

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1615 Session of
2025

INTRODUCED BY KAUFFMAN, BRIGGS, FREEMAN, GAYDOS, HANBIDGE,
D. WILLIAMS, SANCHEZ, RAPP, PROKOPIAK, ZIMMERMAN, RIVERA,
WATRO, GREEN AND K. HARRIS, JUNE 16, 2025

SENATOR J. WARD, TRANSPORTATION, IN SENATE, AS AMENDED,
OCTOBER 27, 2025

AN ACT

1 Amending ~~Title~~ TITLES 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND <--
2 75 (Vehicles) of the Pennsylvania Consolidated Statutes, IN <--
3 SENTENCING, FURTHER PROVIDING FOR SENTENCE OF TOTAL
4 CONFINEMENT; in licensing of drivers, further providing for
5 notice of acceptance of Accelerated Rehabilitative
6 Disposition AND FOR THE OFFENSE OF DRIVING WHILE OPERATING <--
7 PRIVILEGE IS SUSPENDED OR REVOKED; in miscellaneous
8 provisions relating to serious traffic offenses, further
9 providing for homicide by vehicle while driving under
10 influence; and, in driving after imbibing alcohol or
11 utilizing drugs, further providing for the offense of driving
12 under influence of alcohol or controlled substance, for
13 grading, for penalties, for prior offenses and for
14 accelerated rehabilitative disposition.

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

17 ~~Section 1. Section 1534 of Title 75 of the Pennsylvania~~ <--
18 ~~Consolidated Statutes is amended to read:~~

19 SECTION 1. SECTION 9756 OF TITLE 42 OF THE PENNSYLVANIA <--
20 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
21 § 9756. SENTENCE OF TOTAL CONFINEMENT.

22 * * *

1 (C.2) DETERMINATE SENTENCE.--A COURT MAY IMPOSE A
2 DETERMINATE SENTENCE UNDER 75 PA.C.S. (RELATING TO VEHICLES)
3 WHERE THE VIOLATION IS GRADED AS A SUMMARY OFFENSE AND THE
4 MAXIMUM SENTENCE OF TOTAL CONFINEMENT IS 90 DAYS OR LESS.
5 NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PRECLUDE AN
6 OTHERWISE ELIGIBLE DEFENDANT FROM WORK RELEASE OR PREVENT A
7 COURT FROM SENTENCING A DEFENDANT TO PROBATION, INCLUDING THE
8 RESTRICTIVE CONDITIONS OF PROBATION IMPOSED UNDER SECTION
9 9763(C).

10 * * *

11 SECTION 1.1. SECTIONS 1534 AND 1543(B)(1)(I) AND (II) AND
12 (1.1)(I) OF TITLE 75 ARE AMENDED TO READ:

13 § 1534. Notice of acceptance and completion of Accelerated
14 Rehabilitative Disposition.

15 (a) [General rule] Acceptance notice.--Except as provided in
16 subsection (b), if a person is arrested for any offense
17 enumerated in section 1532 (relating to revocation or suspension
18 of operating privilege) and is offered and accepts Accelerated
19 Rehabilitative Disposition under general rules, the court shall
20 promptly notify the department.

21 (b) Exception.--If a person is arrested for any offense
22 enumerated in section 3802 (relating to driving under influence
23 of alcohol or controlled substance) and is offered and accepts
24 Accelerated Rehabilitative Disposition under this title or
25 general rules, the court shall promptly notify the department.
26 The department shall maintain a record of the acceptance of
27 Accelerated Rehabilitative Disposition [for a period of ten
28 years from the date of notification. This record shall not be
29 expunged by order of court or prior to the expiration of the
30 ten-year period.] and make the record available to any

1 prosecuting attorney, court or law enforcement agency upon
2 request.

3 (b.1) Completion notice.--When a person successfully
4 completes Accelerated Rehabilitative Disposition under this
5 title or general rules for any offense enumerated in section
6 3802, the court shall promptly notify the department. The
7 department shall maintain a record of the successful completion
8 of Accelerated Rehabilitative Disposition and make the record
9 available to any prosecuting attorney, court or law enforcement
10 agency upon request.

11 (c) Expungement.--Immediately following the expiration of
12 [the ten-year period] 12 years after the notification provided
13 in subsection (b.1), the department shall expunge the record of
14 the acceptance and completion of Accelerated Rehabilitative
15 Disposition. The department shall not require an order of court
16 to expunge the record.

