THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 916 Session of 2019

INTRODUCED BY STEPHENS, MURT, CALTAGIRONE, MILLARD, DeLUCA, MENTZER, PYLE, BERNSTINE, ROTHMAN, NEILSON, WARREN, HERSHEY, WEBSTER AND T. DAVIS, MARCH 20, 2019

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 18, 2020

AN ACT

- Amending Title 75 (Vehicles) of the Pennsylvania Consolidated 2 Statutes, in general provisions, further providing for definitions; and, in driving after imbibing alcohol or utilizing drugs, providing for evaluation for substance monitoring. AMENDING TITLE 75 (VEHICLES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, IN GENERAL PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN LICENSING OF DRIVERS, FURTHER PROVIDING FOR SUSPENSION OF OPERATING PRIVILEGE, FOR THE OFFENSE OF DRIVING 9 WHILE OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AND FOR 10 IGNITION INTERLOCK LIMITED LICENSE AND PROVIDING FOR RELIEF 11 FROM ADMINISTRATIVE SUSPENSION PROGRAM; AND, IN DRIVING AFTER 12 IMBIBING ALCOHOL OR UTILIZING DRUGS, FURTHER PROVIDING FOR 13 GRADING, FOR PENALTIES, FOR IGNITION INTERLOCK, FOR PRIOR 14 OFFENSES, FOR ACCELERATED REHABILITATIVE DISPOSITION, FOR 15 DRUG AND ALCOHOL ASSESSMENTS AND FOR MANDATORY SENTENCING AND 16 PROVIDING FOR SUBSTANCE MONITORING PROGRAM. 17 THIS ACT MAY BE REFERRED TO AS DEANA'S LAW. 18 19 The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: 21 Section 1. Section 102 of Title 75 of the Pennsylvania Consolidated Statutes is amended by adding definitions to read: 23 § 102. Definitions.
- 24 Subject to additional definitions contained in subsequent-

1	provisions of this title which are applicable to specific
2	provisions of this title, the following words and phrases when
3	used in this title shall have, unless the context clearly
4	indicates otherwise, the meanings given to them in this section:
5	* * *
6	"Continuous alcohol monitoring device." A monitoring device
7	or instrument that:
8	(1) is attached to the individual;
9	(2) is designed to automatically test the alcohol
10	content in an individual by contact with the skin of the
11	individual at least once per one-half hour regardless of the-
12	<pre>location on the individual;</pre>
13	(3) detects the presence of alcohol; and
14	(4) detects an attempt to tamper with, obstruct or
15	remove the device or instrument.
16	* * *
17	"Remote breath testing device." An unsupervised mobile
18	breath testing device that:
19	(1) is not affixed to a motor vehicle;
20	(2) has the ability to confirm the identity and location
21	of the individual; and
22	(3) detects the presence of alcohol.
23	* * *
24	"Substance monitoring program." The required use of or
25	participation in one or more of the following for no less than
26	90 days as a condition of bail:
27	(1) A continuous alcohol monitoring device, remote
28	breath testing device or any other alcohol monitoring
29	technology or device.
30	(2) Random drug testing or any other controlled

1	substance monitoring technology or device.
2	* * *
3	Section 2. Title 75 is amended by adding a section to read:
4	§ 3818. Evaluation for substance monitoring.
5	(a) Evaluation required. In all of the following
6	circumstances an individual shall be evaluated by a court to
7	determine whether, at the court's discretion, the individual may
8	be ordered to participate in a substance monitoring program:
9	(1) While adjudication of a violation of section 3802
0	(relating to driving under influence of alcohol or controlled
.1	substance) is pending for an individual who has one or more
_2	prior convictions for an offense under section 3802 within 10
_3	years of the current offense.
4	(2) While adjudication of two or more violations of
.5	section 3802 is concurrently pending for an individual.
6	(b) Determination and costs to be paid. If the court
_7	requires an individual to participate in a substance monitoring
8 .	program after an evaluation is administered under subsection
9	(a), the individual shall pay for all costs associated with the
20	substance monitoring program, including administrative and
21	operating costs or costs associated with any required devices or
22	technologies. The court may authorize the county to finance
23	costs associated with the substance monitoring program if the
24	court, at any time, determines the individual lacks the
25	financial ability to pay all or part of costs associated with a
26	substance monitoring program.
27	(c) Financial inquiry A court determination under
28	subsection (b) shall be based on an appropriate inquiry into the
29	financial circumstances of the individual required to
30	participate in a substance monitoring program and an affidavit

- 1 or certificate, signed by that individual, demonstrating
- 2 financial inability to pay all or part of the costs associated
- 3 with the substance monitoring program.
- 4 (d) Prohibitions. An individual required to participate in
- 5 <u>a substance monitoring program is prohibited from all of the</u>
- 6 following for the duration of the substance monitoring program:
- 7 (1) Imbibing alcohol, using controlled substances or
- 8 both as determined by the court.
- 9 <u>(2) Tampering with any devices or technologies</u>
- 10 associated with the substance monitoring program.
- 11 (3) Failing to comply with any other requirements
- 12 <u>ordered by the court as part of the substance monitoring</u>
- 13 program.
- 14 (e) Construction. Nothing in this section shall be
- 15 construed to prohibit a court from performing a substance
- 16 monitoring program evaluation on an individual pending
- 17 adjudication for a single violation of section 3802 with no-
- 18 previous convictions for an offense under section 3802 within
- 19 the previous 10 years.
- 20 Section 3. This act shall take effect in 60 days.
- 21 SECTION 1. SECTION 102 OF TITLE 75 OF THE PENNSYLVANIA
- 22 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:

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- 23 § 102. DEFINITIONS.
- 24 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
- 25 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
- 26 PROVISIONS OF THIS TITLE, THE FOLLOWING WORDS AND PHRASES WHEN
- 27 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY
- 28 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:
- 29 * * *
- 30 "CONTINUOUS ALCOHOL MONITORING DEVICE." A MONITORING DEVICE

- 1 OR INSTRUMENT THAT:
- 2 (1) IS ATTACHED TO AN INDIVIDUAL;
- 3 (2) IS DESIGNED TO AUTOMATICALLY AND FREQUENTLY TEST THE
- 4 PRESENCE OF ALCOHOL IN THE INDIVIDUAL REGARDLESS OF THE
- 5 METHOD BY WHICH THE DEVICE OR INSTRUMENT IS ATTACHED TO THE
- 6 <u>INDIVIDUAL;</u>
- 7 (3) DETECTS THE PRESENCE OF ALCOHOL; AND
- 8 <u>(4) DETECTS AN ATTEMPT TO TAMPER WITH, OBSTRUCT OR</u>
- 9 REMOVE THE DEVICE OR INSTRUMENT.
- 10 * * *
- 11 "REMOTE BREATH TESTING DEVICE." AN UNSUPERVISED MOBILE
- 12 BREATH TESTING DEVICE THAT:
- 13 <u>(1) IS NOT AFFIXED TO A MOTOR VEHICLE;</u>
- 14 (2) HAS THE ABILITY TO CONFIRM THE IDENTITY AND LOCATION
- 15 OF AN INDIVIDUAL; AND
- 16 (3) DETECTS THE PRESENCE OF ALCOHOL.
- 17 * * *
- 18 "SUBSTANCE MONITORING PROGRAM." THE COURT-ORDERED USE OF OR
- 19 PARTICIPATION IN ANY ONE OR BOTH OF THE FOLLOWING AS A CONDITION
- 20 OF BAIL, PROBATION OR PAROLE CONSISTENT WITH SECTION 3818
- 21 (RELATING TO SUBSTANCE MONITORING PROGRAM):
- 22 (1) A CONTINUOUS ALCOHOL MONITORING DEVICE, REMOTE
- 23 BREATH TESTING DEVICE OR ANY OTHER ALCOHOL MONITORING
- 24 TECHNOLOGY OR DEVICE, AS DETERMINED BY THE COURT.
- 25 (2) RANDOM DRUG TESTING OR ANY OTHER CONTROLLED
- 26 SUBSTANCE MONITORING TECHNOLOGY OR DEVICE, AS DETERMINED BY
- THE COURT.
- 28 * * *
- 29 SECTION 2. SECTION 1532(D) OF TITLE 75 IS AMENDED AND
- 30 SUBSECTION (B) IS AMENDED BY ADDING A PARAGRAPH TO READ:

