

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1615 Session of
2025INTRODUCED BY KAUFFMAN, BRIGGS, FREEMAN, GAYDOS, HANBIDGE,
D. WILLIAMS, SANCHEZ, RAPP, PROKOPIAK, ZIMMERMAN, RIVERA,
WATRO, GREEN AND K. HARRIS, JUNE 16, 2025

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, DECEMBER 9, 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 AND FOR IGNITION INTERLOCK
8 LIMITED LICENSE; in miscellaneous provisions relating to
9 serious traffic offenses, further providing for homicide by
10 vehicle while driving under influence; and, in driving after
11 imbibing alcohol or utilizing drugs, further providing for
12 the offense of driving under influence of alcohol or
13 controlled substance, for grading, for penalties, FOR <--
14 IGNITION INTERLOCK, for prior offenses and for ~~accelerated~~ <--
15 ~~rehabilitative disposition~~ ACCELERATED REHABILITATIVE <--
16 DISPOSITION.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

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

21 SECTION 1. SECTION 9756 OF TITLE 42 OF THE PENNSYLVANIA <--
22 CONSOLIDATED STATUTES IS AMENDED BY ADDING A SUBSECTION TO READ:
23 § 9756. SENTENCE OF TOTAL CONFINEMENT.

1 * * *

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

11 * * *

12 SECTION 1.1. SECTIONS 1534 AND 1543(B)(1)(I) AND (II) AND
13 (1.1)(I) OF TITLE 75 ARE AMENDED TO READ:

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

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

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

1 ten-year period.] and make the record available to any
2 prosecuting attorney, court or law enforcement agency upon
3 request.

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

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

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

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

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

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

29 * * *

30 (B) CERTAIN OFFENSES.--

<--

(1) THE FOLLOWING SHALL APPLY:

(I) A PERSON WHO DRIVES A MOTOR VEHICLE ON A HIGHWAY OR TRAFFICWAY OF THIS COMMONWEALTH AT A TIME WHEN THE PERSON'S OPERATING PRIVILEGE IS SUSPENDED OR REVOKED AS A CONDITION OF ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION FOR A VIOLATION OF SECTION 3802 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE) OR THE FORMER SECTION 3731, BECAUSE OF A VIOLATION OF SECTION 1547(B)(1) (RELATING TO SUSPENSION FOR REFUSAL) OR 3802 OR FORMER SECTION 3731 OR IS SUSPENDED UNDER SECTION 1581 (RELATING TO DRIVER'S LICENSE COMPACT) FOR AN OFFENSE SUBSTANTIALLY SIMILAR TO A 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 \$500 AND TO UNDERGO IMPRISONMENT FOR A PERIOD OF [NOT LESS THAN 60 DAYS NOR MORE THAN 90 DAYS] 60 DAYS.

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

* * *

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

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

19 * * *

20 SECTION 1.2. SECTION 1556(F)(2) OF TITLE 75 IS AMENDED BY
21 ADDING A SUBPARAGRAPH TO READ:

22 § 1556. IGNITION INTERLOCK LIMITED LICENSE.

23 * * *

24 (F) SUSPENSION ELIGIBILITY.--THE FOLLOWING SHALL APPLY:

25 * * *

26 (2) AN INDIVIDUAL WHOSE LICENSE HAS BEEN SUSPENDED UNDER
27 SECTION 3804(E) (RELATING TO PENALTIES) SHALL BE ELIGIBLE TO
28 APPLY FOR AND, IF OTHERWISE QUALIFIED, BE ISSUED AN IGNITION
29 INTERLOCK LIMITED LICENSE UNDER THIS SECTION IF THE
30 INDIVIDUAL:

1 * * *

2 (I.1) HAS NOT PREVIOUSLY COMPLETED ACCELERATED
3 REHABILITATIVE DISPOSITION WITHIN THE PRIOR 10 YEARS FOR
4 AN OFFENSE UNDER SECTION 3806(A). THE INDIVIDUAL SHALL BE
5 IMMEDIATELY ELIGIBLE FOR A SUSPENSION IMPOSED UNDER
6 SECTION 3804(E) (2) (I);

7 * * *

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

11 § 3735. Homicide by vehicle while driving under influence.