17 (d) Exceptions to expungement.--The department shall not be
18 required to expunge the record of acceptance and completion of
19 Accelerated Rehabilitative Disposition if:

20 (1) during the [ten-year] 12-year period, the department
21 revokes the operating privileges of a person pursuant to
22 section 1542 (relating to revocation of habitual offender's
23 license); or

24 (2) the person was a commercial driver at the time of
25 the violation causing the disposition.

26 § 1543. DRIVING WHILE OPERATING PRIVILEGE IS SUSPENDED OR
27 REVOKED.

28 * * *

29 (B) CERTAIN OFFENSES.--

30 (1) THE FOLLOWING SHALL APPLY:

1 (I) A PERSON WHO DRIVES A MOTOR VEHICLE ON A HIGHWAY
2 OR TRAFFICWAY OF THIS COMMONWEALTH AT A TIME WHEN THE
3 PERSON'S OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A
4 CONDITION OF ACCEPTANCE OF ACCELERATED REHABILITATIVE
5 DISPOSITION FOR A VIOLATION OF SECTION 3802 (RELATING TO
6 DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED
7 SUBSTANCE) OR THE FORMER SECTION 3731, BECAUSE OF A
8 VIOLATION OF SECTION 1547(B)(1) (RELATING TO SUSPENSION
9 FOR REFUSAL) OR 3802 OR FORMER SECTION 3731 OR IS
10 SUSPENDED UNDER SECTION 1581 (RELATING TO DRIVER'S
11 LICENSE COMPACT) FOR AN OFFENSE SUBSTANTIALLY SIMILAR TO
12 A VIOLATION OF SECTION 3802 OR FORMER SECTION 3731 SHALL,
13 UPON A FIRST CONVICTION, BE GUILTY OF A SUMMARY OFFENSE
14 AND SHALL BE SENTENCED TO PAY A FINE OF \$500 AND TO
15 UNDERGO IMPRISONMENT FOR A PERIOD OF [NOT LESS THAN 60
16 DAYS NOR MORE THAN 90 DAYS] 60 DAYS.

17 (II) A SECOND VIOLATION OF THIS PARAGRAPH SHALL
18 CONSTITUTE A SUMMARY OFFENSE AND, UPON CONVICTION OF THIS
19 PARAGRAPH, A PERSON SHALL BE SENTENCED TO PAY A FINE OF
20 \$1,000 AND TO UNDERGO IMPRISONMENT FOR [NOT LESS THAN] 90
21 DAYS.

22 * * *

23 (1.1) (I) A PERSON WHO HAS AN AMOUNT OF ALCOHOL BY
24 WEIGHT IN HIS BLOOD THAT IS EQUAL TO OR GREATER THAN .02%
25 AT THE TIME OF TESTING OR WHO AT THE TIME OF TESTING HAS
26 IN HIS BLOOD ANY AMOUNT OF A SCHEDULE I OR NONPRESCRIBED
27 SCHEDULE II OR III CONTROLLED SUBSTANCE, AS DEFINED IN
28 THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE
29 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR
30 ITS METABOLITE OR [WHO REFUSES TESTING OF BLOOD OR

1 BREATH] WHO REFUSES TESTING OF BREATH UNDER SECTION 1547
2 OR CHEMICAL TESTING OF BLOOD PURSUANT TO A VALID SEARCH
3 WARRANT, COURT ORDER OR ANY OTHER BASIS PERMISSIBLE BY
4 THE CONSTITUTION OF THE UNITED STATES AND THE
5 CONSTITUTION OF PENNSYLVANIA, AND WHO DRIVES A MOTOR
6 VEHICLE ON ANY HIGHWAY OR TRAFFICWAY OF THIS COMMONWEALTH
7 AT A TIME WHEN THE PERSON'S OPERATING PRIVILEGE IS
8 SUSPENDED OR REVOKED AS A CONDITION OF ACCEPTANCE OF
9 ACCELERATED REHABILITATIVE DISPOSITION FOR A VIOLATION OF
10 SECTION 3802 OR FORMER SECTION 3731 OR BECAUSE OF A
11 VIOLATION OF SECTION 1547(B)(1) OR 3802 OR FORMER SECTION
12 3731 OR IS SUSPENDED UNDER SECTION 1581 FOR AN OFFENSE
13 SUBSTANTIALLY SIMILAR TO A VIOLATION OF SECTION 3802 OR
14 FORMER SECTION 3731 SHALL, UPON A FIRST CONVICTION, BE
15 GUILTY OF A SUMMARY OFFENSE AND SHALL BE SENTENCED TO PAY
16 A FINE OF \$1,000 AND TO UNDERGO IMPRISONMENT FOR A PERIOD
17 OF [NOT LESS THAN] 90 DAYS.