1	§ 1532. SUSPENSION OF OPERATING PRIVILEGE.
2	* * *
3	(B) SUSPENSION
4	* * *
5	(6) BEGINNING AS SOON AS PRACTICABLE, BUT NO LATER THAN
6	10 MONTHS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, THE
7	DEPARTMENT SHALL UPDATE DRIVER RECORDS AS FOLLOWS:
8	(I) IF A DRIVER RECORD SHOWS ON THE EFFECTIVE DATE
9	OF THIS PARAGRAPH AN ACTIVE SANCTION IMPOSED BY THE
10	DEPARTMENT FOR A CONVICTION OF ANY OFFENSE UNDER A
11	FEDERAL, STATE OR OTHER STATE'S CONTROLLED SUBSTANCE
12	LAWS, EXCEPT FOR AN OFFENSE UNDER SECTION 1532(A), THE
13	DRIVER RECORD WILL BE CHANGED TO INDICATE THE ACTIVE
14	DEPARTMENTAL SANCTION HAS ENDED. THE FOLLOWING SHALL
15	APPLY:
16	(A) IF THE ENDING OF THE ACTIVE DEPARTMENTAL
17	SANCTION MEANS A DRIVER'S OPERATING PRIVILEGE IS
18	ELIGIBLE FOR RESTORATION, NO POINTS WILL BE PLACED ON
19	THE DRIVER RECORD AS REQUIRED BY SECTION 1545
20	(RELATING TO RESTORATION OF OPERATING PRIVILEGE) AND
21	NO RESTORATION FEE SHALL BE IMPOSED AS REQUIRED BY
22	SECTION 1960 (RELATING TO REINSTATEMENT OF OPERATING
23	PRIVILEGE OR VEHICLE REGISTRATION).
24	(B) IF A DRIVER RECORD SHOWS A PENDING
25	DEPARTMENTAL SANCTION AFTER THE ACTIVE SANCTION
26	IMPOSED BY THE DEPARTMENT FOR A CONVICTION OF ANY
27	OFFENSE UNDER A FEDERAL, STATE OR OTHER STATE'S
28	CONTROLLED SUBSTANCE LAWS, EXCEPT FOR AN OFFENSE
29	UNDER SECTION 1532(A), THE EFFECTIVE DATES OF THE
30	PENDING DEPARTMENTAL SANCTION WILL BE ADJUSTED AS IF

1	THE ACTIVE SANCTION ENDED UNDER THIS SUBSECTION HAD
2	BEEN RESCINDED FROM THE RECORD.
3	(II) IF A DRIVER RECORD SHOWS ON THE EFFECTIVE DATE
4	OF THIS PARAGRAPH A PENDING SANCTION IMPOSED BY THE
5	DEPARTMENT FOR A CONVICTION OF ANY OFFENSE UNDER A
6	FEDERAL, STATE OR OTHER STATE'S CONTROLLED SUBSTANCE
7	LAWS, EXCEPT FOR AN OFFENSE UNDER SECTION 1532(A), THE
8	DRIVER RECORD WILL BE CHANGED TO INDICATE THAT THE
9	PENDING SANCTION WILL NOT BE IMPOSED. THE EFFECTIVE DATES
10	FOR A DEPARTMENTAL SANCTION TO BE IMPOSED AFTER A
11	CONVICTION OF ANY OFFENSE UNDER A FEDERAL, STATE OR OTHER
12	STATE'S CONTROLLED SUBSTANCE LAWS WILL BE ADJUSTED AS IF
13	THE CONTROLLED SUBSTANCE-RELATED DEPARTMENTAL SANCTION
14	HAD BEEN RESCINDED FROM THE RECORD.
15	(III) IF A DRIVER RECORD SHOWS ON THE EFFECTIVE DATE
16	OF THIS PARAGRAPH AN ACTIVE SUSPENSION IMPOSED UNDER
17	FORMER SUBSECTION (D), THE DRIVER RECORD WILL BE CHANGED
18	TO INDICATE THE SUSPENSION HAS ENDED. THE FOLLOWING SHALL
19	APPLY:
20	(A) IF THE ENDING OF THE SUSPENSION MEANS THE
21	DRIVER'S OPERATING PRIVILEGE IS ELIGIBLE FOR
22	RESTORATION, NO RESTORATION FEE SHALL BE IMPOSED AS
23	REQUIRED BY SECTION 1960.
24	(B) IF THE DRIVER RECORD SHOWS ANY PENDING
25	DEPARTMENTAL SANCTION AFTER THE SUSPENSION IMPOSED
26	UNDER FORMER SUBSECTION (D), THE EFFECTIVE DATES OF
27	ANY SUCH PENDING DEPARTMENTAL SANCTION WILL BE
28	ADJUSTED AS IF THE SUSPENSION ENDED UNDER THIS
29	SECTION HAD BEEN RESCINDED FROM THE RECORD.
30	(IV) IF THE DRIVER RECORD SHOWS ON THE EFFECTIVE

1	DATE OF THIS PARAGRAPH A PENDING SUSPENSION IMPOSED UNDER
2	FORMER SUBSECTION (D), THE DRIVER RECORD WILL BE CHANGED
3	TO INDICATE THE SUSPENSION WILL NOT BE IMPOSED. THE
4	EFFECTIVE DATES FOR ANY DEPARTMENTAL SANCTIONS TO BE
5	IMPOSED AFTER THE PENDING SUSPENSION UNDER FORMER
6	SUBSECTION (D) WILL BE ADJUSTED AS IF THE PENDING
7	SUSPENSION HAD BEEN RESCINDED FROM THE RECORD.
8	* * *
9	[(D) ADDITIONAL SUSPENSION THE DEPARTMENT SHALL SUSPEND
10	THE OPERATING PRIVILEGE OF ANY PERSON UPON RECEIVING A CERTIFIED
11	RECORD OF THE DRIVER'S CONVICTION, ADJUDICATION OF DELINQUENCY
12	OR ADMISSION INTO A PREADJUDICATION PROGRAM FOR A VIOLATION
13	UNDER 18 PA.C.S. § 6307 (RELATING TO MISREPRESENTATION OF AGE TO
14	SECURE LIQUOR OR MALT OR BREWED BEVERAGES), 6308 (RELATING TO
15	PURCHASE, CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR OR
16	MALT OR BREWED BEVERAGES) OR 6310.3 (RELATING TO CARRYING A
17	FALSE IDENTIFICATION CARD). THE DURATION OF THE SUSPENSION SHALL
18	BE AS FOLLOWS:
19	(1) FOR A FIRST OFFENSE, THE DEPARTMENT SHALL IMPOSE A
20	SUSPENSION FOR A PERIOD OF 90 DAYS.
21	(2) FOR A SECOND OFFENSE, THE DEPARTMENT SHALL IMPOSE A
22	SUSPENSION FOR A PERIOD OF ONE YEAR.
23	(3) FOR A THIRD AND SUBSEQUENT OFFENSE, THE DEPARTMENT
24	SHALL IMPOSE A SUSPENSION FOR A PERIOD OF TWO YEARS. ANY
25	MULTIPLE SUSPENSIONS IMPOSED SHALL BE SERVED CONSECUTIVELY.
26	COURTS MAY CERTIFY THE CONVICTION, ADJUDICATION OF
27	DELINQUENCY OR ADMISSION INTO THE PREADJUDICATION PROGRAM ON THE
28	SAME FORM USED TO SUBMIT THE ORDER OF SUSPENSION REQUIRED UNDER
29	THE PROVISIONS OF 18 PA.C.S. § 6310.4 (RELATING TO RESTRICTION
30	OF OPERATING PRIVILEGES). WHEREVER PRACTICABLE, THE SUSPENSION

