

Offenses	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> and Subsequent	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>	<ul style="list-style-type: none"> <li>- Ungraded Misdemeanor</li> <li>- OGS = 1</li> <li>- 6 months mandatory minimum probation</li> <li>- \$300 fine</li> <li>- Attend Alcohol Highway Safety School</li> <li>- CRN evaluation</li> <li>- Pending CRN, full assessment and compliance with D&amp;A treatment as part of sentencing</li> <li>- Mandatory Treatment effective 6/30/09</li> </ul>	<ul style="list-style-type: none"> <li>- Ungraded Misdemeanor</li> <li>- OGS = 1</li> <li>- 5 days minimum imprisonment and no more than 6 months max</li> <li>- \$300 to \$2,500 fine</li> <li>- 12 month license suspension</li> <li>- Attend Alcohol Highway Safety School</li> <li>- Mandatory 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li> <li>- Mandatory Treatment effective 6/30/09</li> </ul>	<ul style="list-style-type: none"> <li>- Misdemeanor 2</li> <li>- OGS = 3</li> <li>- 10 days minimum imprisonment</li> <li>- \$500 to \$5,000 fine</li> <li>- 12 month license suspension</li> <li>- Mandatory 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li> <li>- Mandatory Treatment effective 6/30/06</li> </ul>	
<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>	<ul style="list-style-type: none"> <li>- Ungraded Misdemeanor</li> <li>- OGS = 1</li> <li>- 48 consecutive hours minimum imprisonment and no more than 6 mo maximum</li> <li>- \$500 to \$5,000 fine</li> <li>- 12 month license suspension</li> <li>- Attend Alcohol Highway Safety School</li> <li>- CRN evaluation</li> <li>- Pending CRN, full assessment and compliance with D&amp;A treatment as part of sentencing</li> <li>- Mandatory Treatment effective 6/30/09</li> </ul>	<ul style="list-style-type: none"> <li>- Ungraded Misdemeanor</li> <li>- OGS = 1</li> <li>- 30 days minimum imprisonment and no more than 6 mo max</li> <li>- \$750 to \$5,000 fine</li> <li>- 12 month license suspension</li> <li>- Attend Alcohol Highway Safety School</li> <li>- Mandatory 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li> <li>- Mandatory Treatment Effective 6/30/06</li> </ul>	<ul style="list-style-type: none"> <li>- Misdemeanor 1</li> <li>- OGS = 5</li> <li>- 90 days minimum imprisonment</li> <li>- \$1,500 to \$10,000 fine</li> <li>- 18 month license suspension</li> <li>- Mandatory 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- Mandatory full assessment and compliance with D&amp;A treatment as part of sentencing</li> <li>- Mandatory Treatment effective 2/1/04</li> </ul>	<ul style="list-style-type: none"> <li>- Misdemeanor 1</li> <li>- OGS = 5</li> <li>- 1 year minimum imprisonment</li> <li>- \$1,500 to \$10,000 fine</li> <li>- 18 month license suspension</li> <li>- Mandatory 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li> <li>- Mandatory Treatment effective 2/1/04</li> </ul>
<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>	<ul style="list-style-type: none"> <li>- Ungraded Misdemeanor</li> <li>- OGS = 1</li> <li>- 72 consecutive hours minimum imprisonment and no more than 6 months maximum</li> <li>- \$1,000 to \$5,000 fine</li> <li>- 12 month license suspension</li> <li>- Attend Alcohol Highway Safety School</li> <li>- CRN evaluation</li> <li>- Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li> <li>- Mandatory Treatment effective 6/30/06</li> </ul>	<ul style="list-style-type: none"> <li>- Misdemeanor 1</li> <li>- OGS = 5</li> <li>- 90 days minimum imprisonment</li> <li>- \$1,500 minimum fine</li> <li>- 18 month license suspension</li> <li>- Attend Alcohol Highway Safety School</li> <li>- Mandatory 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li> <li>- Mandatory Treatment effective 2/1/04</li> </ul>	<ul style="list-style-type: none"> <li>- Misdemeanor 1</li> <li>- OGS = 5</li> <li>- 1 year minimum imprisonment</li> <li>- 18 month license suspension</li> <li>- Mandatory 1 year Ignition Interlock</li> <li>- CRN evaluation</li> <li>- Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li> <li>- Mandatory Treatment effective 2/1/04</li> </ul>	<p><b>DUI legislative history:</b></p> <p><b><u>Act 2003-24 (effective 9/30/03)</u></b> Amends BAC to .08% under 75 Pa.C.S. §3731</p> <p><b><u>Act 2003-24 (effective 2/1/04)</u></b> Repeals 75 Pa.C.S. §3731 and revises DUI statute under 75 Pa. C.S. §3802 to include tiered penalty structure</p> <p><b><u>Act 2004-177 (effective 11/29/04)</u></b> Grade and penalty are determined by the 10 year look-back period for sentences imposed on or after 11/29/04</p>