
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 773 Session of
2021

INTRODUCED BY QUINN, SCHMITT, POLINCHOCK AND GUENST,
MARCH 8, 2021

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 8, 2021

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in driving after imbibing alcohol or utilizing
3 drugs, further providing for grading and for penalties.

4 This act may be referred to as Deana's Law.

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

7 Section 1. Section 3803(b)(4.1) of Title 75 of the
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 3803. Grading.

10 * * *

11 (b) Other offenses.--

12 * * *

13 (4.1) An individual who violates section 3802(a)(1)
14 where the individual refused testing of breath or chemical
15 testing pursuant to a valid search warrant, court order or
16 any other basis permissible by the Constitution of the United
17 States and the Constitution of Pennsylvania, or who violates
18 section 3802(c) or (d) [and who] commits:

1 (i) A felony of the third degree if the individual
2 has two [or more] prior offenses [commits a felony of the
3 third degree].

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

6 * * *

7 Section 2. Section 3804 of Title 75 is amended by adding
8 subsections to read:

9 § 3804. Penalties.

10 * * *

11 (c.2) Consecutive sentence.--A sentence imposed upon an
12 individual under this section who has two or more prior offenses
13 shall be served consecutively to any other sentence the
14 individual is serving and to any other sentence being then
15 imposed by the court, except for those with which the offense
16 must merge as a matter of law.

17 (c.3) Sentencing enhancement.--The Pennsylvania Commission
18 on Sentencing, under 42 Pa.C.S. § 2154 (relating to adoption of
19 guidelines for sentencing), shall provide for a sentencing
20 enhancement for a violation of section 3802(a)(1) where the
21 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 and
24 the Constitution of Pennsylvania or for a violation of section
25 3802(c) or (d) and where the individual has four or more prior
26 offenses.

27 * * *

28 Section 3. This act shall take effect in 120 days.