12 (a) Offense defined.--

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

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

18 (ii) is guilty of a felony of the first degree if,
19 before sentencing on the present violation, the person
20 has incurred a conviction, adjudication of delinquency[,
21 juvenile consent decree, acceptance of Accelerated

22 Rehabilitative Disposition] or other form of preliminary
23 disposition for any of the following:

24 (A) An offense under section 3802.

25 (B) An offense under former section 3731
26 (relating to driving under influence of alcohol or
27 controlled substance).

28 (C) An offense which constitutes a felony under
29 this subchapter.

30 (D) An offense substantially similar to an

offense under clause (A), (B) or (C) in another jurisdiction.

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

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

* * *

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

(i) Not less than five years if, before sentencing on the present violation, the person has one prior conviction, adjudication of delinquency[, juvenile consent decree, acceptance of Accelerated Rehabilitative Disposition] or other form of preliminary disposition for any of the offenses listed under paragraph (1)(ii)(A), (B), (C), (D) or (E). A consecutive five-year term of imprisonment shall be imposed for each victim whose death is the result of a violation of section 3802.

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

section 3802.

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

* * *

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

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

* * *

(g) Exception to two-hour rule.--Notwithstanding the provisions of subsection (a), (b), (c), (e) ~~[or]~~, (f) or (h), where alcohol or controlled substance concentration in an individual's blood or breath is an element of the offense, evidence of such alcohol or controlled substance concentration more than two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle is sufficient to establish that element of the offense under the following circumstances:

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

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

(h) Driving under the influence of alcohol or controlled

1 substance following diversion.--

2 (1) An individual may not drive, operate or be in the
3 actual physical control of the movement of a vehicle in
4 violation of subsection (a), (b), (c), (d), (e) or (f) within
5 10 years after completing an Accelerated Rehabilitative
6 Disposition program or a pretrial diversion program
7 substantially similar to Accelerated Rehabilitative
8 Disposition in another jurisdiction, for an offense under
9 this section or a substantially similar offense in another
10 jurisdiction.

11 (2) Any of the following shall constitute sufficient
12 proof that the defendant has, within the last 10 years,
13 completed an Accelerated Rehabilitative Disposition program
14 or a pretrial diversion program substantially similar to
15 Accelerated Rehabilitative Disposition in another
16 jurisdiction for an offense under this section or a
17 substantially similar offense in another jurisdiction:

18 (i) a certified record of the department pursuant to
19 section 6328 (relating to admissibility of department
20 records);

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

22 (iii) a substantially similar record from another
23 jurisdiction.

24 (3) Nothing in this section shall be construed as
25 limiting the introduction of any other competent evidence
26 bearing upon the question of whether the defendant has,
27 within the last 10 years, completed an Accelerated
28 Rehabilitative Disposition program or a pretrial diversion
29 program substantially similar to Accelerated Rehabilitative
30 Disposition in another jurisdiction for an offense under this

1 section or a substantially similar offense in another
2 jurisdiction.

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

4 § 3803. Grading.

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

7 (1) An individual who violates section 3802(a) (relating
8 to driving under influence of alcohol or controlled
9 substance) and has no more than one prior offense commits a
10 misdemeanor for which the individual may be sentenced to a
11 term of imprisonment of not more than six months and to pay a
12 fine under section 3804 (relating to penalties).

13 (2) An individual who violates section 3802(a) and has
14 two prior offenses or has one prior offense under section
15 3802(h)(1) commits a misdemeanor of the second degree.

16 (3) An individual who violates section 3802 and has
17 three or more prior offenses or has previously been convicted
18 of a violation of section 3735 (relating to homicide by
19 vehicle while driving under influence) commits a felony of
20 the third degree.

