

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1615 Session of 2025

INTRODUCED BY KAUFFMAN, BRIGGS, FREEMAN, RIVERA, GAYDOS,
HANBIDGE, D. WILLIAMS, SANCHEZ, RAPP AND PROKOPIAK,
JUNE 16, 2025

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 23, 2025

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in licensing of drivers, further providing for
3 grading, for penalties and for prior offenses; and
4 establishing the Driving Under the Influence Treatment
5 Program.

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

8 Section 1. Sections 1552, 3803(a) introductory paragraph and
9 (b), 3804(a) introductory paragraph, 3806 and 3807 of Title 75
10 of the Pennsylvania Consolidated Statutes are amended to read:

11 § 1552. [Accelerated Rehabilitative Disposition.

12 The court of common pleas in each judicial district and the
13 Municipal Court of Philadelphia shall establish and implement a
14 program for Accelerated Rehabilitative Disposition for persons
15 charged with a violation of section 3802 (relating to driving
16 under influence of alcohol or controlled substance) in
17 accordance with the provisions of this chapter, Chapter 38
18 (relating to driving after imbibing alcohol or utilizing drugs)

1 and rules adopted by the Supreme Court.] Driving Under the
2 Influence Treatment Program.

3 The court of common pleas in each judicial district and the
4 Municipal Court of Philadelphia shall establish and implement a
5 Driving Under the Influence Treatment Program in accordance with
6 section 3807 (relating to Driving Under the Influence Treatment
7 Program) for persons charged with a violation of section 3802
8 (relating to driving under influence of alcohol or controlled
9 substance) in accordance with the provisions of this chapter,
10 Chapter 38 (relating to driving after imbibing alcohol or
11 utilizing drugs) and rules adopted by the Supreme Court.

12 § 3803. Grading.

13 (a) Basic offenses.--Except as provided in subsection (b)
14 and section 3807 (relating to Driving Under the Influence
15 Treatment Program):

16 * * *

17 (b) Other offenses.--Except as provided in section 3807:

18 (1) An individual who violates section 3802(a)(1) where
19 there was an accident resulting in bodily injury, serious
20 bodily injury or death of any person or in damage to a
21 vehicle or other property, or who violates section 3802(b),
22 (e) or (f) and who has one prior offense commits a
23 misdemeanor for which the individual may be sentenced to a
24 term of imprisonment of not more than six months and to pay a
25 fine under section 3804.

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

1 3802(c) or (d) and who has no prior offenses commits a
2 misdemeanor for which the individual may be sentenced to a
3 term of imprisonment of not more than six months and to pay a
4 fine under section 3804.

5 (3) An individual who violates section 3802(a)(1) where
6 there was an accident resulting in bodily injury, serious
7 bodily injury or death of any person or in damage to a
8 vehicle or other property, or who violates section 3802(b),
9 (e) or (f) and who has two prior offenses commits a
10 misdemeanor of the first degree.

11 (4) An individual who violates section 3802(a)(1) where
12 the individual refused testing of breath or chemical testing
13 pursuant to a valid search warrant, court order or any other
14 basis permissible by the Constitution of the United States
15 and the Constitution of Pennsylvania, or who violates section
16 3802(c) or (d) and who has one prior offense commits a
17 misdemeanor of the first degree.

18 (4.1) An individual who violates section 3802(a)(1)
19 where the individual refused testing of breath or chemical
20 testing pursuant to a valid search warrant, court order or
21 any other basis permissible by the Constitution of the United
22 States and the Constitution of Pennsylvania, or who violates
23 section 3802(c) or (d), commits:

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

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

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

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

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

5 § 3804. Penalties.

6 (a) General impairment.--Except as set forth in subsection
7 (b) or (c) and section 3807 (relating to Driving Under the
8 Influence Treatment Program), an individual who violates section
9 3802(a) (relating to driving under influence of alcohol or
10 controlled substance) shall be sentenced as follows:

11 * * *

12 § 3806. Prior offenses.

