

## DUI Law Grading and Sentencing Guide

(Section 3802 of Pennsylvania Vehicle Code)

Levels of Impairment	1 <sup>ST</sup> Offense in 10 Years	2 <sup>ND</sup> Offense in 10 Years	3 <sup>RD</sup> and Subsequent Offenses in 10 Years	4 <sup>TH</sup> and Subsequent Offense in 10 Years
<p><u>Tier I - General Impairment</u> .08% - .099% BAC</p> <p><i>also includes:</i></p> <p>Incapable of safe driving</p> <ul style="list-style-type: none"> <li>- no BAC available</li> <li>- no implied consent violation</li> <li>- no injury or damage</li> </ul>	<ul style="list-style-type: none"> <li>- ungraded misdemeanor</li> <li>- 6 mos. max. probation</li> <li>- \$300 fine</li> <li>- no license suspension</li> <li>- Alcohol Hwy. Safety School</li> <li>- CRN evaluation</li> <li>- pending CRN, full D&amp;A assessment and compliance treatment as a part of sentencing</li> </ul>	<ul style="list-style-type: none"> <li>- ungraded misdemeanor</li> <li>- 5 days - 6 mos. imprisonment</li> <li>- \$300 - \$2,500 fine</li> <li>- 1 year license suspension</li> <li>- 1 year Ignition Interlock</li> <li>- Alcohol Hwy. Safety School</li> <li>- CRN evaluation</li> <li>- full D&amp;A assessment and compliance</li> </ul>	<ul style="list-style-type: none"> <li>- 2<sup>nd</sup> degree misdemeanor</li> <li>- 10 days - 2 years imprisonment</li> <li>- \$500 - \$5,000 fine</li> <li>- 1 year license suspension</li> <li>- 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- full D&amp;A assessment and compliance</li> </ul>	
<p><u>Tier II - High Rate of Alcohol</u> .10% - .159% BAC</p> <p><i>also includes:</i></p> <p>Incapable of safe driving with injury or damage*</p> <p>Minors .02% or greater BAC</p> <p>Commercial .04% or greater BAC</p> <p>School .02% or greater BAC</p> <p>Commercial/school incapable of safe driving</p>	<ul style="list-style-type: none"> <li>- ungraded misdemeanor</li> <li>- 48 hrs - 6 mos. imprisonment</li> <li>- \$500 - \$5,000 fine</li> <li>- 1 year license suspension</li> <li>- OLL after 60 days suspension</li> <li>- Alcohol Hwy. Safety School</li> <li>- CRN evaluation</li> <li>- pending CRN, full D&amp;A assessment and compliance</li> </ul>	<ul style="list-style-type: none"> <li>- ungraded misdemeanor</li> <li>- 30 days - 6 mos. imprisonment</li> <li>- \$750 - \$5,000 fine</li> <li>- 1 year license suspension</li> <li>- 1 year Ignition Interlock</li> <li>- Alcohol Hwy. Safety School</li> <li>- CRN evaluation</li> <li>- full D&amp;A assessment and compliance</li> </ul>	<ul style="list-style-type: none"> <li>- 1<sup>st</sup> degree misdemeanor</li> <li>- 90 days - 5 year imprisonment</li> <li>- \$1,500 - \$10,000 fine</li> <li>- 18 mos. license suspension</li> <li>- 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- full D&amp;A assessment and compliance</li> </ul>	<ul style="list-style-type: none"> <li>- 1<sup>st</sup> degree misdemeanor</li> <li>- 1 - 5 years imprisonment</li> <li>- \$1,500 - \$10,000 fine</li> <li>- 18 mos. license suspension</li> <li>- 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- full D&amp;A assessment and compliance</li> </ul>
<p><u>Tier III - Highest Rate of Alcohol</u> .16% and higher BAC</p> <p><i>also includes:</i></p> <p>Controlled substances</p> <p>Incapable of safe driving with implied consent violation**</p>	<ul style="list-style-type: none"> <li>- ungraded misdemeanor</li> <li>- 72 hrs - 6 mos. imprisonment</li> <li>- \$1,000 - \$5,000 fine</li> <li>- 1 year license suspension</li> <li>- OLL after 60 days suspension</li> <li>- Alcohol Hwy. Safety School</li> <li>- CRN evaluation</li> <li>- full D&amp;A assessment and compliance</li> </ul>	<ul style="list-style-type: none"> <li>- 1<sup>st</sup> degree misdemeanor</li> <li>- 90 days - 5 years imprisonment</li> <li>- \$1,500 - \$10,000 fine</li> <li>- 18 mos. license suspension</li> <li>- OLL after 1 year suspension***</li> <li>- 1 year Ignition Interlock</li> <li>- Alcohol Hwy. Safety School</li> <li>- CRN evaluation</li> <li>- full D&amp;A assessment and compliance</li> </ul>	<ul style="list-style-type: none"> <li>- 1<sup>st</sup> degree misdemeanor</li> <li>- 1 - 5 years imprisonment</li> <li>- \$2,500 - \$10,000 fine</li> <li>- 18 mos. license suspension</li> <li>- 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- full D&amp;A assessment and compliance</li> </ul>	

All penalties include up to 150 hours of community service.

When a full D&A assessment is completed and the assessment indicates the need for counseling or treatment, the court is required to order such as indicated by the assessment.

When the court orders counseling or treatment as indicated by the assessment, the court is required to order the statutory maximum as the top end of the offender's sentence.

The ten year look back period is from date of current occurrence back to date of prior conviction.

\* Incapable of safe driving with injury or damage is subject to the second highest penalty.

\*\* Incapable of safe driving with implied consent violation is subject to the highest penalty.

\*\*\* Must first serve 1 year license suspension with the remaining 6 months with Ignition Interlock (does not count towards 1 year Ignition Interlock requirement).