- 1 IMPOSED UNDER THIS SECTION SHALL BE MADE CONCURRENT WITH THE
- 2 SUSPENSION IMPOSED UNDER THE PROVISIONS OF 18 PA.C.S. § 6310.4.
- 3 ALL OFFENSES COMMITTED ON OR AFTER MAY 23, 1988, SHALL BE
- 4 INCLUDED IN CONSIDERING WHETHER AN OFFENSE IS A FIRST, SECOND,
- 5 THIRD OR SUBSEQUENT OFFENSE.]
- 6 SECTION 2.1. SECTIONS 1543(B) (1.1) (I) AND 1556(B) (1) AND (2)
- 7 OF TITLE 75 ARE AMENDED TO READ:
- 8 § 1543. DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR
- 9 REVOKED.
- 10 * * *
- 11 (B) CERTAIN OFFENSES.--
- 12 * * *
- 13 (1.1) (I) A PERSON WHO HAS AN AMOUNT OF ALCOHOL BY
- 14 WEIGHT IN HIS BLOOD THAT IS EQUAL TO OR GREATER THAN .02%
- 15 AT THE TIME OF TESTING OR WHO AT THE TIME OF TESTING HAS
- 16 IN HIS BLOOD ANY AMOUNT OF A SCHEDULE I OR NONPRESCRIBED
- 17 SCHEDULE II OR III CONTROLLED SUBSTANCE, AS DEFINED IN
- 18 THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE
- 19 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR
- 20 ITS METABOLITE OR [WHO REFUSES TESTING OF BLOOD OR
- 21 BREATH] WHO REFUSES TESTING OF BREATH UNDER SECTION 1547
- 22 (RELATING TO CHEMICAL TESTING TO DETERMINE AMOUNT OF
- 23 ALCOHOL OR CONTROLLED SUBSTANCE) OR CHEMICAL TESTING OF
- 24 BLOOD PURSUANT TO A VALID SEARCH WARRANT, COURT ORDER OR
- 25 ANY OTHER BASIS PERMISSIBLE BY THE CONSTITUTION OF THE
- 26 UNITED STATES AND THE CONSTITUTION OF PENNSYLVANIA, AND
- 27 WHO DRIVES A MOTOR VEHICLE ON ANY HIGHWAY OR TRAFFICWAY
- 28 OF THIS COMMONWEALTH AT A TIME WHEN THE PERSON'S
- 29 OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A
- 30 CONDITION OF ACCEPTANCE OF ACCELERATED REHABILITATIVE

1 DISPOSITION FOR A VIOLATION OF SECTION 3802 OR FORMER

SECTION 3731 OR BECAUSE OF A VIOLATION OF SECTION 1547(B)

3 (1) OR 3802 OR FORMER SECTION 3731 OR IS SUSPENDED UNDER

4 SECTION 1581 FOR AN OFFENSE SUBSTANTIALLY SIMILAR TO A

5 VIOLATION OF SECTION 3802 OR FORMER SECTION 3731 SHALL,

UPON A FIRST CONVICTION, BE GUILTY OF A SUMMARY OFFENSE

AND SHALL BE SENTENCED TO PAY A FINE OF \$1,000 AND TO

UNDERGO IMPRISONMENT FOR A PERIOD OF NOT LESS THAN 90

9 DAYS.

10 * * *

11 § 1556. IGNITION INTERLOCK LIMITED LICENSE.

12 * * *

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- 13 (B) PETITION.--
- 14 (1) AN APPLICANT FOR AN IGNITION INTERLOCK LIMITED
- 15 LICENSE SHALL FILE A PETITION WITH THE DEPARTMENT, BY
- 16 CERTIFIED MAIL, ON A FORM PRESCRIBED BY THE DEPARTMENT[, AND
- 17 SHALL INCLUDE PROOF THAT AN APPROVED IGNITION INTERLOCK
- 18 SYSTEM, AS DEFINED IN SECTION 3801, HAS BEEN INSTALLED IN ONE
- 19 OR MORE MOTOR VEHICLES THAT THE APPLICANT SEEKS PERMISSION TO
- 20 OPERATE]. THE PETITION SHALL INCLUDE PROOF OF FINANCIAL
- 21 RESPONSIBILITY COVERING EACH VEHICLE THE APPLICANT REQUESTS
- TO BE PERMITTED TO OPERATE. UPON APPROVAL OF THE PETITION,
- THE IGNITION INTERLOCK SYSTEM SHALL BE INSTALLED IN ANY MOTOR
- 24 VEHICLE TO BE OPERATED BY THE APPLICANT, AND PROOF OF
- 25 INSTALLATION SHALL BE PROVIDED BY THE IGNITION INTERLOCK
- 26 DEVICE VENDOR.
- 27 (2) [THE PETITION SHALL ALSO INCLUDE PROOF OF FINANCIAL
- 28 RESPONSIBILITY COVERING EACH VEHICLE THE APPLICANT REQUESTS
- 29 TO BE PERMITTED TO OPERATE.] THE DEPARTMENT SHALL PROMULGATE
- 30 REGULATIONS TO REQUIRE ADDITIONAL INFORMATION AS WELL AS

- 1 ADDITIONAL EVIDENCE TO VERIFY THE INFORMATION CONTAINED IN
- 2 THE PETITION.
- 3 * * *
- 4 SECTION 2.2. CHAPTER 15 OF TITLE 75 IS AMENDED BY ADDING A
- 5 SUBCHAPTER TO READ:
- 6 SUBCHAPTER E
- 7 <u>RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM</u>
- 8 SEC.
- 9 1591. DEFINITIONS.
- 10 1592. RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM.
- 11 1593. PROGRAM REQUIREMENTS.
- 12 1594. USE OF REVENUE.
- 13 <u>1595. PROCEEDINGS RELATING TO VIOLATIONS BARRED.</u>
- 14 § 1591. DEFINITIONS.
- THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
- 16 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
- 17 CONTEXT CLEARLY INDICATES OTHERWISE:
- 18 "COURT." THE ISSUING AUTHORITY OR COURT OF COMPETENT
- 19 JURISDICTION WHICH NOTIFIED THE DEPARTMENT OF AN INDIVIDUAL'S
- 20 FAILURE TO RESPOND THAT RESULTED IN THE INDEFINITE SUSPENSION OF
- 21 THAT INDIVIDUAL'S OPERATING PRIVILEGE UNDER SECTION 1533
- 22 (RELATING TO SUSPENSION OF OPERATING PRIVILEGE FOR FAILURE TO
- 23 RESPOND TO CITATION).
- 24 "PROGRAM." THE RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM
- 25 ESTABLISHED UNDER SECTION 1592 (RELATING TO RELIEF FROM
- 26 ADMINISTRATIVE SUSPENSION PROGRAM).
- 27 § 1592. RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM.
- 28 (A) ESTABLISHMENT.--THE DEPARTMENT, IN CONSULTATION WITH THE
- 29 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, SHALL ESTABLISH
- 30 THE RELIEF FROM ADMINISTRATIVE SUSPENSION PROGRAM THAT SHALL

