



# The Judiciary Review

## Report from the Senate Judiciary Committee (D)

JAY COSTA JR., DEMOCRATIC CHAIRMAN

(717) 787-7683

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### Senate Judiciary Committee Reports Drug Treatment Legislation, Changes to DUI Laws and Procedures for Governing Non-Profit Corporations.

#### Drug Offenders

##### ■ Senate Bill 217 Printer's No. 225

This legislation establishes the Drug Treatment for Offenders Act. The legislation provides for a post-conviction/pre-sentence evaluation of the offender for drug treatment. The sentencing court may commit an eligible offender to the Department of Corrections for evaluation for placement in a drug treatment program administered by the department. Eligible offenders include those who the court determines are in need of addiction treatment and would otherwise be sentenced to a state correctional facility. An offender is not eligible if he/she has a history of violent behavior; the offender used a deadly weapon in the commission of the offense, the public's safety would be jeopardized or the offender was convicted of a personal injury crime.

Upon completion of the evaluation, if the department believes the offender would benefit from a treatment program, it must provide the sentencing court and Commonwealth attorney with a proposed treatment program that provides a continuum of treatment which is a minimum of 15 months with a maximum of 24 months in duration. The program must include:

- Commitment to a state correctional institution for a period of six months — three months of treatment in an institutional therapeutic community.
- Two to five months of treatment

*through a community-based therapeutic community.*

- Four to twelve months of treatment in an outpatient addiction treatment program.

The sentencing court may impose a period of probation or post-program probation. If the offender fails to complete the entire program, is expelled from the program or fails to complete any condition of probation, the sentencing court may impose any applicable mandatory minimum sentence and any maximum sentence authorized by law.

*Current status: Senate Appropriations Committee*

##### ■ House Bill 266 Printer's No. 992

The legislation amends the Controlled Substance, Drug, Device and Cosmetic Act to include ecstasy and several other controlled substances that have a similar chemical composition. This change corrects the inconsistency between 18 Pa.C.S. § 7508 and section 13(f)(2) of the controlled substance act.

*Current status: Senate Calendar Second Consideration*

##### ■ House Bill 267 Printer's No. 993

The legislation amends 18 § 7508 (a)(8) (relating to drug trafficking sentencing and penalties) to add several compounds that are chemically similar and have similar effects to those already included in this section and changes the triggering violation

from sections 13(A)(12), (14) or (30) so that it is consistent with those sections stated in section 13(f)(1) of the Controlled Substance, Drug, Device and Cosmetic Act.

*Current status: Senate Calendar Second Consideration*

#### DUI

##### ■ Senate Bill 92 Printer's No. 91

The legislation makes several changes relating to habitual offender license revocation and driving under the influence offenses in the Motor Vehicle Code. The bill extends the "look-back" period for prior offenses for the purposes of determining habitual offender status from five (5) years to seven (7) years and extends the period of revocation for a habitual offender to ten (10) years under the following circumstances:

- Three driving under the influence convictions within seven (7) years; or
- Three convictions and one of the convictions was for Homicide by Vehicle while driving under the influence or Aggravated Assault by Vehicle while driving under the influence.

The bill increases the grade of the offense of DUI from a misdemeanor of the first degree to a felony of the third degree:

- For a fourth or subsequent offense within seven years; or
- When the offender has a previous

*conviction for Homicide by Vehicle while driving under the influence or Aggravated Assault by Vehicle while driving under the influence within the last seven years.*

The bill increases the penalty for DUI to one year imprisonment when the person has a prior conviction for Homicide by Vehicle while driving under the influence or Aggravated Assault by Vehicle while driving under the influence. Further, the grading for Homicide by Vehicle while driving under the influence or Aggravated Assault by Vehicle while driving under the influence is increased to a felony of the first degree for a second or subsequent offense.

Last, the ignition interlock provisions are moved from Titles 18 and 42 to the Motor Vehicle Code and the court is authorized to require the use of an ignition interlock device for a first DUI offense.

*Current status: House Judiciary Committee*

■ **Senate Bill 8**  
**Printer's No. 717**

The legislation reduces the blood alcohol content from 0.10% to 0.08%, and defines "an emergency vehicle" to include privately owned vehicles used in answering an emergency call to include "a hazardous materials team chief and assistant chief". Last, it provides for child booster seats to be included in the Commonwealth Qualified Loaner Programs and for civil immunity.

*Current status: House Judiciary Committee*

## Non-Profit Corporations

■ **Senate Bill 276**  
**Printer's No. 283**

This legislation amends Title 15 by codifying the non-profit corporation laws consistently with corporation laws generally to insure that Pennsylvania has an internally consistent body of statutory law governing the organization and operation of nonprofit corporations.

Additionally, the legislation adds the Uniform Unincorporated Non-profit Association Act to govern the organization and operation of nonprofit entities that choose not to incorporate.

*Current status: Senate Appropriations Committee*

## Decedent's Estates

■ **Senate Bill 304**  
**Printer's No. 319**

The legislation amends the list of priority for the payment of debts from a decedent's estate when insufficient funds exist to satisfy all debts or claims by placing the Commonwealth and its political subdivisions sixth on the list for the payment of claims above the general category "all other claims".

*Current status: House Judiciary Committee*

## Marriage

■ **Senate Bill 441**  
**Printer's No. 459**

This legislation authorizes active, retired or senior bankruptcy judges of

the United States Bankruptcy Courts for the Eastern, Middle or Western Districts of Pennsylvania to solemnize marriages.

*Current status: House Judiciary Committee*

## Background Checks

■ **Senate Bill 356**  
**Printer's No. 427**

This legislation provides affiliates of the Little League Baseball, Inc. cost-free criminal background checks.

*Current status: Senate Calendar Second Consideration*

## Bills Previously Reported in the Judiciary Review.

■ **Senate Bill 109**

Further providing for public disclosure of juvenile records.

*Previously Reported—February 2003*

*Current status: House Judiciary Committee*

■ **Senate Bill 319**

Providing for the Interstate Compact for Juvenile Offenders.

*Previously Reported—March 2003*

*Current status: House Judiciary Committee*



## STATE SENATOR JAY COSTA, JR.

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### OFFICES TO SERVE YOU

#### FOREST HILLS

1501 Ardmore Blvd. • Suite 403 • Pittsburgh, PA 15221 • (412) 241-6690

#### CARRICK

2306 Brownsville Road • Pittsburgh, PA 15210 • (412) 488-6111

#### HOMESTEAD

314 East 8th Avenue • Homestead, PA 15120 • (412) 565-7536

#### HARRISBURG

Senate Box 203043 • Harrisburg, PA 17120-3043 • (717) 787-7683

E-MAIL: [costa@dem.pasen.gov](mailto:costa@dem.pasen.gov)

WEB SITE: [www.SenatorCosta.com](http://www.SenatorCosta.com)