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

25 (b) Other offenses.--

26 (1) An individual who violates section 3802(a)(1) where
27 there was an accident resulting in bodily injury, serious
28 bodily injury or death of any person or in damage to a
29 vehicle or other property, or who violates section 3802(b),
30 (e) or (f) and who has one prior offense commits a

1 misdemeanor for which the individual may be sentenced to a
2 term of imprisonment of not more than six months and to pay a
3 fine under section 3804.

4 (2) An individual who violates section 3802(a)(1) where
5 the individual refused testing of breath or chemical testing
6 pursuant to a valid search warrant, court order or any other
7 basis permissible by the Constitution of the United States
8 and the Constitution of Pennsylvania, or who violates section
9 3802(c) or (d) and who has no prior offenses commits a
10 misdemeanor for which the individual may be sentenced to a
11 term of imprisonment of not more than six months and to pay a
12 fine under section 3804.

13 (3) An individual who violates section 3802(a)(1) where
14 there was an accident resulting in bodily injury, serious
15 bodily injury or death of any person or in damage to a
16 vehicle or other property, or who violates section 3802(b),
17 (e) or (f) and who has two prior offenses or has one prior
18 offense under section 3802(h)(1) commits a misdemeanor of the
19 first degree.

20 (4) An individual who violates section 3802(a)(1) where
21 the individual refused testing of breath or chemical testing
22 pursuant to a valid search warrant, court order or any other
23 basis permissible by the Constitution of the United States
24 and the Constitution of Pennsylvania, or who violates section
25 3802(c) or (d) and who has one prior offense commits a
26 misdemeanor of the first degree.

27 (4.1) An individual who violates section 3802(a)(1)
28 where the individual refused testing of breath or chemical
29 testing pursuant to a valid search warrant, court order or
30 any other basis permissible by the Constitution of the United

1 States and the Constitution of Pennsylvania, or who violates
2 section 3802(c) or (d), commits:

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

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

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

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

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

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

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

20 (c) Offenses following diversion.--

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

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

29 Section 5. Section 3804(a)(2) and (3), (b)(2), (3) and (4),
30 (c)(2) and (3), (c.1)(2) and (3) and (c.2) of Title 75 are

1 amended to read:

2 § 3804. Penalties.

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

7 * * *

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

10 (i) undergo imprisonment for not less than five
11 days;

12 (ii) pay a fine of not less than \$300 nor more than
13 \$2,500;

14 (iii) attend an alcohol highway safety school
15 approved by the department; and

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

18 (3) For a third or subsequent offense or a second or
19 subsequent offense following a conviction for violating
20 section 3802(h)(1), to:

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

22 (ii) pay a fine of not less than \$500 nor more than
23 \$5,000; and

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

26 (b) High rate of blood alcohol; minors; commercial vehicles
27 and school buses and school vehicles; accidents.--Except as set
28 forth in subsection (c), an individual who violates section
29 3802(a)(1) where there was an accident resulting in bodily
30 injury, serious bodily injury or death of any person or damage

1 to a vehicle or other property or who violates section 3802(b),
2 (e) or (f) shall be sentenced as follows:

3 * * *

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

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

7 (ii) pay a fine of not less than \$750 nor more than
8 \$5,000;

9 (iii) attend an alcohol highway safety school
10 approved by the department; and

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

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

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

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

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

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

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

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

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

28 (c) Incapacity; highest blood alcohol; controlled
29 substances.--An individual who violates section 3802(a)(1) and
30 refused testing of breath under section 1547 (relating to

1 chemical testing to determine amount of alcohol or controlled
2 substance) or testing of blood pursuant to a valid search
3 warrant or an individual who violates section 3802(c) or (d)
4 shall be sentenced as follows:

5 * * *

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

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

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

10 (iii) attend an alcohol highway safety school
11 approved by the department; and

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

14 (3) For a third or subsequent offense or a second or
15 subsequent offense following a conviction for violating
16 section 3802(h)(1), to:

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

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

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

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

25 * * *

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

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

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

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

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

12 * * *

13 SECTION 5.1. SECTION 3805(A.1) OF TITLE 75 IS AMENDED BY
14 ADDING A PARAGRAPH TO READ:
15 § 3805. IGNITION INTERLOCK.