13 (a) General rule.--Except as set forth in subsection (b),
14 the term "prior offense" as used in this chapter shall mean any
15 conviction for which judgment of sentence has been imposed,
16 adjudication of delinquency, juvenile consent decree[,
17 acceptance of Accelerated Rehabilitative Disposition or other
18 form of preliminary disposition] or preliminary disposition
19 where a plea of guilty or nolo contendere was accepted by the
20 court, including acceptance into the Driving Under the Influence
21 Treatment Program under section 3807 (relating to Driving Under
22 the Influence Treatment Program), before the sentencing on the
23 present violation for any of the following:

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

26 (2) an offense under former section 3731;

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

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

1 (b) Timing.--

2 (1) For purposes of sections 1553(d.2) (relating to
3 occupational limited license), 1556 (relating to ignition
4 interlock limited license), 3803 (relating to grading), 3804
5 (relating to penalties) and 3805 (relating to ignition
6 interlock), the prior offense must have occurred:

7 (i) within 10 years prior to the date of the offense
8 for which the defendant is being sentenced; or

9 (ii) on or after the date of the offense for which
10 the defendant is being sentenced.

11 [(2) The court shall calculate the number of prior
12 offenses, if any, at the time of sentencing.]

13 (3) If the defendant is sentenced for two or more
14 offenses in the same day, the offenses shall be considered
15 prior offenses within the meaning of this subsection.

16 § 3807. [Accelerated Rehabilitative Disposition.

17 (a) Eligibility.--

18 (1) Except as set forth in paragraph (2), a defendant
19 charged with a violation of section 3802 (relating to driving
20 under influence of alcohol or controlled substance) may be
21 considered by the attorney for the Commonwealth for
22 participation in an Accelerated Rehabilitative Disposition
23 program in a county if the program includes the minimum
24 requirements contained in this section.

25 (2) The attorney for the Commonwealth shall not submit a
26 charge brought under this chapter for Accelerated
27 Rehabilitative Disposition if any of the following apply:

28 (i) The defendant has been found guilty of or
29 accepted Accelerated Rehabilitative Disposition of a
30 charge brought under section 3802 within ten years of the

1 date of the current offense unless the charge was for an
2 ungraded misdemeanor under section 3802(a)(2) and was the
3 defendant's first offense under section 3802.

4 (ii) An accident occurred in connection with the
5 events surrounding the current offense and an individual
6 other than the defendant was killed or suffered serious
7 bodily injury as a result of the accident.

8 (iii) There was a passenger under 14 years of age in
9 the motor vehicle the defendant was operating.

10 (b) Evaluation and treatment.--

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

16 (i) The defendant must attend and successfully
17 complete an alcohol highway safety school established
18 under section 1549 (relating to establishment of
19 schools). A participating defendant shall be given both
20 oral and written notice of the provisions of section
21 1543(b) (relating to driving while operating privilege is
22 suspended or revoked).

23 (ii) Prior to receiving Accelerated Rehabilitative
24 Disposition or other preliminary disposition, the
25 defendant must be evaluated under section 3816(a)
26 (relating to requirements for driving under influence
27 offenders) to determine the extent of the defendant's
28 involvement with alcohol or other drug and to assist the
29 court in determining what conditions of Accelerated
30 Rehabilitative Disposition would benefit the defendant

1 and the public. If the evaluation indicates there is a
2 need for counseling or treatment, the defendant shall be
3 subject to a full assessment for alcohol and drug
4 addiction in accordance with the provisions of section
5 3814(3) and (4) (relating to drug and alcohol
6 assessments).

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

22 (iv) The defendant must remain subject to court
23 supervision for at least six months, but not more than 12
24 months.

25 (v) The defendant must make restitution to any
26 person that incurred determinable financial loss as a
27 result of the defendant's actions which resulted in the
28 offense. Restitution must be subject to court
29 supervision.

30 (vi) The defendant must pay the reasonable costs of

1 a municipal corporation in connection with the offense.

2 Fees imposed under this subparagraph shall be distributed
3 to the affected municipal corporation.

4 (vii) The defendant must pay any other fee,
5 surcharge or cost required by law. Except as set forth in
6 subparagraph (vi), (viii) or (ix), a fee or financial
7 condition imposed by a judge as a condition of
8 Accelerated Rehabilitative Disposition or any other
9 preliminary disposition of any charge under this chapter
10 shall be distributed as provided for in 42 Pa.C.S. §§
11 3571 (relating to Commonwealth portion of fines, etc.)
12 and 3573 (relating to municipal corporation portion of
13 fines, etc.).

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

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

19 (2) The defendant shall be subject to a full assessment
20 for alcohol and drug addiction if any of the following apply:

21 (i) The evaluation under paragraph (1)(ii) indicates
22 a likelihood that the defendant is addicted to alcohol or
23 other drugs.

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

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

28 (i) The Department of Health or its designee.