- 1 BEGIN ON THE EFFECTIVE DATE OF THIS SECTION AND END 12 MONTHS
- 2 AFTER THE EFFECTIVE DATE OF THIS SECTION.
- 3 (B) PURPOSES.--THE PROGRAM SHALL PERMIT THE DEPARTMENT TO
- 4 RESTORE THE OPERATING PRIVILEGES OF ELIGIBLE INDIVIDUALS FROM
- 5 SUSPENSIONS IMPOSED UNDER SECTIONS 1533(A), (B) OR (D) (RELATING
- 6 TO SUSPENSION OF OPERATING PRIVILEGE FOR FAILURE TO RESPOND TO
- 7 CITATION), 1543(A) (RELATING TO DRIVING WHILE OPERATING
- 8 PRIVILEGE IS SUSPENDED OR REVOKED) AND 1544(A) (RELATING TO
- 9 ADDITIONAL PERIOD OF REVOCATION OR SUSPENSION).
- 10 (C) DUTIES.--THE DEPARTMENT, IN CONSULTATION WITH THE
- 11 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS, SHALL:
- 12 (1) REVIEW THE APPLICATIONS FILED FOR RELIEF UNDER THE
- PROGRAM AND MAKE A DETERMINATION AS TO THE APPLICANT'S
- 14 ELIGIBILITY FOR RELIEF WITHIN 30 DAYS OF RECEIPT OF THE
- 15 APPLICATION AND ALL OTHER REQUIRED ITEMS.
- 16 (2) DETERMINE IF AN APPLICANT HAS SATISFIED ALL COURT-
- 17 ORDERED OBLIGATIONS WHICH RESULTED IN A SUSPENSION OF THE
- APPLICANT'S OPERATING PRIVILEGE UNDER SECTION 1533(A), (B) OR
- 19 (D).
- 20 (3) DETERMINE IF AN APPLICANT WAS CONVICTED OF ONE OR
- 21 MORE VIOLATIONS UNDER SECTION 1543(A) THAT OCCURRED ONLY AS
- 22 THE RESULT OF A SUSPENSION IMPOSED UNDER THE AUTHORITY OF
- 23 SECTION 1533 OR 6146 (RELATING TO ENFORCEMENT AGREEMENTS) AND
- 24 IS CURRENTLY SERVING OR WILL SERVE AN OPERATING PRIVILEGE
- 25 SUSPENSION FOR A SECTION 1543(A) CONVICTION.
- 26 (4) DETERMINE WHETHER THE GRANTING OF RELIEF UNDER THE
- 27 <u>PROGRAM WOULD RESULT IN IMMEDIATE RESTORATION OF THE</u>
- 28 APPLICANT'S OPERATING PRIVILEGE.
- 29 (5) PRIORITIZE THE PROCESSING OF APPLICATIONS FOR WHICH
- 30 THE GRANTING OF RELIEF WILL RESULT IN AN IMMEDIATE

1	RESTORATION OF THE APPLICANT'S OPERATING PRIVILEGE.
2	(6) UPDATE ELIGIBLE APPLICANTS' DRIVER'S RECORDS AND
3	RESTORE THE OPERATING PRIVILEGE OF APPLICANTS AS PERMITTED
4	UNDER THIS TITLE.
5	(D) ELIGIBILITY THE PROGRAM SHALL BE AVAILABLE TO AN
6	INDIVIDUAL WHO MEETS THE FOLLOWING CRITERIA:
7	(1) THE INDIVIDUAL'S OPERATING PRIVILEGE HAS BEEN
8	INDEFINITELY SUSPENDED UNDER SECTION 1533(A), (B) OR (D)
9	PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.
10	(2) THE DEPARTMENT'S RECORDS SHOW THAT THE INDIVIDUAL'S
11	OPERATING PRIVILEGE WILL BE OR IS SUSPENDED FOR A CONVICTION
12	UNDER SECTION 1543(A) ONLY AS A RESULT OF A SUSPENSION
13	IMPOSED UNDER THE AUTHORITY OF SECTION 1533 OR 6146 PRIOR TO
14	THE EFFECTIVE DATE OF THIS SECTION.
15	(3) THE INDIVIDUAL HAS SERVED ANY OPERATING PRIVILEGE
16	SUSPENSION REQUIRED BY THE UNDERLYING OFFENSE WHICH RESULTED
17	IN VIOLATION OF SECTION 1533(A), (B) OR (D).
18	(4) THE INDIVIDUAL HAS SUBMITTED A COMPLETED APPLICATION
19	FOR RELIEF TO THE DEPARTMENT ON A FORM PRESCRIBED BY THE
20	DEPARTMENT. THE FOLLOWING ITEMS MUST ALSO BE SUBMITTED WITH
21	THE APPLICATION:
22	(I) THE RESTORATION FEE; AND
23	(II) PROOF OF FINANCIAL RESPONSIBILITY; OR
24	(III) IN THE CASE OF AN INDIVIDUAL WHO DOES NOT OWN
25	A MOTOR VEHICLE CURRENTLY REGISTERED IN THIS
26	COMMONWEALTH, A SIGNED STATEMENT CERTIFYING THAT THE
27	INDIVIDUAL DOES NOT OWN A MOTOR VEHICLE CURRENTLY
28	REGISTERED IN THIS COMMONWEALTH.
29	(E) PROHIBITIONS AN INDIVIDUAL SHALL BE PROHIBITED FROM
30	RECEIVING RELIEF UNDER THE PROGRAM FOR CONVICTIONS OF VIOLATIONS