16 * * *

17 (A.1) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY TO AN
18 INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

19 * * *

20 (3) HAS NOT PREVIOUSLY COMPLETED ACCELERATED
21 REHABILITATIVE DISPOSITION WITHIN THE PRIOR 10 YEARS FOR AN
22 OFFENSE UNDER SECTION 3806(A).

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 (A.1) CONDITIONS OF ACCEPTANCE.--BEFORE A DEFENDANT MAY
28 ACCEPT ACCELERATED REHABILITATIVE DISPOSITION FOR A CHARGE
29 BROUGHT UNDER SECTION 3802, THE COURT SHALL CONDUCT AN INQUIRY
30 ON THE RECORD TO ENSURE THAT THE DEFENDANT'S ACCEPTANCE INTO

<--

ACCELERATED REHABILITATIVE DISPOSITION AND WAIVER OF APPLICABLE
CONSTITUTIONAL RIGHTS IS MADE KNOWINGLY, VOLUNTARILY AND
INTELLIGENTLY.

(b) Evaluation and treatment.--

(1) A defendant offered Accelerated Rehabilitative Disposition for a violation of section 3802 is, as a condition of participation in the program, subject to the following requirements in addition to any other conditions of participation imposed by the court:

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

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

1 (iii) If the defendant is assessed under
2 subparagraph (ii) to be in need of treatment, the
3 defendant must participate and cooperate with a licensed
4 [alcohol or drug addiction] treatment program. The level
5 [and duration] of treatment shall be in accordance with
6 the recommendations of the full assessment. Nothing in
7 this subparagraph shall prevent a treatment program from
8 refusing to accept a defendant if the program
9 administrator deems the defendant to be inappropriate for
10 admission to the program. A treatment program shall
11 retain the right to immediately discharge into the
12 custody of the probation officer an offender who fails to
13 comply with program rules and treatment expectations or
14 refuses to constructively engage in the treatment
15 process.

16 (iv) The defendant must remain subject to court
17 supervision for at least six months, but not more than 12
18 months.

19 (v) The defendant must make restitution to any
20 person that incurred determinable financial loss as a
21 result of the defendant's actions which resulted in the
22 offense. Restitution must be subject to court
23 supervision.

24 (vi) The defendant must pay the reasonable costs of
25 a municipal corporation in connection with the offense.
26 Fees imposed under this subparagraph shall be distributed
27 to the affected municipal corporation.

28 (vii) The defendant must pay any other fee,
29 surcharge or cost required by law. Except as set forth in
30 subparagraph (vi), (viii) or (ix), a fee or financial

1 condition imposed by a judge as a condition of
2 Accelerated Rehabilitative Disposition or any other
3 preliminary disposition of any charge under this chapter
4 shall be distributed as provided for in 42 Pa.C.S. §§
5 3571 (relating to Commonwealth portion of fines, etc.)
6 and 3573 (relating to municipal corporation portion of
7 fines, etc.).

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

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

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

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

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

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

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

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

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

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

4 [(i) Length of stay.]

5 (ii) Levels of care.

6 (iii) Follow-up care and monitoring.

7 * * *

8 (f) Record retention.--

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

12 (2) Notwithstanding any order of expungement, the clerk
13 of courts shall retain a certified copy of the court order
14 evidencing a defendant has successfully completed the program
15 provided for in this section IN ACCORDANCE WITH 18 PA.C.S. § <--
16 9122(C) (RELATING TO EXPUNGEMENT). The order shall be
17 maintained for 12 years following the date of the entry of
18 the order. The order shall not be subject to inspection and <--
19 duplication under the act of February 14, 2008 (P.L.6, No.3),
20 known as the Right to Know Law, and PUBLIC INSPECTION OR <--
21 DUPLICATION AND SHALL BE used solely for the purpose of
22 future prosecutions under section 3802(h). A clerk of courts
23 shall provide a certified copy of the order to any
24 prosecuting attorney, court or law enforcement agency upon
25 request.