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

1 (iii) The clinical personnel of a facility licensed
2 by the Department of Health for the conduct of drug and
3 alcohol addiction treatment programs.

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

7 (i) Length of stay.

8 (ii) Levels of care.

9 (iii) Follow-up care and monitoring.

10 (c) Insurance.--

11 (1) This subsection shall only apply to a health
12 insurance, health maintenance organization or other health
13 plan required to provide benefits under section 602-A of the
14 act of May 17, 1921 (P.L.682, No.284), known as The Insurance
15 Company Law of 1921.

16 (2) If an individual who is insured by a health
17 insurance, a health maintenance organization or other health
18 plan, that is doing business in this Commonwealth, the
19 individual may not be deprived of alcohol and other drug
20 abuse and addiction treatment or coverage within the scope of
21 that plan due to the identification of an alcohol or other
22 drug problem which occurs as a result of an assessment under
23 this section.

24 (d) Mandatory suspension of operating privileges.--As a
25 condition of participation in an Accelerated Rehabilitative
26 Disposition program, the court shall order the defendant's
27 license suspended as follows:

28 (1) There shall be no license suspension if the
29 defendant's blood alcohol concentration at the time of
30 testing was less than 0.10%.

1 (2) For 30 days if the defendant's blood alcohol
2 concentration at the time of testing was at least 0.10% but
3 less than 0.16%.

4 (3) For 60 days if:

5 (i) the defendant's blood alcohol concentration at
6 the time of testing was 0.16% or higher;

7 (ii) the defendant's blood alcohol concentration is
8 not known;

9 (iii) an accident which resulted in bodily injury or
10 in damage to a vehicle or other property occurred in
11 connection with the events surrounding the current
12 offense; or

13 (iv) the defendant was charged pursuant to section
14 3802(d).

15 (4) For 90 days if the defendant was a minor at the time
16 of the offense.

17 (e) Failure to comply.--

18 (1) A defendant who fails to complete any of the
19 conditions of participation contained in this section shall
20 be deemed to have unsuccessfully participated in an
21 Accelerated Rehabilitative Disposition program, and the
22 criminal record underlying participation in the program shall
23 not be expunged.

24 (2) The court shall direct the attorney for the
25 Commonwealth to proceed on the charges as prescribed in the
26 Rules of Criminal Procedure if the defendant:

27 (i) fails to meet any of the requirements of this
28 section;

29 (ii) is charged with or commits an offense under 18
30 Pa.C.S. (relating to crimes and offenses); or

1 (iii) violates any other condition imposed by the
2 court.] Driving Under the Influence Treatment Program.

3 (a) Eligibility.--

4 (1) Except as set forth in paragraph (2), a defendant
5 who enters a plea of guilty or nolo contendere to a violation
6 of section 3802 (relating to driving under influence of
7 alcohol or controlled substance) may be sentenced to the
8 Driving Under the Influence Treatment Program with the
9 consent of the prosecuting attorney if the program includes
10 the minimum requirements contained in this section.

11 (2) A defendant may not be eligible for the Driving
12 Under the Influence Treatment Program if any of the following
13 apply:

14 (i) The defendant has been found guilty of or
15 accepted Accelerated Rehabilitative Disposition or other
16 form of preliminary disposition for a charge brought
17 under section 3802 within 10 years of the date of the
18 current offense unless the charge was for an ungraded
19 misdemeanor under section 3802(a)(2) and was the
20 defendant's first offense under section 3802.

21 (ii) An accident occurred in connection with the
22 events surrounding the current offense and an individual
23 other than the defendant was killed or suffered serious
24 bodily injury as a result of the accident.

25 (iii) There was a passenger under 14 years of age in
26 the motor vehicle the defendant was operating.

27 (b) Evaluation and treatment.--

28 (1) A defendant sentenced to the Driving Under the
29 Influence Treatment Program for a violation of section 3802
30 shall, as a condition of participation in the program, be

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

3 (i) The defendant shall 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 being sentenced to the Driving Under
11 the Influence Treatment Program, the defendant shall be
12 evaluated under section 3816(a) (relating to requirements
13 for driving under influence offenders) to determine the
14 extent of the defendant's involvement with alcohol or
15 other drugs and to assist the court in determining what
16 conditions of the Driving Under the Influence Treatment
17 Program would benefit the defendant and the public. If
18 the evaluation indicates there is a need for counseling
19 or treatment, the defendant shall be subject to a full
20 assessment for alcohol and drug addiction in accordance
21 with the provisions of section 3814(3) and (4) (relating
22 to drug and alcohol assessments).

