

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 771 Session of 2009

INTRODUCED BY RAFFERTY, ALLOWAY, ORIE, EARLL, PICCOLA AND LOGAN,
APRIL 6, 2009

REFERRED TO TRANSPORTATION, APRIL 6, 2009

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in driving after imbibing alcohol or utilizing
3 drugs, providing for limitations on discovery.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3818. Limitations on discovery.

9 A defendant charged with a violation of section 3802
10 (relating to driving under influence of alcohol or controlled
11 substance) and the defendant's attorney shall have no right to
12 discover from the Commonwealth any of the following:

13 (1) Any manual, schematic or software of the instrument
14 used to test the blood or breath of the defendant or any
15 other material that is not in the actual possession of the
16 Commonwealth.

17 (2) Information relating to the instrument used to test
18 the blood or breath of the defendant that is in the

- 1 possession of the manufacturer of the instrument.
- 2 Section 2. This act shall take effect in 60 days.