

DUI Law Grading and Sentencing Guide

DUI Law Sections Violated	1st in 10 YEARS	2nd in 10 YEARS	3rd in 10 YEARS	4th in 10 YEARS
1. 3802 (a)(1) Incapable of Safe Driving 1. No BAC available 2. No Implied Consent Violation * 3. No Injury or Damage (accident) **	Ingraded Misdemeanor Mandatory 6 months I20.robveCon	Ingraded Misdemeanor ail 5 days to 6 months ne \$300 to \$2,500 HSS cense Suspension - 12 months nition Interlock - 1 year ull D&A Assessment	Misdemeanor 2 ail 10 days to 2 years ne \$500 to \$5,000 cense Suspension - 12 months nition Interlock - 1 year ull D&A Assessment	Misdemeanor 2 ail 10 days to 2 years ne \$500 to \$5,000 cense Suspension 12 months nition Interlock - 1 year ull D&A Assessment
2. 3802 (a)(2) BAC .08% to less than .10%				
3. 3802 (b) BAC .10% to less than .16%	Ingraded Misdemeanor	Ingraded Misdemeanor	Misdemeanor 1	Misdemeanor 1
4. 3802 (a)(1) with damage or injury **	ail 48 hours to 6 months	ail 30 days to 6 months	ail 90 days to 5 years	ail 1 to 5 years
5. 3802 (e) Minors .02% or greater	ne \$500 to \$5,000	ne \$750 to \$5,000	ne \$1,500 to \$10,000	ne \$1,500 to \$10,000
6. 3802 (f) Commercial .04% or greater	HSS	HSS	cense Suspension - 18 months	cense Suspension
7. 3802 (f) School Vehicles .02% or greater	cense Suspension - 12 months	cense Suspension - 12 months	nition Interlock - 1 year	8 months
8. 3802(f) Commercial/School Vehicles incapable of safe driving			ull D&A Assessment	nition Interlock - 1 year ull D&A Assessment
9. 3802 (c) BAC .16 or higher	Ingraded Misdemeanor	Misdemeanor 1	Misdemeanor 1	Misdemeanor 1
10. 3802 (a1) with an Implied Consent Violation *	ail 72 hours to 6 months	ail 90 days to 5 years	ail 1 to 5 years	ail 1 to 5 years
11. 3802 (d) Controlled Substances	ne \$1,000 to \$5,000	ne \$1,500 to \$10,000	ne \$2,500 to \$10,000	ne \$2,500 to \$10,000
	HSS	HSS	cense Suspension - 18 months	cense Suspension
	cense Suspension - 12 months	cense Suspension - 18 months	nition Interlock - 1 year	18 months
	ull D&A Assessment	nition Interlock - 1 year	ull D&A Assessment	nition Interlock - 1 year ull D&A Assessment
		ull D&A Assessment		

** Violations of 3802 (a) (2) and 3802 (a) (1) that involve an accident with injury or damage are subject to the 2nd highest penalty level.

ARD (Accelerated Rehabilitative Disposition)

A DUI offense is eligible for ARD under the following circumstances.

- No person, other than the offender, was killed or seriously injured.
- There was no passenger in the offender's vehicle under the age of 14 at the time of the offense.

- No suspension if BAC is under .10% and offender is not a minor.
- A suspension of 30 days if BAC .10% to <.16%.
- A suspension of 60 days if BAC .16% or greater, BAC unknown, DUI involving drugs or violations of Implied Consent.
- A suspension of 90 days if the offender is a minor.

All penalties include up to 150 hours of community service and a Court Reporting Network (CRN) drug and alcohol evaluation.

When a Full Assessment is completed and the Assessment indicates a need for counseling or treatment, the Court is required to order treatment as indicated by the Assessment. When the Court orders treatment or counseling, the Court is required to order the statutory maximum as the top end of the Offender's sentence.

- AHSS
- Probation supervision of a minimum of 6 months up to a maximum of 12 months.
- Mandatory license suspension as indicated.
- Payment of any other fee, surcharge or cost required by law including fees for AHSS, evaluation and treatment.
- Any other condition established by the Court.

A Full Drug and Alcohol Assessment is required for a DUI offender prior to sentence if any one of the following applies.

1. The Offender has a prior DUI offense within 10 years.
2. The Court Reporting Network Evaluation indicates a need for further evaluation for counseling or treatment.
3. The offenders BAC was .16 or greater.