- 1 COMMITTED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION.
- 2 (F) REINSTATEMENT.--THE DEPARTMENT SHALL AMEND ELIGIBLE
- 3 INDIVIDUALS' DRIVER'S RECORDS TO SHOW THEY SATISFIED ALL COURT-
- 4 ORDERED OBLIGATIONS WHICH RESULTED IN A SUSPENSION OF THE
- 5 INDIVIDUAL'S OPERATING PRIVILEGE UNDER SECTION 1533. THE
- 6 DEPARTMENT SHALL AMEND ELIGIBLE INDIVIDUALS' DRIVER'S RECORDS TO
- 7 SHOW THAT SUSPENSIONS IMPOSED FOR RELEVANT CONVICTIONS UNDER
- 8 SECTION 1543(A) WILL END OR WILL NOT BE IMPOSED. ANY ADD-ON
- 9 SUSPENSIONS IMPOSED UNDER SECTION 1544(A) FOR VIOLATIONS THAT
- 10 OCCURRED AT THE SAME TIME AS A RELEVANT VIOLATION OF SECTION
- 11 1543(A) SHALL BE RESCINDED FROM ELIGIBLE INDIVIDUALS' DRIVER'S
- 12 RECORDS. THE DEPARTMENT SHALL NOT BE REQUIRED TO REINSTATE THE
- 13 OPERATING PRIVILEGE OF AN INDIVIDUAL UNDER THIS SUBCHAPTER IF
- 14 THE DEPARTMENT IS AUTHORIZED UNDER THIS TITLE TO SUSPEND THE
- 15 OPERATING PRIVILEGE OF THE INDIVIDUAL FOR OTHER VIOLATIONS OF
- 16 THIS TITLE. UPON RESTORATION FROM SUSPENSION UNDER THIS PROGRAM,
- 17 ELIGIBLE INDIVIDUALS' DRIVER'S RECORDS SHALL SHOW FIVE POINTS.
- 18 (G) COMPLIANCE.--THE DEPARTMENT MAY NOT BE REQUIRED TO
- 19 RESTORE THE OPERATING PRIVILEGE OF AN INDIVIDUAL UNDER THIS
- 20 SUBCHAPTER UNTIL THE INDIVIDUAL HAS COMPLIED WITH SECTION 1593
- 21 (RELATING TO PROGRAM REQUIREMENTS).
- 22 § 1593. PROGRAM REQUIREMENTS.
- 23 (A) FORM.--AN INDIVIDUAL WHO SEEKS TO PARTICIPATE IN THE
- 24 PROGRAM SHALL RESPOND TO THE COURT PURSUANT TO THE INSTRUCTIONS
- 25 IN A RESTORATION REQUIREMENTS LETTER WHICH SHALL BE PROVIDED BY
- 26 THE DEPARTMENT.
- 27 (B) SATISFACTION OF PAYMENTS OWED. -- THE INDIVIDUAL IS
- 28 REQUIRED TO PAY 100% OF THE ORIGINAL PENALTY AND ANY OTHER
- 29 COURT-ORDERED OBLIGATIONS IMPOSED UNDER THE APPLICABLE LAWS OF
- 30 THIS COMMONWEALTH.

- 1 (C) REQUIREMENTS. -- IN ADDITION TO THE REQUIREMENTS UNDER
- 2 SECTION 1960 (RELATING TO REINSTATEMENT OF OPERATING PRIVILEGE
- 3 OR VEHICLE REGISTRATION), AN INDIVIDUAL APPLYING FOR THE PROGRAM
- 4 SHALL PERFORM ONE OF THE FOLLOWING:
- 5 (1) PAY ALL COURT-ORDERED OBLIGATIONS IMMEDIATELY OR IN
- 6 A SINGLE REMITTANCE.
- 7 (2) IF AN INDIVIDUAL IS UNABLE TO PAY ALL OBLIGATIONS
- 8 UNDER SUBPARAGRAPH (I), THE INDIVIDUAL SHALL EITHER:
- 9 <u>(I) PAY IN INSTALLMENTS ALL COURT-ORDERED</u>
- 10 OBLIGATIONS AFTER A HEARING CONDUCTED BY THE ISSUING
- 11 <u>AUTHORITY TO DETERMINE THE INDIVIDUAL'S ABILITY TO PAY</u>
- 12 <u>AND THE ISSUANCE OF AN ORDER PROVIDING FOR INSTALLMENT</u>
- 13 <u>PAYMENTS; OR</u>
- 14 (II) NOTWITHSTANDING 42 PA.C.S. § 1520(A) (RELATING
- 15 <u>TO ADJUDICATION ALTERNATIVE PROGRAM), COMPLETE A COURT-</u>
- ORDERED PUBLIC SERVICE OR OTHER ADJUDICATION ALTERNATIVE
- 17 <u>PROGRAM UNDER 42 PA.C.S. § 1520 (B).</u>
- 18 (D) PROOF OF FINANCIAL RESPONSIBILITY.--NOTWITHSTANDING
- 19 SECTION 1783 (RELATING TO PROOF OF FINANCIAL RESPONSIBILITY
- 20 BEFORE RESTORING OPERATING PRIVILEGE OR REGISTRATION), BEFORE
- 21 RESTORING AN OPERATING PRIVILEGE, THE DEPARTMENT SHALL REQUIRE
- 22 AN INDIVIDUAL PARTICIPATING IN THE PROGRAM TO PROVIDE THE
- 23 DEPARTMENT WITH:
- 24 (1) PROOF OF FINANCIAL RESPONSIBILITY; OR
- 25 (2) IN THE CASE OF AN INDIVIDUAL WHO DOES NOT OWN A
- 26 MOTOR VEHICLE CURRENTLY REGISTERED IN THIS COMMONWEALTH, A
- 27 SIGNED STATEMENT CERTIFYING THAT THE INDIVIDUAL DOES NOT OWN
- 28 A MOTOR VEHICLE CURRENTLY REGISTERED IN THIS COMMONWEALTH.
- 29 (E) CERTIFICATION.--THE COURT SHALL CERTIFY TO THE
- 30 DEPARTMENT THAT AN INDIVIDUAL IS ELIGIBLE FOR RELIEF UNDER THE

- 1 PROGRAM BECAUSE:
- 2 (1) AN INDIVIDUAL HAS SATISFIED THE AMOUNTS OWED TO THE
- 3 <u>COURT; OR</u>
- 4 (2) AN INDIVIDUAL HAS COMPLETED OR SATISFIED ALL COURT-
- 5 ORDERED PUBLIC SERVICE REQUIREMENTS OR OTHER ALTERNATIVE
- 6 ADJUDICATION PROGRAMS.
- 7 § 1594. USE OF REVENUE.
- 8 ALL REVENUE RECEIVED BY THE COURT UNDER THE PROGRAM SHALL BE
- 9 <u>DISTRIBUTED IN ACCORDANCE WITH LAW.</u>
- 10 § 1595. PROCEEDINGS RELATING TO VIOLATIONS BARRED.
- 11 PARTICIPATION IN THE PROGRAM IS CONDITIONED UPON THE
- 12 INDIVIDUAL'S AGREEMENT NOT TO PROTEST OR PURSUE AN
- 13 ADMINISTRATIVE OR JUDICIAL PROCEEDING AGAINST THE DEPARTMENT FOR
- 14 THE SANCTIONS IT IMPOSED ON THE INDIVIDUAL'S OPERATING PRIVILEGE
- 15 UNDER SECTION 1533 (RELATING TO SUSPENSION OF OPERATING
- 16 PRIVILEGE FOR FAILURE TO RESPOND TO CITATION), 1543 (RELATING TO
- 17 DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR REVOKED), 1544
- 18 (RELATING TO ADDITIONAL PERIOD OF REVOCATION OR SUSPENSION) OR
- 19 6146 (RELATING TO ENFORCEMENT AGREEMENTS) AS ADDRESSED BY THE
- 20 PROGRAM.
- 21 SECTION 3. SECTION 3803(B)(3) AND (4.1) OF TITLE 75 ARE
- 22 AMENDED TO READ:
- 23 § 3803. GRADING.
- 24 * * *
- 25 (B) OTHER OFFENSES.--
- 26 * * *
- 27 (3) AN INDIVIDUAL WHO VIOLATES SECTION 3802(A)(1) WHERE
- 28 THERE WAS AN ACCIDENT RESULTING IN BODILY INJURY, SERIOUS
- 29 BODILY INJURY OR DEATH OF ANY PERSON OR IN DAMAGE TO A
- VEHICLE OR OTHER PROPERTY, OR WHO VIOLATES SECTION 3802(B),