18 * * *

19 Section 2. Section 3735(a)(1) and (3) of Title 75 are
20 amended and the subsection is amended by adding a paragraph to
21 read:

22 § 3735. Homicide by vehicle while driving under influence.

23 (a) Offense defined.--

24 (1) A person who unintentionally causes the death of
25 another person as the result of a violation of section 3802
26 (relating to driving under influence of alcohol or controlled
27 substance) and who is convicted of violating section 3802:

28 (i) is guilty of a felony of the second degree; [or]

29 (ii) is guilty of a felony of the first degree if,

30 before sentencing on the present violation, the person

1 has incurred a conviction, adjudication of delinquency[,
2 juvenile consent decree, acceptance of Accelerated
3 Rehabilitative Disposition] or other form of preliminary
4 disposition for any of the following:

5 (A) An offense under section 3802.

6 (B) An offense under former section 3731
7 (relating to driving under influence of alcohol or
8 controlled substance).

9 (C) An offense which constitutes a felony under
10 this subchapter.

11 (D) An offense substantially similar to an
12 offense under clause (A), (B) or (C) in another
13 jurisdiction.

14 (E) Any combination of the offenses under clause
15 (A), (B), (C) or (D) [.] or

16 (iii) is guilty of a felony of the first degree if
17 the person convicted of a violation of subsection (a) is
18 also convicted of a violation of section 3802(h) (1).

19 * * *

20 (3) The sentencing court shall order a person convicted
21 under paragraph (1)(ii) to serve a minimum term of
22 imprisonment of:

23 (i) Not less than five years if, before sentencing
24 on the present violation, the person has one prior
25 conviction, adjudication of delinquency[, juvenile
26 consent decree, acceptance of Accelerated Rehabilitative
27 Disposition] or other form of preliminary disposition for
28 any of the offenses listed under paragraph (1)(ii)(A),
29 (B), (C), (D) or (E). A consecutive five-year term of
30 imprisonment shall be imposed for each victim whose death

1 is the result of a violation of section 3802.

2 (ii) Not less than seven years if, before sentencing
3 on the present violation, the person has incurred a prior
4 conviction for violating section 3802(h)(1) or at least
5 two prior convictions, adjudications of delinquency[,
6 juvenile consent decrees, acceptances of Accelerated
7 Rehabilitative Disposition] or other forms of preliminary
8 disposition for any of the offenses listed under
9 paragraph (1)(ii)(A), (B), (C), (D) or (E). A consecutive
10 seven-year term of imprisonment shall be imposed for each
11 victim whose death is the result of a violation of
12 section 3802.

13 (4) The sentencing court shall order a person convicted
14 under paragraph (1)(iii) to serve a minimum term of
15 imprisonment of not less than five years. A consecutive five-
16 year term of imprisonment shall be imposed for each victim
17 whose death is the result of a violation of section 3802(h)
18 (1).

19 * * *

20 Section 3. Section 3802(g) of Title 75 is amended and the
21 section is amended by adding a subsection to read:

22 § 3802. Driving under influence of alcohol or controlled
23 substance.

24 * * *

25 (g) Exception to two-hour rule.--Notwithstanding the
26 provisions of subsection (a), (b), (c), (e) [or], (f) or (h),
27 where alcohol or controlled substance concentration in an
28 individual's blood or breath is an element of the offense,
29 evidence of such alcohol or controlled substance concentration
30 more than two hours after the individual has driven, operated or

1 been in actual physical control of the movement of the vehicle
2 is sufficient to establish that element of the offense under the
3 following circumstances:

4 (1) where the Commonwealth shows good cause explaining
5 why the chemical test sample could not be obtained within two
6 hours; and

7 (2) where the Commonwealth establishes that the
8 individual did not imbibe any alcohol or utilize a controlled
9 substance between the time the individual was arrested and
10 the time the sample was obtained.

