

## Pennsylvania's DUI Statute

Offenses	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense	4 <sup>th</sup> and Subsequent Offenses
<p>75§ 3802(a)(1) DUI General Impairment – Incapable of Safe Driving</p> <p>75§ 3802(a)(2) DUI General Impairment – BAC .08 to .099</p>	<p>Ungraded Misdemeanor OGS = 1 6 months mandatory min probation \$300 fine Attend AHSS No license suspension CRN evaluation Pending CRN, full assessment and compliance with D&amp;A treatment as part of sentencing Mandatory Treatment</p>	<p>Ungraded Misdemeanor OGS = 1 5 days minimum imprisonment and no more than 6 months max \$300 to \$2,500 fine Attend AHSS 12-month license suspension CRN evaluation Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing Mandatory Treatment</p>	<p>Misdemeanor 2 OGS = 3 10 days minimum imprisonment \$500 to \$5,000 fine 12-month license suspension CRN evaluation Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</p>	<p>Felony 3 OGS = 5 10 days minimum imprisonment \$500 to \$5,000 fine 18-month license suspension CRN evaluation Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</p>
<p>75§ 3802(b) DUI High Rate Alcohol – BAC .10 to .159</p> <p>75§ 3802(e) DUI Minors</p> <p>75§ 3802(f) DUI Commercial/ School Vehicles</p> <p>75§ 3802(a)(1) DUI Incapable of Safe Driving w/crash/injuries</p>	<p>Ungraded Misdemeanor OGS = 1 48 consecutive hours minimum imprisonment and no more than 6 months maximum \$500 to \$5,000 fine Attend AHSS 12-month license suspension CRN evaluation Pending CRN, full assessment and compliance with D&amp;A treatment as part of sentencing Mandatory Treatment</p>	<p>Ungraded Misdemeanor OGS = 1 30 days minimum imprisonment and no more than 6 months max \$750 to \$5,000 fine Attend AHSS 12-month license suspension CRN evaluation Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</p>	<p>Misdemeanor 1 OGS = 5 90 days minimum imprisonment \$1,500 to \$10,000 fine 18-month license suspension CRN evaluation Mandatory full assessment and compliance with D&amp;A treatment as part of sentencing</p>	<p>Felony 3 OGS = 5 1 year minimum imprisonment \$1,500 to \$10,000 fine 18-month license suspension CRN evaluation Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</p>
<p>75 3802(c) DUI Highest Rate of Alcohol – BAC .16 and higher</p> <p>75 3802(d) DUI Controlled Substance</p> <p>75 3802(a)(1) DUI Incapable of Safe Driving After Refusing Testing</p>	<p>Ungraded Misdemeanor OGS = 1 72 consecutive hours minimum imprisonment and no more than 6 months maximum \$1,000 to \$5,000 fine Attend AHSS 12-month license suspension CRN evaluation Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</p>	<p>Misdemeanor 1 OGS = 5 90 days minimum imprisonment \$1,500 minimum fine Attend AHSS 18-month license suspension CRN evaluation Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</p>	<p>Felony 3 OGS= 5 1 year minimum imprisonment \$2,500 minimum fine 18-month license suspension CRN evaluation Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</p>	<p>Felony 3 OGS= 5 1 year minimum imprisonment \$2,500 minimum fine 18-month license suspension CRN evaluation Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</p>