- 1 (E) OR (F) AND WHO HAS TWO PRIOR OFFENSES COMMITS A
- 2 [MISDEMEANOR OF THE FIRST] FELONY OF THE THIRD DEGREE.
- 3 * * *
- 4 (4.1) AN INDIVIDUAL WHO VIOLATES SECTION 3802(A)(1)
- 5 WHERE THE INDIVIDUAL REFUSED TESTING OF BREATH OR CHEMICAL
- 6 TESTING PURSUANT TO A VALID SEARCH WARRANT, COURT ORDER OR
- 7 ANY OTHER BASIS PERMISSIBLE BY THE CONSTITUTION OF THE UNITED
- 8 STATES AND THE CONSTITUTION OF PENNSYLVANIA, OR WHO VIOLATES
- 9 SECTION 3802(C) OR (D) [AND WHO] <u>COMMITS:</u>
- 10 (I) A FELONY OF THE THIRD DEGREE IF THE INDIVIDUAL
- 11 HAS TWO [OR MORE] PRIOR OFFENSES [COMMITS A FELONY OF THE
- THIRD DEGREE].
- 13 (II) A FELONY OF THE SECOND DEGREE IF THE INDIVIDUAL
- 14 HAS THREE OR MORE PRIOR OFFENSES.
- 15 * * *
- 16 SECTION 4. SECTIONS 3804(E)(2)(II) AND 3805(C) OF TITLE 75
- 17 ARE AMENDED AND THE SECTIONS ARE AMENDED BY ADDING SUBSECTIONS
- 18 TO READ:
- 19 § 3804. PENALTIES.
- 20 * * *
- 21 (C.2) CONSECUTIVE SENTENCE.--A SENTENCE IMPOSED UPON AN
- 22 INDIVIDUAL UNDER THIS SECTION WHO HAS TWO OR MORE PRIOR OFFENSES
- 23 SHALL BE SERVED CONSECUTIVELY TO ANY OTHER SENTENCE THE
- 24 INDIVIDUAL IS SERVING AND TO ANY OTHER SENTENCE BEING THEN
- 25 IMPOSED BY THE COURT, EXCEPT FOR THOSE WITH WHICH THE OFFENSE
- 26 MUST MERGE AS A MATTER OF LAW.
- 27 (C.3) SENTENCING ENHANCEMENT. -- THE PENNSYLVANIA COMMISSION
- 28 ON SENTENCING, UNDER 42 PA.C.S. § 2154 (RELATING TO ADOPTION OF
- 29 GUIDELINES FOR SENTENCING), SHALL PROVIDE FOR A SENTENCING
- 30 ENHANCEMENT FOR A VIOLATION OF SECTION 3802(A)(1) WHERE THE

- 1 INDIVIDUAL REFUSED TESTING OF BREATH OR CHEMICAL TESTING
- 2 PURSUANT TO A VALID SEARCH WARRANT, COURT ORDER OR ANY OTHER
- 3 BASIS PERMISSIBLE BY THE CONSTITUTION OF THE UNITED STATES AND
- 4 THE CONSTITUTION OF PENNSYLVANIA OR FOR A VIOLATION OF SECTION
- 5 3802(C) OR (D) AND WHERE THE INDIVIDUAL HAS FOUR OR MORE PRIOR
- 6 OFFENSES.
- 7 * * *
- 8 (E) SUSPENSION OF OPERATING PRIVILEGES UPON CONVICTION.--
- 9 * * *
- 10 (2) SUSPENSION UNDER PARAGRAPH (1) SHALL BE IN
- 11 ACCORDANCE WITH THE FOLLOWING:
- 12 * * *
- 13 (II) 18 MONTHS FOR A MISDEMEANOR OF THE FIRST DEGREE
- OR FELONY [OF THE THIRD DEGREE] UNDER THIS CHAPTER.
- 15 * * *
- 16 § 3805. IGNITION INTERLOCK.
- 17 * * *
- 18 (C) ISSUANCE OF UNRESTRICTED LICENSE.--[ONE YEAR FROM THE
- 19 DATE OF ISSUANCE OF AN IGNITION INTERLOCK RESTRICTED LICENSE
- 20 UNDER THIS SECTION, IF] IF OTHERWISE ELIGIBLE, A PERSON MAY BE
- 21 ISSUED A REPLACEMENT LICENSE UNDER SECTION 1951(D) THAT DOES NOT
- 22 CONTAIN THE IGNITION INTERLOCK SYSTEM RESTRICTION. THE
- 23 DEPARTMENT SHALL NOT ISSUE AN UNRESTRICTED LICENSE UNTIL A
- 24 PERSON HAS PRESENTED ALL OF THE FOLLOWING:
- 25 (1) PROOF THAT THE PERSON HAS COMPLETED THE IGNITION
- 26 INTERLOCK RESTRICTED LICENSE PERIOD UNDER [THIS SECTION]
- 27 <u>SUBSECTION (C.1)</u>.
- 28 (2) CERTIFICATION BY THE VENDOR THAT PROVIDED THE
- 29 IGNITION INTERLOCK DEVICE THAT THE PERSON HAS COMPLIED WITH
- 30 SUBSECTION (H.2).

- 1 (C.1) RESTRICTED LICENSE PERIOD. -- AN INDIVIDUAL MAY BE
- 2 ISSUED AN UNRESTRICTED LICENSE UNDER SUBSECTION (C) AFTER A
- 3 PERIOD OF TIME AS FOLLOWS:
- 4 (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), ONE YEAR
- 5 FROM THE DATE OF ISSUANCE OF THE IGNITION INTERLOCK
- 6 RESTRICTED LICENSE.
- 7 (2) TWO YEARS FROM THE DATE OF ISSUANCE OF THE IGNITION
- 8 INTERLOCK RESTRICTED LICENSE IN THE CASE OF AN INDIVIDUAL
- 9 <u>CONVICTED OF AN OFFENSE UNDER SECTION 3802 WHO HAS TWO OR</u>
- 10 MORE PRIOR OFFENSES.
- 11 * * *
- 12 (H.3) NOTICE TO DEPARTMENT.--IF A VIOLATION UNDER SUBSECTION
- 13 (H.2)(1), (2) OR (3) OCCURS IN THE TWO CONSECUTIVE MONTHS PRIOR
- 14 TO THE DATE ENTERED ON THE CERTIFICATE, THE VENDOR SHALL NOTIFY
- 15 THE DEPARTMENT AS TO THE VIOLATION ON A FORM DESIGNATED BY THE
- 16 DEPARTMENT, AND THE DEPARTMENT SHALL NOTIFY THE PERSON OF THE
- 17 VIOLATION AND THAT IGNITION INTERLOCK DEVICE USAGE SHALL
- 18 CONTINUE UNTIL NO VIOLATIONS HAVE OCCURRED WITHIN A 60-DAY
- 19 PERIOD.
- 20 * * *
- 21 SECTION 5. SECTION 3806(B)(1) OF TITLE 75 IS AMENDED TO
- 22 READ:
- 23 § 3806. PRIOR OFFENSES.
- 24 * * *
- 25 (B) TIMING.--
- 26 (1) FOR PURPOSES OF SECTIONS 1553(D.2) (RELATING TO
- OCCUPATIONAL LIMITED LICENSE), 1556 (RELATING TO IGNITION
- 28 INTERLOCK LIMITED LICENSE), 3803 (RELATING TO GRADING), 3804
- 29 (RELATING TO PENALTIES) [AND], 3805 (RELATING TO IGNITION
- 30 INTERLOCK), 3815 (RELATING TO MANDATORY SENTENCING) AND 3818