11 (h) Driving under the influence of alcohol or controlled
12 substance following diversion.--

13 (1) An individual may not drive, operate or be in the
14 actual physical control of the movement of a vehicle in
15 violation of subsection (a), (b), (c), (d), (e) or (f) within
16 10 years after completing an Accelerated Rehabilitative
17 Disposition program or a pretrial diversion program
18 substantially similar to Accelerated Rehabilitative
19 Disposition in another jurisdiction, for an offense under
20 this section or a substantially similar offense in another
21 jurisdiction.

22 (2) Any of the following shall constitute sufficient
23 proof that the defendant has, within the last 10 years,
24 completed an Accelerated Rehabilitative Disposition program
25 or a pretrial diversion program substantially similar to
26 Accelerated Rehabilitative Disposition in another
27 jurisdiction for an offense under this section or a
28 substantially similar offense in another jurisdiction:

29 (i) a certified record of the department pursuant to
30 section 6328 (relating to admissibility of department

1 records);

2 (ii) a record maintained by the clerk of courts; or

3 (iii) a substantially similar record from another
4 jurisdiction.

5 (3) Nothing in this section shall be construed as
6 limiting the introduction of any other competent evidence
7 bearing upon the question of whether the defendant has,
8 within the last 10 years, completed an Accelerated
9 Rehabilitative Disposition program or a pretrial diversion
10 program substantially similar to Accelerated Rehabilitative
11 Disposition in another jurisdiction for an offense under this
12 section or a substantially similar offense in another
13 jurisdiction.

14 Section 4. Section 3803 of Title 75 is amended to read:

15 § 3803. Grading.

16 (a) Basic offenses.--Except as provided in [subsection (b)]
17 subsections (b) and (c):

18 (1) An individual who violates section 3802(a) (relating
19 to driving under influence of alcohol or controlled
20 substance) and has no more than one prior offense commits a
21 misdemeanor for which the individual may be sentenced to a
22 term of imprisonment of not more than six months and to pay a
23 fine under section 3804 (relating to penalties).

24 (2) An individual who violates section 3802(a) and has
25 two prior offenses or has one prior offense under section
26 3802(h)(1) commits a misdemeanor of the second degree.

27 (3) An individual who violates section 3802 and has
28 three or more prior offenses or has previously been convicted
29 of a violation of section 3735 (relating to homicide by
30 vehicle while driving under influence) commits a felony of

1 the third degree.

2 (4) An individual who violates section 3802(a), (b), (e)
3 or (f) and has two prior offenses, one of which includes a
4 violation of section 3802(h)(1) commits a felony of the third
5 degree.

6 (b) Other offenses.--

7 (1) An individual who violates section 3802(a)(1) where
8 there was an accident resulting in bodily injury, serious
9 bodily injury or death of any person or in damage to a
10 vehicle or other property, or who violates section 3802(b),
11 (e) or (f) and who has one prior offense commits a
12 misdemeanor for which the individual may be sentenced to a
13 term of imprisonment of not more than six months and to pay a
14 fine under section 3804.

15 (2) An individual who violates section 3802(a)(1) where
16 the individual refused testing of breath or chemical testing
17 pursuant to a valid search warrant, court order or any other
18 basis permissible by the Constitution of the United States
19 and the Constitution of Pennsylvania, or who violates section
20 3802(c) or (d) and who has no prior offenses commits a
21 misdemeanor for which the individual may be sentenced to a
22 term of imprisonment of not more than six months and to pay a
23 fine under section 3804.

24 (3) An individual who violates section 3802(a)(1) where
25 there was an accident resulting in bodily injury, serious
26 bodily injury or death of any person or in damage to a
27 vehicle or other property, or who violates section 3802(b),
28 (e) or (f) and who has two prior offenses or has one prior
29 offense under section 3802(h)(1) commits a misdemeanor of the
30 first degree.

1 (4) An individual who violates section 3802(a)(1) where
2 the individual refused testing of breath or chemical testing
3 pursuant to a valid search warrant, court order or any other
4 basis permissible by the Constitution of the United States
5 and the Constitution of Pennsylvania, or who violates section
6 3802(c) or (d) and who has one prior offense commits a
7 misdemeanor of the first degree.

8 (4.1) An individual who violates section 3802(a)(1)
9 where the individual refused testing of breath or chemical
10 testing pursuant to a valid search warrant, court order or
11 any other basis permissible by the Constitution of the United
12 States and the Constitution of Pennsylvania, or who violates
13 section 3802(c) or (d), commits:

14 (i) A felony of the third degree if the individual
15 has two prior offenses.

