DEPOSITED INTO THE FUND AS OF JUNE 30 OF THE PREVIOUS FISCAL

1 ~~YEAR. THE MONEYS SHALL BE DISTRIBUTED AS PROVIDED FOR UNDER~~
2 ~~SUBSECTION (F).~~ MAKE AVAILABLE GRANT MONEYS EQUALING, EXCEPT FOR <—
3 FUNDS TO BE TRANSFERRED UNDER SUBSECTION (F)(4) AND
4 ADMINISTRATIVE FUNDS AS PROVIDED FOR IN THIS SUBSECTION, THE
5 BALANCE OF MONEYS DEPOSITED INTO THE FUND OF JUNE 30 OF THE
6 PREVIOUS FISCAL YEAR. NO MORE THAN 5% OF TOTAL MONEYS DEPOSITED
7 IN THE FUND DURING A FISCAL YEAR MAY BE USED BY THE COMMISSION
8 TO ADMINISTER THE PROVISIONS OF THIS SECTION.

9 * * *

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

13 "COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND
14 DELINQUENCY.

15 "ELIGIBLE ORGANIZATION." A STATEWIDE ORGANIZATION THAT MEETS
16 ALL OF THE FOLLOWING REQUIREMENTS:

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

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

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

22 "FUND." THE SUBSTANCE ABUSE EDUCATION AND DEMAND REDUCTION
23 FUND ESTABLISHED BY THIS SECTION.

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

26 § 3802. Driving under influence of alcohol or controlled
27 substance.

28 * * *

29 (g) Exception to two-hour rule.--Notwithstanding the
30 provisions of subsection (a), (b), (c), (e) or (f), where

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

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

11 * * *

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

14 § 3804. Penalties.

15 * * *

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

17 (1) In addition to any other penalty imposed under this
18 section, the court may order a person who violates section
19 3802 to attend a victim impact panel program.

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

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

1 (4) A victim impact panel program may assess a
2 reasonable participation fee to achieve program self-
3 sufficiency but may not operate for profit. The department
4 shall establish an acceptable range of fees.

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

16 (i) Prototype design and structure standards for
17 victim impact panels.

18 (ii) Training standards and curricula for
19 presenters, facilitators and administrators.

20 (iii) Operations policy and guidelines manual.

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

24 (v) Standards for counseling and debriefing
25 activities for victim presenters.

26 (vi) Standards for reimbursing reasonable costs to
27 victims for participation in panels.

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

1 * * *

2 Section 4. This act shall take effect ~~in 60 days~~

<—

3 IMMEDIATELY.

<—