1	(RELATING TO SUBSTANCE MONITORING PROGRAM), THE PRIOR OFFENSE
2	MUST HAVE OCCURRED:
3	(I) WITHIN 10 YEARS PRIOR TO THE DATE OF THE OFFENSE
4	FOR WHICH THE DEFENDANT IS BEING SENTENCED; OR
5	(II) ON OR AFTER THE DATE OF THE OFFENSE FOR WHICH
6	THE DEFENDANT IS BEING SENTENCED.
7	* * *
8	SECTION 6. SECTION 3807(B)(4) OF TITLE 75 IS AMENDED AND
9	SUBSECTION (A) IS AMENDED BY ADDING A PARAGRAPH TO READ:
10	§ 3807. ACCELERATED REHABILITATIVE DISPOSITION.
11	(A) ELIGIBILITY
12	* * *
13	(2.1) NOTWITHSTANDING THE PROCEDURES FOR ACCELERATED
14	REHABILITATIVE DISPOSITION FOR OTHER CRIMES, THE ATTORNEY FOR
15	THE COMMONWEALTH SHALL NOT SUBMIT A CHARGE BROUGHT UNDER THIS
16	CHAPTER FOR ACCELERATED REHABILITATIVE DISPOSITION UNLESS
17	ALL OF THE FOLLOWING APPLY:
18	(I) THE DEFENDANT ADMITS THAT THE COMMONWEALTH'S
19	EVIDENCE WOULD PROVE THE ELEMENTS BEYOND A REASONABLE
20	DOUBT UNDER SECTION 3802.
21	(II) THE DEFENDANT AGREES THAT THE DEFENDANT'S
22	ADMISSION MAY BE USED AS A PRIOR CONVICTION FOR THE
23	PURPOSE OF INCREASING THE GRADING AND PENALTY OF ANY
24	SUBSEQUENT OFFENSE UNDER THIS TITLE.
25	(III) THE DEFENDANT KNOWINGLY AND VOLUNTARILY WAIVES
26	THE DEFENDANT'S RIGHT TO CHALLENGE THE USE OF THE
27	ACCELERATED REHABILITATIVE DISPOSITION AS A PRIOR
28	CONVICTION FOR THE PURPOSE OF ENHANCING THE GRADING AND
29	SENTENCING OF ANY SUBSEQUENT OFFENSE UNDER THIS TITLE.
30	(B) EVALUATION AND TREATMENT

- 1 * * *
- 2 (4) THE ASSESSMENT UNDER PARAGRAPH (2) SHALL CONSIDER
- 3 ISSUES OF PUBLIC SAFETY AND SHALL INCLUDE RECOMMENDATIONS FOR
- 4 ALL OF THE FOLLOWING:
- 5 (I) LENGTH OF STAY.
- 6 (II) LEVELS OF CARE.
- 7 (III) FOLLOW-UP CARE AND MONITORING.
- 8 (IV) THE USE OF MEDICATION-ASSISTED TREATMENT IN
- 9 CONJUNCTION WITH BEHAVIORAL THERAPIES IF THE TREATMENT IS
- 10 <u>CLINICALLY APPROPRIATE.</u>
- 11 * * *
- 12 SECTION 7. SECTION 3814(4) OF TITLE 75 IS AMENDED TO READ:
- 13 § 3814. DRUG AND ALCOHOL ASSESSMENTS.
- 14 IF A DEFENDANT IS CONVICTED OR PLEADS GUILTY OR NO CONTEST TO
- 15 A VIOLATION OF SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE
- 16 OF ALCOHOL OR CONTROLLED SUBSTANCE), THE FOLLOWING APPLY PRIOR
- 17 TO SENTENCING:
- 18 * * *
- 19 (4) THE ASSESSMENT UNDER PARAGRAPH (2) SHALL CONSIDER
- 20 ISSUES OF PUBLIC SAFETY AND SHALL INCLUDE RECOMMENDATIONS FOR
- 21 ALL OF THE FOLLOWING:
- 22 (I) LENGTH OF STAY.
- 23 (II) LEVELS OF CARE.
- 24 (III) FOLLOW-UP CARE AND MONITORING.
- 25 (IV) THE USE OF MEDICATION-ASSISTED TREATMENT IN
- 26 CONJUNCTION WITH BEHAVIORAL THERAPIES IF THE TREATMENT IS
- 27 <u>CLINICALLY APPROPRIATE.</u>
- 28 SECTION 8. SECTION 3815(B)(2) OF TITLE 75 IS AMENDED AND THE
- 29 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:
- 30 § 3815. MANDATORY SENTENCING.

1	* * *
2	(B) PAROLE
3	* * *
4	(2) THE FOLLOWING SHALL BE CONDITIONS OF PAROLE:
5	(I) IF THE OFFENDER IS NOT DETERMINED UNDER THE
6	PROCEDURES SET FORTH IN SECTION 3814 TO BE ADDICTED TO
7	ALCOHOL OR ANOTHER SUBSTANCE, THE OFFENDER MUST REFRAIN
8	FROM:
9	(A) THE USE OF ILLEGAL CONTROLLED SUBSTANCES;
10	AND
11	(B) THE ABUSE OF PRESCRIPTION DRUGS, OVER-THE-
12	COUNTER DRUGS OR ANY OTHER SUBSTANCES.
13	(II) IF THE OFFENDER IS DETERMINED UNDER THE
14	PROCEDURES SET FORTH IN SECTION 3814 TO BE ADDICTED TO
15	ALCOHOL OR ANOTHER SUBSTANCE, THE OFFENDER MUST DO ALL OF
16	THE FOLLOWING:
17	(A) REFRAIN FROM:
18	(I) THE USE OF ALCOHOL OR ILLEGAL CONTROLLED
19	SUBSTANCES; AND
20	(II) THE ABUSE OF PRESCRIPTION DRUGS, OVER-
21	THE-COUNTER DRUGS OR ANY OTHER SUBSTANCES.
22	(B) PARTICIPATE IN AND COOPERATE WITH DRUG AND
23	ALCOHOL ADDICTION TREATMENT UNDER SUBSECTION (C).
24	(III) IN ADDITION TO ANY OTHER CONDITION OR
25	RESTRICTION IMPOSED, AN INDIVIDUAL WHO VIOLATES SECTION
26	3802 AND WHO HAS ONE OR MORE PRIOR OFFENSES MAY BE
27	ORDERED BY THE COURT TO PARTICIPATE IN A SUBSTANCE
28	MONITORING PROGRAM UNDER SECTION 3818 (RELATING TO
29	SUBSTANCE MONITORING PROGRAM).
30	(B.1) PROBATION IN ADDITION TO ANY OTHER CONDITION OR