26 (3) Immediately following the expiration of 12 years
27 following the entry of the order evidencing completion, the
28 clerk of court shall expunge the record of the completion of
29 Accelerated Rehabilitative Disposition. The clerk of court
30 shall not require an order of court to expunge the record.

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1 (G) LIMITATION.--IF A DEFENDANT FAILS TO COMPLETE
2 ACCELERATED REHABILITATIVE DISPOSITION OR OTHER FORM OF
3 PRELIMINARY DISPOSITION AND IS BROUGHT TO TRIAL FOR THE CHARGED
4 OFFENSE, ANY WAIVER OR ACKNOWLEDGMENT OFFERED OR REQUIRED UNDER
5 THIS SECTION SHALL BE OF NO EFFECT AND SHALL NOT BE USED AGAINST
6 THE DEFENDANT. NO STATEMENT PRESENTED BY THE DEFENDANT SHALL BE
7 USED AGAINST THE DEFENDANT FOR ANY PURPOSE IN A CRIMINAL
8 PROCEEDING EXCEPT A PROSECUTION BASED ON THE FALSITY OF THE
9 INFORMATION OR STATEMENT SUPPLIED.

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10 ~~(g)~~ (H) Definition.--As used in this section, the term
11 "substance use disorder" means a pattern of use of alcohol or
12 other drugs leading to clinical or functional impairment.

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13 SECTION 8. THE INTENT OF THIS ACT IS TO RESTORE PROCEDURES
14 BY WHICH DEFENDANTS WHO ARE CHARGED WITH AN OFFENSE UNDER 75
15 PA.C.S. § 3802 MAY SECURE REHABILITATIVE TREATMENT AND A CLEAN
16 RECORD, WHILE ENSURING THE PUBLIC THAT REPEAT OFFENDERS WILL
17 FACE APPROPRIATE CONSEQUENCES AS SET BY THE GENERAL ASSEMBLY IF
18 THEY COMMIT SUBSEQUENT OFFENSES DESPITE THE REHABILITATIVE
19 OPPORTUNITY. IT IS THE INTENT OF THE GENERAL ASSEMBLY TO ADDRESS
20 THE PENNSYLVANIA SUPREME COURT'S DECISION IN *COMMONWEALTH V.*
21 *SHIFFLETT*, 335 A.3D 1158 (PA. 2025).

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22 ~~SECTION 9. THE PENNSYLVANIA SUPREME COURT SHALL PROMULGATE~~
23 ~~RULES NECESSARY TO EFFECTUATE THE AMENDMENT OF 75 PA.C.S. §~~
24 ~~3807(A.1). NOTHING IN THIS SECTION SHALL BE CONSTRUED TO MODIFY~~
25 ~~THE EFFECTIVE DATE OF THIS ACT.~~

26 ~~SECTION 10. NOTWITHSTANDING SECTION 9, THE AMENDMENT OF 75~~
27 ~~PA.C.S. § 3807(A.1) SHALL APPLY BEGINNING ON THE EFFECTIVE DATE~~
28 ~~OF THIS SECTION.~~

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29 SECTION 9. THE PENNSYLVANIA SUPREME COURT CRIMINAL
30 PROCEDURAL RULES COMMITTEE SHALL PROMULGATE RULES AS NECESSARY

1 TO ASSIST IN THE IMPLEMENTATION OF THE ADDITION OF 75 PA.C.S. §
2 3807(A.1). EVEN IN THE ABSENCE OF ANY SUCH ENACTED RULES, THE
3 ADDITION OF 75 PA.C.S. § 3807(A.1) SHALL TAKE EFFECT ON THE
4 EFFECTIVE DATE OF THIS ACT.

5 Section ~~8-11~~ 10. This act shall take effect ~~in 30 days. AS~~ <--
6 ~~FOLLOWS:~~

7 ~~(1) THE FOLLOWING SHALL TAKE EFFECT IMMEDIATELY:~~

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

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

10 ~~(II) AND (1.1)(I).~~

11 ~~(III) THIS SECTION.~~

12 ~~(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 30~~

13 ~~DAYS.~~ IMMEDIATELY.

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