

	Prior DUIs (10 yrs)	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense	
<b>§3802(a)(1)</b> Incapable of Safe Driving due to alcohol <i>No Accident No Refusal</i>	<b>Grading:</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	2 <sup>nd</sup> Degree Misdemeanor	3 <sup>rd</sup> Degree Felony	<b>TIER ONE</b>
	<b>Maximum Sentence:</b> 75 Pa C.S.A. §3804(a)	6 Months §3804(a)(1)	6 Months §3804 (a)(2)	2 Years §3804(a)(3)	7 Years §3804(a)(3)	
	<b>Mandatory Minimum</b>	6 Months Probation	5 Days	10 Days*	10 Days*	
	<b>Fines:</b>	\$300	\$300	\$500	\$500	
	<b>License Suspension:</b>	NO SUSPENSION	12 Months	12 Months	18 Months	
	<b>Ignition Interlock:</b>	NO	12 Months IIL	12 Months IIL	12 Months IIL	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	
<b>§3802(a)(2)</b> Adult with BAC of .08% to .099% within 2 hours after driving	<b>Grading:</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	2 <sup>nd</sup> Degree Misdemeanor	3 <sup>rd</sup> Degree Felony	<b>TIER ONE</b>
	<b>Maximum Sentence:</b> 75 Pa C.S.A. §3804(a)	6 Months §3804(a)(1)	6 Months §3804 (a)(2)	2 Years §3804(a)(3)	7 Years §3804(a)(3)	
	<b>Mandatory Minimum</b>	6 Months Probation	5 Days	10 Days*	10 Days*	
	<b>Fines:</b>	\$300	\$300	\$500	\$500	
	<b>License Suspension:</b>	No Suspension	12 Months	12 Months	18 Months	
	<b>Ignition Interlock:</b>	NO	12 Months IIL	12 Months IIL	12 Months IIL	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	
<b>§3802(b)</b> Adult with BAC of .10% to .159% within 2 hours after driving	<b>Grading:</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	1 <sup>st</sup> Degree Misdemeanor	3 <sup>rd</sup> Degree Felony	<b>TIER TWO</b>
	<b>Maximum Sentence:</b> 75 Pa C.S.A. §3804(a)	6 Months §3804(b)(1)	6 Months §3804(b) (2)	5 Years §3804(b)(3)	7 Years §3804(b)(4)	
	<b>Mandatory Minimum</b>	48 HOURS	30 Days	90 Days*	1 Year*	
	<b>Fines:</b>	\$500	\$750	\$1,500	\$1,500	
	<b>License Suspension:</b>	12 Months	12 Months	18 Months	18 Months	
	<b>Ignition Interlock:</b>	12 Months IIL	12 Months IIL	12 Months IIL	12 Months IIL	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	
<b>§3802(a)(1)</b> With accident involving bodily injury or vehicle damage	<b>Grading:</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	1 <sup>st</sup> Degree Misdemeanor	3 <sup>rd</sup> Degree Felony	<b>TIER TWO</b>
	<b>Maximum Sentence:</b> 75 Pa C.S.A. §3804(a)	6 Months §3804(b)(1)	6 Months §3804(b) (2)	5 Years §3804(b)(3)	7 Years §3804(b)(4)	
	<b>Mandatory Minimum</b>	48 HOURS	30 Days	90 Days*	1 Year*	
	<b>Fines:</b>	\$500	\$750	\$1,500	\$1,500	
	<b>License Suspension:</b>	12 Months	12 Months	18 Months	18 Months	
	<b>Ignition Interlock:</b>	12 Months IIL	12 Months IIL	12 Months IIL	12 Months IIL	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	
<b>§3802(e)</b> Minor driver (18 to 20) with BAC .02%+	<b>Grading:</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	1 <sup>st</sup> Degree Misdemeanor	3 <sup>rd</sup> Degree Felony	<b>TIER TWO</b>
	<b>Maximum Sentence:</b> 75 Pa C.S.A. §3804(a)	6 Months §3804(b)(1)	6 Months §3804(b) (2)	5 Years §3804(b)(3)	7 Years §3804(b)(4)	
	<b>Mandatory Minimum</b>	48 HOURS	30 Days	90 Days*	1 Year*	
	<b>Fines:</b>	\$500	\$750	\$1,500	\$1,500	
	<b>License Suspension:</b>	12 Months	12 Months	18 Months	18 Months	
	<b>Ignition Interlock:</b>	12 Months IIL	12 Months IIL	12 Months IIL	12 Months IIL	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	

	Prior DUIs (10 yrs)	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> Offense	
<b>§3082(a)(1)</b> Incapable of Safe Driving due to alcohol & BREATH REFUSAL	<b>Grading:</b>	Ungraded Misdemeanor	1 <sup>st</sup> Degree Misdemeanor	3 <sup>rd</sup> Degree Felony	2 <sup>nd</sup> Degree Felony	<b>TIER THREE</b>