16 (i.1) A felony of the third degree if the individual
17 has one prior offense under section 3802(h)(1).

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

20 (iii) A felony of the second degree if the
21 individual has two prior offenses, one of which includes
22 a violation of section 3802(h)(1).

23 (5) An individual who violates section 3802 where a
24 minor under 18 years of age was an occupant in the vehicle
25 when the violation occurred commits:

26 (i) A misdemeanor of the first degree if the
27 individual has no more than one prior offense.

28 (ii) A felony of the third degree if the individual
29 has two or more prior offenses or has one prior offense
30 under section 3802(h)(1).

1 (c) Offenses following diversion.--

2 (1) An individual who violates section 3802(h)(1) where
3 the underlying offense is a violation of section 3802(a),
4 (b), (e) or (f), commits a misdemeanor for which the
5 individual may be sentenced to a term of imprisonment of not
6 more than six months and to pay a fine under section 3804.

7 (2) An individual who violates section 3802(h)(1) where
8 the underlying offense is a violation of section 3802(c) or
9 (d), commits a misdemeanor of the first degree.

10 Section 5. Section 3804(a)(2) and (3), (b)(2), (3) and (4),
11 (c)(2) and (3), (c.1)(2) and (3) and (c.2) of Title 75 are
12 amended to read:

13 § 3804. Penalties.

14 (a) General impairment.--Except as set forth in subsection
15 (b) or (c), an individual who violates section 3802(a) (relating
16 to driving under influence of alcohol or controlled substance)
17 shall be sentenced as follows:

18 * * *

19 (2) For a second offense or a first offense for a
20 violation of section 3802(h)(1), to:

21 (i) undergo imprisonment for not less than five
22 days;

23 (ii) pay a fine of not less than \$300 nor more than
24 \$2,500;

25 (iii) attend an alcohol highway safety school
26 approved by the department; and

27 (iv) comply with all drug and alcohol treatment
28 requirements imposed under sections 3814 and 3815.

29 (3) For a third or subsequent offense or a second or
30 subsequent offense following a conviction for violating

1 section 3802(h)(1), to:

2 (i) undergo imprisonment of not less than ten days;

3 (ii) pay a fine of not less than \$500 nor more than
4 \$5,000; and

5 (iii) comply with all drug and alcohol treatment
6 requirements imposed under sections 3814 and 3815.

7 (b) High rate of blood alcohol; minors; commercial vehicles
8 and school buses and school vehicles; accidents.--Except as set
9 forth in subsection (c), an individual who violates section
10 3802(a)(1) where there was an accident resulting in bodily
11 injury, serious bodily injury or death of any person or damage
12 to a vehicle or other property or who violates section 3802(b),
13 (e) or (f) shall be sentenced as follows:

14 * * *

15 (2) For a second offense or a first offense for a
16 violation of section 3802(h)(1), to:

17 (i) undergo imprisonment of not less than 30 days;

18 (ii) pay a fine of not less than \$750 nor more than
19 \$5,000;

20 (iii) attend an alcohol highway safety school
21 approved by the department; and

22 (iv) comply with all drug and alcohol treatment
23 requirements imposed under sections 3814 and 3815.

24 (3) For a third offense or a second offense following a
25 conviction for violating section 3802(h)(1), to:

26 (i) undergo imprisonment of not less than 90 days;

27 (ii) pay a fine of not less than \$1,500 nor more
28 than \$10,000; and

29 (iii) comply with all drug and alcohol treatment
30 requirements imposed under sections 3814 and 3815.

1 (4) For a fourth or subsequent offense or a third or
2 subsequent offense following a conviction for violating
3 section 3802(h)(1), to:

4 (i) undergo imprisonment of not less than one year;

5 (ii) pay a fine of not less than \$1,500 nor more
6 than \$10,000; and

7 (iii) comply with all drug and alcohol treatment
8 requirements imposed under sections 3814 and 3815.

9 (c) Incapacity; highest blood alcohol; controlled
10 substances.--An individual who violates section 3802(a)(1) and
11 refused testing of breath under section 1547 (relating to
12 chemical testing to determine amount of alcohol or controlled
13 substance) or testing of blood pursuant to a valid search
14 warrant or an individual who violates section 3802(c) or (d)
15 shall be sentenced as follows:

16 * * *

17 (2) For a second offense or a first offense for a
18 violation of section 3802(h)(1), to:

19 (i) undergo imprisonment of not less than 90 days;

20 (ii) pay a fine of not less than \$1,500;

21 (iii) attend an alcohol highway safety school
22 approved by the department; and

23 (iv) comply with all drug and alcohol treatment
24 requirements imposed under sections 3814 and 3815.