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

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

8 (iv) Notwithstanding sections 3803 (relating to
9 grading) and 3804 (relating to penalties) and except as <--
10 provided in subsection (e), the defendant shall remain
11 subject to court supervision for at least six months, but
12 not more than 12 months.

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

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

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

1 portion of fines, etc.).

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

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

7 (x) The conditions of the program may include the
8 imposition of a reasonable charge relating to the expense
9 of administering the program.

10 (2) The defendant shall be subject to a full assessment
11 for alcohol and drug addiction if any of the following apply:

12 (i) The evaluation under paragraph (1)(ii) indicates
13 a likelihood that the defendant is addicted to alcohol or
14 other drugs.

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

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

19 (i) The Department of Health, or its designee.

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

22 (iii) The clinical personnel of a facility licensed
23 by the Department of Health for the conduct of drug and
24 alcohol addiction treatment programs.

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

28 (i) Length of stay.

29 (ii) Levels of care.

30 (iii) Follow-up care and monitoring.

1 (c) Insurance.--

2 (1) This subsection shall only apply to a health
3 insurance, health maintenance organization or other health
4 plan required to provide benefits under section 602-A of the
5 act of May 17, 1921 (P.L.682, No.284), known as The Insurance
6 Company Law of 1921.

7 (2) If an individual who is insured by a health
8 insurance, a health maintenance organization or other health
9 plan that is doing business in this Commonwealth, the
10 individual may not be deprived of alcohol and other drug
11 abuse and addiction treatment or coverage within the scope of
12 that plan due to the identification of an alcohol or other
13 drug problem which occurs as a result of an assessment under
14 this section.

15 (d) Mandatory suspension of operating privileges.--As a
16 condition of participation in the Driving Under the Influence
17 Treatment Program, the court shall order the defendant's license
18 suspended as follows:

19 (1) There shall be no license suspension if the
20 defendant's blood alcohol concentration at the time of
21 testing was less than 0.10%.

22 (2) For 30 days if the defendant's blood alcohol
23 concentration at the time of testing was at least 0.10% but
24 less than 0.16%.

25 (3) For 60 days if:

26 (i) the defendant's blood alcohol concentration at
27 the time of testing was 0.16% or higher;

28 (ii) the defendant's blood alcohol concentration is
29 not known;

30 (iii) an accident which resulted in bodily injury or

1 in damage to a vehicle or other property occurred in
2 connection with the events surrounding the current
3 offense; or

4 (iv) the defendant was charged pursuant to section
5 3802(d).

6 (4) For 90 days if the defendant was a minor at the time
7 of the offense.

8 ~~(e) Failure to comply. Notwithstanding 42 Pa.C.S. § 9771 <--~~
9 ~~(relating to modification or revocation of order of probation),~~
10 ~~upon petition by the Commonwealth or supervising probation~~
11 ~~department alleging a violation of the terms and conditions of~~
12 ~~the Driving Under the Influence Treatment Program, the court~~
13 ~~shall direct the defendant to appear for a hearing to determine~~
14 ~~whether a violation has occurred. The following apply:~~

15 ~~(1) If the court determines that the defendant violated~~
16 ~~the terms and conditions of the program and any of the~~
17 ~~following circumstances apply, the court shall remove the~~
18 ~~defendant from the Driving Under the Influence Treatment~~
19 ~~Program and sentence the defendant pursuant to the applicable~~
20 ~~statutes:~~

21 ~~(i) If required under subsection (b), the defendant~~
22 ~~failed to participate in and cooperate with a licensed~~
23 ~~alcohol or drug addiction treatment program.~~

24 ~~(ii) The defendant violated the terms and conditions~~
25 ~~of the Driving Under the Influence Treatment Program on~~
26 ~~two or more occasions.~~

27 ~~(iii) The defendant was charged with a new offense~~
28 ~~and the issuing authority has determined that the~~
29 ~~Commonwealth has established a prima facie case that an~~
30 ~~offense has been committed and the defendant has~~

1 ~~committed it.~~

2 ~~(iv) The defendant violated the terms and conditions~~
3 ~~of the Driving Under the Influence Treatment Program and~~
4 ~~the violation:~~

5 ~~(A) Was sexual in nature.~~

6 ~~(B) Involved assaultive behavior or included a~~
7 ~~credible threat to cause bodily injury to another~~
8 ~~individual.~~