	<b>Maximum Sentence:</b> 75 Pa C.S.A. §3804(a)	6 Months §3804(c)(1)	5 Years §3804(c)(2)	7 Years §3804(c)(3)	10 Years §3804(c)(3)	
	<b>Mandatory Minimum</b>	72 HOURS	90 Days	1 Year*	1 Year*	
	<b>Fines:</b>	\$1,000	\$1,500	\$2,500	\$2,500	
	<b>License Suspension:</b>	12 Months	18 Months	18 Months	18 Months	
	<b>Ignition Interlock:</b>	12 Months IIL	12 Months IIL	12 Months IIL	12 Months IIL	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	
<b>§3802(c)</b> Adult with BAC .16%+ within 2 hours after driving	<b>Grading:</b>	Ungraded Misdemeanor	1 <sup>st</sup> Degree Misdemeanor	3 <sup>rd</sup> Degree Felony	2 <sup>nd</sup> Degree Felony	<b>TIER THREE</b>
	<b>Maximum Sentence:</b> 75 Pa C.S.A. §3804(a)	6 Months §3804(c)(1)	5 Years §3804(c)(2)	7 Years §3804(c)(3)	10 Years §3804(c)(3)	
	<b>Mandatory Minimum</b>	72 HOURS	90 Days	1 Year*	1 Year*	
	<b>Fines:</b>	\$1,000	\$1,500	\$2,500	\$2,500	
	<b>License Suspension:</b>	12 Months	18 Months	18 Months	18 Months	
	<b>Ignition Interlock:</b>	12 Months IIL	12 Months IIL	12 Months IIL	12 Months IIL	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	
<b>§3802(d)</b> Controlled Substances	<b>Grading:</b>	Ungraded Misdemeanor	1 <sup>st</sup> Degree Misdemeanor	3 <sup>rd</sup> Degree Felony	2 <sup>nd</sup> Degree Felony	<b>TIER THREE</b>
	<b>Maximum Sentence:</b> 75 Pa C.S.A. §3804(a)	6 Months §3804(c)(1)	5 Years §3804(c)(2)	7 Years §3804(c)(3)	10 Years §3804(c)(3)	
	<b>Mandatory Minimum</b>	72 HOURS	90 Days	1 Year*	1 Year*	
	<b>Fines:</b>	\$1,000	\$1,500	\$2,500	\$2,500	
	<b>License Suspension:</b>	12 Months	18 Months	18 Months	18 Months	
	<b>Ignition Interlock:</b>	12 Months IIL	12 Months IIL	12 Months IIL	12 Months IIL	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	
<b>§3804c.1, §3803b(5)</b> Violation with minor occupant (under 18) in the vehicle	<b>Grading:</b>	1 <sup>st</sup> Degree Misdemeanor	1 <sup>st</sup> Degree Misdemeanor	3 <sup>rd</sup> Degree Felony	2 <sup>nd</sup> Degree Felony	<b>ADD ONS FOR MINOR OCC. IN VEH.</b>
	<b>Maximum Sentence:</b> 75 Pa C.S.A. §3804(a)	5 Years §3803(b)(5)(i)	5 Years §3803(b)(5)(i)	7 Years §3803(b)(5)(ii)	7 Years §3803(b)(5)(ii)	
	<b>Total jail sentence** must be at least:</b>		1-6 months	6 months – 2 years	6 months – 2 years	
	<b>Req. fines/community service:</b>	\$1,000 + 100 hours of community service	\$2,500			
*75 Pa. C. S. 3804(c.2) (Consecutive sentence) -- A sentence imposed upon an individual under this section who has two or more prior offenses shall be served consecutively to any other sentence the individual is serving and to any other sentence being then imposed by the court, except for those with which the offense must merge as a matter of law.						
<b>ARD-Related DL Suspensions</b>						
BAC up to .10%				NO SUSPENSION		
BAC .10% to .159%				30 DAYS		
BAC OF .16+, ACCIDENT, or DRUGS				60 DAYS		
THC UNDER 5 NANOGRAMS				CASE WITHDRAWN		
IF BLOOD ALCOHOL CONCENTRATION NOT KNOWN (REFUSAL)				60 DAYS + 1 YEAR CIVIL PENALTY (75 Pa.C.S. §1547(b)(1))		
MINORS (under 21)				90 DAYS		
<i>3<sup>rd</sup> Degree Felonies- Effective for arrests after December 24, 2018 Arrests prior to December 24, 2018- see previous chart. 2<sup>nd</sup> Degree Felonies and consecutive sentences for 3<sup>rd</sup> offenses -- effective for arrests after November 8, 2022 (otherwise F2s are F3s and sentences can be concurrent).</i>				<b>CRN and Full D &amp; A Assessment Required PRIOR to Sentencing. <u>IF Assessment Reveals Need For additional Treatment Pursuant to §3814(2) Judge MUST Impose Maximum Sentence under §3804(d)</u></b>		

