

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1239 Session of 2014

INTRODUCED BY RAFFERTY, STACK, ERICKSON, VULAKOVICH, GORDNER, SCHWANK, TOMLINSON, BRUBAKER, SOLOBAY AND DINNIMAN, JANUARY 24, 2014

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 17, 2014

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, IN DRIVING AFTER IMBIBING ALCOHOL OR UTILIZING <--
3 DRUGS, further providing for grading AND FOR PRIOR OFFENSES. <--

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

6 Section 1. ~~Section 3803(a) of Title 75 of the Pennsylvania~~ <--
7 ~~Consolidated Statutes is amended to read:~~

8 SECTION 1. SECTIONS 3803(A) AND 3806(B) OF TITLE 75 OF THE <--
9 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 3803. Grading.

11 (a) Basic offenses.--[Notwithstanding the provisions of]

12 Except as provided in subsection (b):

13 (1) An individual who violates section 3802(a) (relating
14 to driving under influence of alcohol or controlled
15 substance) and has no more than one prior offense commits a
16 misdemeanor for which the individual may be sentenced to a
17 term of imprisonment of not more than six months and to pay a

1 fine under section 3804 (relating to penalties).

2 (2) An individual who violates section 3802(a) and has  
3 more than one prior offense commits a misdemeanor of the  
4 second degree.

5 \* \* \*

6 § 3806. PRIOR OFFENSES. <--

7 \* \* \*

8 (B) REPEAT OFFENSES WITHIN TEN YEARS.--THE CALCULATION OF  
9 PRIOR OFFENSES FOR PURPOSES OF SECTIONS 1553(D.2) (RELATING TO  
10 OCCUPATIONAL LIMITED LICENSE), 3803 (RELATING TO GRADING) AND  
11 3804 (RELATING TO PENALTIES) SHALL INCLUDE ANY CONVICTION,  
12 WHETHER OR NOT JUDGMENT OF SENTENCE HAS BEEN IMPOSED FOR THE  
13 VIOLATION, ADJUDICATION OF DELINQUENCY, JUVENILE CONSENT DECREE,  
14 ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION OR OTHER  
15 FORM OF PRELIMINARY DISPOSITION WITHIN THE TEN YEARS BEFORE THE  
16 [PRESENT VIOLATION OCCURRED] SENTENCING ON THE PRESENT VIOLATION  
17 FOR ANY OF THE FOLLOWING:

- 18 (1) AN OFFENSE UNDER SECTION 3802;  
19 (2) AN OFFENSE UNDER FORMER SECTION 3731;  
20 (3) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER  
21 PARAGRAPH (1) OR (2) IN ANOTHER JURISDICTION; OR  
22 (4) ANY COMBINATION OF THE OFFENSES SET FORTH IN  
23 PARAGRAPH (1), (2) OR (3).

24 SECTION 2. THE AMENDMENT OF 75 PA.C.S. § 3806(B) SHALL APPLY  
25 TO PERSONS SENTENCED ON OR AFTER THE EFFECTIVE DATE OF THIS  
26 SECTION.

27 Section ~~2~~ 3. This act shall take effect ~~immediately.~~ AS <--  
28 FOLLOWS:

- 29 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
30 IMMEDIATELY:

1 (I) THIS SECTION.

2 (II) THE AMENDMENT OF 75 PA.C.S. § 3803(A).

3 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
4 DAYS.