

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

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 16, 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)
19 and rules adopted by the Supreme Court.] Driving Under the

1 Influence Treatment Program.

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

11 § 3803. Grading.

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

15 * * *

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

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

25 (2) An individual who violates section 3802(a)(1) where
26 the individual refused testing of breath or chemical testing
27 pursuant to a valid search warrant, court order or any other
28 basis permissible by the Constitution of the United States
29 and the Constitution of Pennsylvania, or who violates section
30 3802(c) or (d) and who has no prior offenses 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 (3) An individual who violates section 3802(a)(1) where
5 there was an accident resulting in bodily injury, serious
6 bodily injury or death of any person or in damage to a
7 vehicle or other property, or who violates section 3802(b),
8 (e) or (f) and who has two prior offenses commits a
9 misdemeanor of the first degree.

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

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

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

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

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

30 (i) A misdemeanor of the first degree if the

individual has no more than one prior offense.

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

§ 3804. Penalties.

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

* * *

§ 3806. Prior offenses.

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

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

(2) an offense under former section 3731;

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

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

(b) Timing.--

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

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

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

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

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

15 § 3807. [Accelerated Rehabilitative Disposition.

16 (a) Eligibility.--

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

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

27 (i) The defendant has been found guilty of or
28 accepted Accelerated Rehabilitative Disposition of a
29 charge brought under section 3802 within ten years of the
30 date of the current offense unless the charge was for an

1 ungraded misdemeanor under section 3802(a)(2) and was the
2 defendant's first offense under section 3802.

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

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

9 (b) Evaluation and treatment.--

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

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

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

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

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

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

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

29 (vi) The defendant must pay the reasonable costs of
30 a municipal corporation in connection with the offense.

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

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

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

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

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

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

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

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

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

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

30 (iii) The clinical personnel of a facility licensed

1 by the Department of Health for the conduct of drug and
2 alcohol addiction treatment programs.

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

6 (i) Length of stay.

7 (ii) Levels of care.

8 (iii) Follow-up care and monitoring.

9 (c) Insurance.--

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

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

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

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

30 (2) For 30 days if the defendant's blood alcohol

1 concentration at the time of testing was at least 0.10% but
2 less than 0.16%.

3 (3) For 60 days if:

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

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

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

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

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

16 (e) Failure to comply.--

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

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

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

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

30 (iii) violates any other condition imposed by the

1 court.] Driving Under the Influence Treatment Program.

2 (a) Eligibility.--

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

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

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

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

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

26 (b) Evaluation and treatment.--

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

1 other conditions of participation imposed by the court:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) Length of stay.

28 (ii) Levels of care.

29 (iii) Follow-up care and monitoring.

30 (c) Insurance.--

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

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

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

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

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

24 (3) For 60 days if:

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

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

29 (iii) an accident which resulted in bodily injury or
30 in damage to a vehicle or other property occurred in

connection with the events surrounding the current
offense; or

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

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

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

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

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

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

(iii) The defendant was charged with a new offense
and the issuing authority has determined that the
Commonwealth has established a prima facie case that an
offense has been committed and the defendant has
committed it.

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

4 (A) Was sexual in nature.

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

8 (C) Involved possession or control of a weapon.

9 (D) Involved the defendant absconding from
10 supervision.

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

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

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

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

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

29 (1) An expungement order under this subsection shall
30 contain the same information that is required in 234 Pa. Code

1 Rules 490(c) (relating to procedure for obtaining expungement
2 in summary cases; expungement order) and 790(c) (relating to
3 procedure for obtaining expungement in court cases;
4 expungement order).

5 (2) The attorney for the Commonwealth shall be provided
6 notice and an opportunity to object to automatic expungement
7 under this subsection.

8 (3) If the attorney for the Commonwealth or supervising
9 probation department objects to the expungement after filing
10 a petition under subsection (e), the judge shall hold a
11 hearing on the petition within 30 days.

12 (4) Notwithstanding any expungement of the defendant's
13 criminal record pursuant to this subsection, the Department
14 of Transportation shall retain a record of the defendant's
15 conviction and sentence under this section on their official
16 driver history.

17 (5) The prosecuting attorney and the central repository
18 shall, and the court may, maintain a list of the names and
19 other criminal history record information of persons whose
20 records are required by law or court rule to be expunged
21 where the individual has successfully completed the
22 conditions of the Driving Under the Influence Treatment
23 Program and the court has ordered expungement under this
24 section. Such information shall be used solely for the
25 purposes of determining subsequent eligibility for such
26 programs, identifying persons in criminal investigations or
27 determining the grading of subsequent offenses. Such
28 information shall be made available to any court or law
29 enforcement agency upon request.

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