

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 773 Session of 2021

INTRODUCED BY QUINN, SCHMITT, POLINCHOCK, GUENST, CIRESI, R. BROWN AND GILLEN, MARCH 8, 2021

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 23, 2021

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 penalties.

4 This act may be referred to as Deana's Law.

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

7 Section 1. Section 3803(b)(4.1) of Title 75 of the
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 3803. Grading.

10 * * *

11 (b) Other offenses.--

12 * * *

13 (4.1) An individual who violates section 3802(a)(1)
14 where the individual refused testing of breath or chemical
15 testing pursuant to a valid search warrant, court order or
16 any other basis permissible by the Constitution of the United
17 States and the Constitution of Pennsylvania, or who violates
18 section 3802(c) or (d) [and who] commits:

1 (i) A felony of the third degree if the individual
2 has two [or more] prior offenses [commits a felony of the
3 third degree].

4 (ii) A felony of the second degree if the individual
5 has three or more prior offenses.

6 * * *

7 Section 2. Section ~~3804~~ 3804(E) (2) (II) of Title 75 is <--
8 amended AND THE SECTION IS AMENDED by adding subsections to <--
9 read:

10 § 3804. Penalties.

11 * * *

12 (c.2) Consecutive sentence.--A sentence imposed upon an
13 individual under this section who has two or more prior offenses
14 shall be served consecutively to any other sentence the
15 individual is serving and to any other sentence being then
16 imposed by the court, except for those with which the offense
17 must merge as a matter of law.

18 (c.3) Sentencing enhancement.--The Pennsylvania Commission
19 on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of
20 guidelines for sentencing), shall provide for a sentencing
21 enhancement for a violation of section 3802(a)(1) where the
22 individual refused testing of breath or chemical testing
23 pursuant to a valid search warrant, court order or any other
24 basis permissible by the Constitution of the United States and
25 the Constitution of Pennsylvania or for a violation of section
26 3802(c) or (d) and where the individual has four or more prior
27 offenses.

28 * * *

29 (E) SUSPENSION OF OPERATING PRIVILEGES UPON CONVICTION.-- <--

30 * * *

1 (2) SUSPENSION UNDER PARAGRAPH (1) SHALL BE IN
2 ACCORDANCE WITH THE FOLLOWING:

3 * * *

4 (II) 18 MONTHS FOR A MISDEMEANOR OF THE FIRST DEGREE
5 OR FELONY OF THE SECOND OR THIRD DEGREE UNDER THIS
6 CHAPTER.

7 * * *

8 Section 3. This act shall take effect in 120 days.