25 (3) For a third or subsequent offense or a second or
26 subsequent offense following a conviction for violating
27 section 3802(h)(1), to:

28 (i) undergo imprisonment of not less than one year;

29 (ii) pay a fine of not less than \$2,500; and

30 (iii) comply with all drug and alcohol treatment

1 requirements imposed under sections 3814 and 3815.

2 (c.1) Violation involving minor occupant.--An individual who
3 violates section 3803(b)(5) (relating to grading), in addition
4 to any penalty imposed in this chapter, shall be sentenced as
5 follows:

6 * * *

7 (2) For a second offense or a first offense for a
8 violation of section 3802(h)(1), to:

9 (i) pay a fine of not less than \$2,500; and

10 (ii) undergo imprisonment of not less than one month
11 nor more than six months.

12 (3) For a third or subsequent offense or a second or
13 subsequent offense following a conviction for violating
14 section 3802(h)(1), undergo imprisonment of not less than six
15 months nor more than two years.

16 (c.2) Consecutive sentence.--A sentence imposed upon an
17 individual under this section who has two or more prior offenses
18 or has one prior offense under section 3802(h)(1) shall be
19 served consecutively to any other sentence the individual is
20 serving and to any other sentence being then imposed by the
21 court, except for those with which the offense must merge as a
22 matter of law.

23 * * *

24 Section 6. Section 3806(a) of Title 75 is amended and
25 subsection (b) is amended by adding a paragraph to read:
26 § 3806. Prior offenses.

27 (a) General rule.--Except as set forth in subsection (b),
28 the term "prior offense" as used in this chapter shall mean any
29 conviction for which judgment of sentence has been imposed,
30 adjudication of delinquency[, juvenile consent decree,

1 acceptance of Accelerated Rehabilitative Disposition] or other
2 form of preliminary disposition before the sentencing on the
3 present violation for any of the following:

4 (1) an offense under section 3802 (relating to driving
5 under influence of alcohol or controlled substance);

6 (2) an offense under former section 3731;

7 (3) an offense substantially similar to an offense under
8 paragraph (1) or (2) in another jurisdiction; or

9 (4) any combination of the offenses set forth in
10 paragraph (1), (2) or (3).

11 (b) Timing.--

12 * * *

13 (4) When the completion date of the Accelerated
14 Rehabilitative Disposition program or a pretrial diversion
15 program substantially similar to Accelerated Rehabilitative
16 Disposition in another jurisdiction for an offense under
17 section 3802 or a substantially similar offense in another
18 jurisdiction is more than 10 years prior to the date of the
19 offense for which the defendant is being sentenced, a prior
20 conviction for violating section 3802(h)(1) shall be treated
21 as a prior offense for the underlying violation of section
22 3802.

23 Section 7. Section 3807(b) of Title 75 is amended and the
24 section is amended by adding subsections to read:

25 § 3807. Accelerated Rehabilitative Disposition.

26 * * *

27 (b) Evaluation and treatment.--

28 (1) A defendant offered Accelerated Rehabilitative
29 Disposition for a violation of section 3802 is, as a
30 condition of participation in the program, subject to the

1 following requirements in addition to any other conditions of
2 participation imposed by the court:

3 (i) The defendant must attend and successfully
4 complete an alcohol highway safety school established
5 under section 1549 (relating to establishment of
6 schools). A participating defendant shall be given both
7 oral and written notice of the provisions of section
8 1543(b) (relating to driving while operating privilege is
9 suspended or revoked).

10 (ii) Prior to receiving Accelerated Rehabilitative
11 Disposition or other preliminary disposition, the
12 defendant must be evaluated under section 3816(a)
13 (relating to requirements for driving under influence
14 offenders) to determine the extent of the defendant's
15 involvement with alcohol or other drug and to assist the
16 court in determining what conditions of Accelerated
17 Rehabilitative Disposition would benefit the defendant
18 and the public. If the evaluation indicates there is a
19 need for counseling or treatment, the defendant shall be
20 subject to a full assessment for [alcohol and drug
21 addiction] substance use disorder in accordance with the
22 provisions of section 3814(3) and (4) (relating to drug
23 and alcohol assessments).