- 1 RESTRICTION IMPOSED, AN INDIVIDUAL WHO VIOLATES SECTION 3802 AND
- 2 WHO HAS ONE OR MORE PRIOR OFFENSES MAY BE ORDERED BY THE COURT
- 3 TO PARTICIPATE IN A SUBSTANCE MONITORING PROGRAM AS A CONDITION
- 4 OF PROBATION UNDER SECTION 3818.
- 5 * * *
- 6 SECTION 9. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ:
- 7 § 3818. SUBSTANCE MONITORING PROGRAM.
- 8 (A) EVALUATION REQUIRED. -- THE FOLLOWING SHALL APPLY:
- 9 (1) IN ALL OF THE FOLLOWING CIRCUMSTANCES, IN ADDITION
- 10 TO ANY OTHER CONDITION OR RESTRICTION IMPOSED, AN INDIVIDUAL
- 11 SHALL BE EVALUATED BY A COURT TO DETERMINE WHETHER, AT THE
- 12 <u>COURT'S DISCRETION, THE INDIVIDUAL MAY BE ORDERED TO</u>
- 13 PARTICIPATE IN A SUBSTANCE MONITORING PROGRAM:
- 14 <u>(I) WHILE ADJUDICATION OF A VIOLATION OF SECTION</u>
- 15 <u>3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR</u>
- 16 <u>CONTROLLED SUBSTANCE</u>) IS PENDING FOR AN INDIVIDUAL WHO
- 17 <u>HAS ONE OR MORE PRIOR OFFENSES.</u>
- 18 (II) WHILE ADJUDICATION OF TWO OR MORE VIOLATIONS OF
- 19 SECTION 3802 ARE CONCURRENTLY PENDING FOR AN INDIVIDUAL.
- 20 (III) AS A CONDITION OF PROBATION OR PAROLE WHERE
- 21 THE INDIVIDUAL VIOLATES SECTION 3802 AND HAS ONE OR MORE
- 22 PRIOR OFFENSES.
- 23 (2) THE COURT MAY USE THE ASSESSMENT FROM SECTION 3814
- 24 (RELATING TO DRUG AND ALCOHOL ASSESSMENTS) TO SATISFY THIS
- 25 <u>REQUIREMENT UNDER PARAGRAPH (1).</u>
- 26 (B) MONITORING DEVICES AND TECHNOLOGIES.--
- 27 (1) A SUBSTANCE MONITORING PROGRAM SHALL INCLUDE A
- 28 REQUIREMENT THAT THE INDIVIDUAL USE OR PARTICIPATE IN ONE OR
- 29 BOTH OF THE FOLLOWING, AS DETERMINED BY THE COURT:
- 30 <u>(I) A CONTINUOUS ALCOHOL MONITORING DEVICE, REMOTE</u>

1	BREATH TESTING DEVICE OR ANY OTHER SIMILAR ALCOHOL
2	MONITORING TECHNOLOGY OR DEVICE, OTHER THAN AN IGNITION
3	INTERLOCK SYSTEM, AS DETERMINED BY THE COURT.
4	(II) RANDOM DRUG TESTING OR ANY OTHER CONTROLLED
5	SUBSTANCE MONITORING TECHNOLOGY OR DEVICE AS DETERMINED
6	BY THE COURT.
7	(2) WHEN DETERMINING THE DEVICES OR TECHNOLOGIES TO BE
8	USED UNDER PARAGRAPH (1), THE COURT SHALL CONSIDER:
9	(I) THE INDIVIDUAL'S PRIOR OFFENSES;
10	(II) THE INDIVIDUAL'S MOST RECENT VIOLATION OF
11	SECTION 3802;
12	(III) ANY PENDING ADJUDICATION OF THE INDIVIDUAL FOR
13	A VIOLATION OF SECTION 3802;
14	(IV) IN CONSULTATION WITH THE COUNTY, THE MONITORING
15	DEVICES AND TECHNOLOGIES AVAILABLE TO OR UTILIZED BY THE
16	COUNTY; AND
17	(V) ANY OTHER FACTOR DEEMED APPROPRIATE BY THE
18	COURT.
19	(C) DETERMINATION AND COSTS TO BE PAID IF THE COURT ORDERS
20	AN INDIVIDUAL TO PARTICIPATE IN A SUBSTANCE MONITORING PROGRAM,
21	THE INDIVIDUAL SHALL PAY FOR COSTS ASSOCIATED WITH THE
22	INDIVIDUAL'S PARTICIPATION IN THE SUBSTANCE MONITORING PROGRAM,
23	INCLUDING COSTS ASSOCIATED WITH ANY REQUIRED DEVICE OR
24	TECHNOLOGY.
25	(D) PROHIBITIONS AN INDIVIDUAL ORDERED TO PARTICIPATE IN A
26	SUBSTANCE MONITORING PROGRAM IS PROHIBITED FROM ALL OF THE
27	FOLLOWING FOR THE DURATION OF THE SUBSTANCE MONITORING PROGRAM:
28	(1) IMBIBING ALCOHOL, USING CONTROLLED SUBSTANCES, OR
29	BOTH, AS DETERMINED BY THE COURT.
30	(2) TAMPERING WITH ANY DEVICE OR TECHNOLOGY ASSOCIATED

- 1 WITH THE SUBSTANCE MONITORING PROGRAM.
- 2 (3) FAILING TO COMPLY WITH ANY OTHER REQUIREMENT ORDERED
- 3 BY THE COURT AS PART OF THE SUBSTANCE MONITORING PROGRAM.
- 4 (E) CONSTRUCTION. -- NOTHING IN THIS SECTION SHALL BE
- 5 CONSTRUED TO PROHIBIT A COURT FROM:
- 6 (1) ORDERING AN INDIVIDUAL PENDING ADJUDICATION FOR A
- 7 SINGLE VIOLATION OF SECTION 3802 WITH NO PRIOR OFFENSES TO
- 8 PARTICIPATE IN A SUBSTANCE MONITORING PROGRAM AS A CONDITION
- 9 <u>OF BAIL.</u>
- 10 (2) ORDERING AN INDIVIDUAL CONVICTED OF A VIOLATION OF
- 11 <u>SECTION 3802 WHO HAS NO PRIOR OFFENSES TO PARTICIPATE IN A</u>
- 12 <u>SUBSTANCE MONITORING PROGRAM AS A CONDITION OF PROBATION OR</u>
- 13 <u>PAROLE</u>.
- 14 SECTION 10. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:
- 15 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
- 16 IMMEDIATELY:
- 17 (I) THE AMENDMENT OF 75 PA.C.S. § 1543(B)(1.1)(I).
- 18 (II) THE ADDITION OF 75 PA.C.S. § 3807(A)(2.1).
- 19 (III) THIS SECTION.
- 20 (2) THE AMENDMENT OR ADDITION OF 75 PA.C.S. § 1532(B)(6)
- 21 AND (D) SHALL TAKE EFFECT IN 60 DAYS.
- 22 (3) THE AMENDMENT OR ADDITION OF 75 PA.C.S. § 3805(C)
- 23 AND (C.1) SHALL TAKE EFFECT IN 90 180 DAYS.
- 24 (4) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT IN EIGHT

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- 25 MONTHS:
- 26 (I) THE AMENDMENT OF 75 PA.C.S. § 1556(B)(1) AND
- 27 (2).
- 28 (II) THE ADDITION OF 75 PA.C.S. § 3805(H.3).
- 29 (5) THE ADDITION OF 75 PA.C.S. CH. 15 SUBCH. E SHALL
- 30 TAKE EFFECT IN 10 MONTHS.

- 1 (6) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 120
- 2 DAYS.