

## New Deana's Law bills to deal with repeat DUI offenders introduced

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Deana Eckman with her mother, Roseann DeRosa.

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State Rep. Chris Quinn, R-168 of Middletown, and state Sen. Bob Mensch, R-24 of Marlborough Township, announced a new pair of bills Friday that aim to clamp down on repeat drunk drivers in the state with harsher penalties.

“To me, it’s just unacceptable that we allow people to continually drive impaired,” said Mensch during a Zoom press conference Friday afternoon. “If we know that there’s an impairment, we need to deal with it up front much more effectively than we do. And the judicial system, I believe, has a great responsibility, a greater role to play here, to prosecute as fully as we can someone with multiple DUIs, keep them off the road to keep people safer.”

The bills are a second effort to get something passed in the name of Deana Eckman, 45, who was killed by David Strowhouer in a drunk-driving crash as she and her husband, Chris, were returning home from a family gathering Feb. 16, 2019.

Strowhouer's blood-alcohol level was 0.199 and he had traces of cocaine, diazepam and marijuana in his system at the time. He later pleaded guilty to homicide by vehicle while driving under the influence and related offenses, for which he received a sentence of 25 and a half to 50 years in state prison.

Strowhouer had five prior DUIs on his record since 2010 and was on probation for a previous offense at the time of the crash. He had pleaded guilty to his third and fourth DUIs at the same time in Chester County Oct. 2, 2017, and was given a total sentence of 18 to 36 months in state prison. Later that same month, he pleaded to a fifth DUI before Judge Mary Alice Brennan in Delaware County for DUI: controlled substance – combination alcohol/drug as a third offense. The sentence in the Delaware County case was run concurrent to the Chester County sentence.

Eckman's mother, Roseann DeRosa, said the criminal justice system had failed her daughter and family. She and her husband, Richard DeRosa, have been working with lawmakers for more than a year to strengthen DUI laws.

She described the last two years as not only a living hell, but a constant source of frustration in getting "Deana's Law" passed, and pleaded with legislators to put aside politics, amendments and budgets to finally get this version on the books.

"We are asking lawmakers how is it possible that the criminal justice system failed and why is it so difficult to pass a law that would save lives and take repeat offenders off our roads?" she said. "Why did it take a sixth DUI and a homicide to finally get your attention?"

A prior bill named for Eckman crafted by former Republican state Sen. Tom Killion of Middletown, was defeated last year. That was chiefly due to an amendment that carved out marijuana "used lawfully" under the state's Medical Marijuana Act from definitions for a "controlled substance," which was later removed, and opposition from second amendment organizations over penalties including first-degree felonies, which bar an offender from later owning firearms.

Quinn explained Friday that this bill would try to head off the latter issue by only raising offenses to the level of a second-degree felony for a fourth or subsequent offense. But the main thrust, he said, is to impose consecutive sentences so that repeat offenders are locked up and kept off the streets longer.

"Had the individual who was convicted of Deana's murder been serving consecutive sentences, he would still be in prison at the time of her death," Quinn said. "Every DUI represents a potential homicide and I think our laws should reflect that reality, and I think Deana's law will better protect Pennsylvanians from the worst of the worst repeat DUI offenders."

Quinn added that criminal justice reform advocates may oppose the bill, but said it is aimed at those who have repeatedly flaunted DUI laws and created an extremely dangerous situation for others on the road.

Both the House and Senate bill are numbered 773 in honor of Eckman's birthday. They propose essentially the same changes, except that the Senate bill includes a provision for "continuous alcohol monitoring" devices, also known as CAM.

These devices are affixed to offenders in the same manner as house arrest devices, but sample and test the wearer's perspiration for the presence of alcohol. If the device senses alcohol in the wearer's system, a signal is transmitted to a monitoring agency that can notify police to detain the person before they drive in the hopes of averting another tragedy.

Quinn said he had decided not to include CAM in the House version of the bill to make it more palatable to lawmakers, as it could come with increased costs that some might not be willing to go along with. There was some discussion later that either the offender or service provider typically pick up the cost in counties where CAM is currently in use.

Delaware County District Attorney Jack Stollsteimer, also on the call, said the pair of bills has his support and that of the Pennsylvania District Attorney's Association, which wants more tools at its disposal in dealing with repeat drunk driving convictions.

Stollsteimer noted the previous attempt to pass a bill was somewhat mucked up by several factors, including the end-of-session timeframe in which it was debated at the height of the COVID-19 pandemic. He said those issues likely won't be a factor now at the beginning of the two-year session and hoped the bills would proceed under the normal legislative process.

Stollsteimer said he had spoken with Quinn recently about this proposal and agreed there is no reason to ever get behind the wheel of a vehicle while intoxicated, especially in an age of services like Uber and Lyft.

"This should never have happened and it shouldn't ever happen going forward," said Stollsteimer. "Even if we don't deter somebody, but we do have to lock somebody up and remove them from society because they continuously violate our laws and put everybody on that road at risk, that's ok. That's the right thing to do and that's what justice requires."