24 (iii) If the defendant is assessed under
25 subparagraph (ii) to be in need of treatment, the
26 defendant must participate and cooperate with a licensed
27 [alcohol or drug addiction] treatment program. The level
28 [and duration] of treatment shall be in accordance with
29 the recommendations of the full assessment. Nothing in
30 this subparagraph shall prevent a treatment program from

1 refusing to accept a defendant if the program
2 administrator deems the defendant to be inappropriate for
3 admission to the program. A treatment program shall
4 retain the right to immediately discharge into the
5 custody of the probation officer an offender who fails to
6 comply with program rules and treatment expectations or
7 refuses to constructively engage in the treatment
8 process.

9 (iv) The defendant must remain subject to court
10 supervision for at least six months, but not more than 12
11 months.

12 (v) The defendant must make restitution to any
13 person that incurred determinable financial loss as a
14 result of the defendant's actions which resulted in the
15 offense. Restitution must be subject to court
16 supervision.

17 (vi) The defendant must pay the reasonable costs of
18 a municipal corporation in connection with the offense.
19 Fees imposed under this subparagraph shall be distributed
20 to the affected municipal corporation.

21 (vii) The defendant must pay any other fee,
22 surcharge or cost required by law. Except as set forth in
23 subparagraph (vi), (viii) or (ix), a fee or financial
24 condition imposed by a judge as a condition of
25 Accelerated Rehabilitative Disposition or any other
26 preliminary disposition of any charge under this chapter
27 shall be distributed as provided for in 42 Pa.C.S. §§
28 3571 (relating to Commonwealth portion of fines, etc.)
29 and 3573 (relating to municipal corporation portion of
30 fines, etc.).

(viii) The defendant must pay the costs of compliance with subparagraphs (i), (ii) and (iii).

(ix) The defendant shall pay a cost of \$50 which shall be forwarded to the State Treasurer for deposit in the Emergency Medical Services Operating Fund.

(2) The defendant shall be subject to a full assessment for [alcohol and drug addiction] substance use disorder if any of the following apply:

(i) The evaluation under paragraph (1)(ii) indicates a likelihood that the defendant [is addicted to alcohol or other drugs] has a substance use disorder.

(ii) The defendant's blood alcohol content at the time of the offense was at least 0.16%.

(3) The assessment under paragraph (2) shall be conducted by one of the following:

[(i) The Department of Health or its designee.]

(ii) The county agency with responsibility for county drug and alcohol programs or its designee.

(iii) The clinical personnel of a facility licensed by the [Department of Health for the conduct of drug and alcohol addiction] Department of Drug and Alcohol Programs for the conduct of substance use disorder treatment programs.

(4) The assessment under paragraph (2) shall consider issues of public safety and shall include recommendations for all of the following:

[(i) Length of stay.]

(ii) Levels of care.

(iii) Follow-up care and monitoring.

* * *

1 (f) Record retention.--

2 (1) Upon a defendant's successful completion of the
3 program provided for in this section, the court shall issue
4 an order evidencing the completion.

5 (2) Notwithstanding any order of expungement, the clerk
6 of courts shall retain a certified copy of the court order
7 evidencing a defendant has successfully completed the program
8 provided for in this section. The order shall be maintained
9 for 12 years following the date of the entry of the order.
10 The order shall not be subject to inspection and duplication
11 under the act of February 14, 2008 (P.L.6, No.3), known as
12 the Right-to-Know Law, and used solely for the purpose of
13 future prosecutions under section 3802(h). A clerk of courts
14 shall provide a certified copy of the order to any
15 prosecuting attorney, court or law enforcement agency upon
16 request.

17 (3) Immediately following the expiration of 12 years
18 following the entry of the order evidencing completion, the
19 clerk of court shall expunge the record of the completion of
20 Accelerated Rehabilitative Disposition. The clerk of court
21 shall not require an order of court to expunge the record.

22 (g) Definition.--As used in this section, the term
23 "substance use disorder" means a pattern of use of alcohol or
24 other drugs leading to clinical or functional impairment.

25 Section 8. This act shall take effect ~~in 30 days.~~ AS
26 FOLLOWS:

27 (1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:

28 (I) THE ADDITION OF 42 PA.C.S. § 9756(C.2).

29 (II) THE AMENDMENT OF 75 PA.C.S. § 1543(B)(1)(I) AND

30 (II) AND (1.1)(I).

1 (III) THIS SECTION.

2 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 30
3 DAYS.