9 ~~(C) Involved possession or control of a weapon.~~

10 ~~(D) Involved the defendant absconding from~~
11 ~~supervision.~~

12 ~~(2) Except as provided under paragraph (1), if the court~~
13 ~~finds that the defendant violated the terms and conditions of~~
14 ~~the program, the court may:~~

15 ~~(i) extend the defendant's period of supervision~~
16 ~~under subsection (b)(iv) by up to three months; or~~

17 ~~(ii) impose additional conditions of participation~~
18 ~~that are reasonably tailored to support the defendant's~~
19 ~~rehabilitation, promote public safety and encourage~~
20 ~~future compliance with the program.~~

21 ~~(3) Any defendant removed from the program under~~
22 ~~paragraph (1) shall not be eligible to have their criminal~~
23 ~~record expunged under subsection (f).~~

24 ~~(E) FAILURE TO COMPLY.--~~

<--

25 ~~(1) THE COURT SHALL DIRECT THE DEFENDANT TO APPEAR FOR A~~
26 ~~VIOLATION HEARING IF IT IS ALLEGED THAT THE DEFENDANT:~~

27 ~~(I) FAILED TO MEET ANY OF THE REQUIREMENTS OF THIS~~
28 ~~SECTION;~~

29 ~~(II) FAILED TO MEET ANY OTHER CONDITION IMPOSED BY~~
30 ~~THE COURT;~~

1 (III) HAS BEEN CHARGED WITH A NEW CRIMINAL OFFENSE.

2 (2) IF THE DEFENDANT IS FOUND IN VIOLATION, THE COURT
3 MAY REMOVE THE DEFENDANT FROM THE DRIVING UNDER THE INFLUENCE
4 TREATMENT PROGRAM AND SENTENCE THE DEFENDANT PURSUANT TO THE
5 APPLICABLE STATUTES OR MAY ALLOW THE DEFENDANT TO CONTINUE
6 PARTICIPATION IN THE PROGRAM.

7 (3) NOTWITHSTANDING CONTINUED PARTICIPATION IN THE
8 DRIVING UNDER THE INFLUENCE TREATMENT PROGRAM, A DEFENDANT
9 WHO IS FOUND IN VIOLATION OF ANY OF THE CONDITIONS OF
10 PARTICIPATION CONTAINED IN THIS SECTION SHALL NOT BE ELIGIBLE
11 TO HAVE THE DEFENDANT'S CRIMINAL RECORD EXPUNGED.

12 (f) Successful completion of program.--Notwithstanding the
13 requirements of 18 Pa.C.S. § 9122 (relating to expungement),
14 upon successful completion of the Driving Under the Influence
15 Treatment Program, the court of common pleas shall enter an
16 order directing the expungement of this offense from the
17 defendant's criminal record. The following apply:

18 (1) An expungement order under this subsection shall
19 contain the same information that is required in 234 Pa. Code
20 Rules 490(c) (relating to procedure for obtaining expungement
21 in summary cases; expungement order) and 790(c) (relating to
22 procedure for obtaining expungement in court cases;
23 expungement order).

24 (2) The attorney for the Commonwealth shall be provided
25 notice and an opportunity to object to automatic expungement
26 under this subsection.

27 ~~(3) If the attorney for the Commonwealth or supervising~~ <--
28 ~~probation department objects to the expungement after filing~~
29 ~~a petition under subsection (e), the judge shall hold a~~
30 ~~hearing on the petition within 30 days.~~

1 ~~(4)~~ (3) Notwithstanding any expungement of the <--
2 defendant's criminal record pursuant to this subsection, the
3 Department of Transportation shall retain a record of the
4 defendant's conviction and sentence under this section on
5 their official driver history.

6 ~~(5)~~ (4) The prosecuting attorney and the central <--
7 repository shall, and the court may, maintain a list of the
8 names and other criminal history record information of
9 persons whose records are required by law or court rule to be
10 expunged where the individual has successfully completed the
11 conditions of the Driving Under the Influence Treatment
12 Program and the court has ordered expungement under this
13 section. Such information shall be used solely for the
14 purposes of determining subsequent eligibility for such
15 programs, identifying persons in criminal investigations or
16 determining the grading of subsequent offenses. Such
17 information shall be made available to any court or law
18 enforcement agency upon request.

19 Section 2. This act shall take effect in 60 days.