

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

	Prior DUIs (10 yrs)	1 st Offense	2 nd Offense	3 rd Offense	4 th Offense	
§3082(a)(1) Incapable of Safe Driving due to alcohol & BREATH REFUSAL	Grading:	Ungraded Misdemeanor	1 st Degree Misdemeanor	3 rd Degree Felony	2 nd Degree Felony	TIER THREE
	Maximum Sentence: 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)	
	Mandatory Minimum	72 HOURS	90 Days	1 Year*	1 Year*	
	Fines:	\$1,000	\$1,500	\$2,500	\$2,500	
	License Suspension:	12 Months	18 Months	18 Months	18 Months	
	Ignition Interlock:	12 Months IIL	12 Months IIL	12 Months IIL	12 Months IIL	
	Alc. Hwy. Safety School	YES	YES	NO	NO	
§3802(c) Adult with BAC .16%+ within 2 hours after driving	Grading:	Ungraded Misdemeanor	1 st Degree Misdemeanor	3 rd Degree Felony	2 nd Degree Felony	TIER THREE
	Maximum Sentence: 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)	
	Mandatory Minimum	72 HOURS	90 Days	1 Year*	1 Year*	
	Fines:	\$1,000	\$1,500	\$2,500	\$2,500	
	License Suspension:	12 Months	18 Months	18 Months	18 Months	
	Ignition Interlock:	12 Months IIL	12 Months IIL	12 Months IIL	12 Months IIL	
	Alc. Hwy. Safety School	YES	YES	NO	NO	
§3802(d) Controlled Substances	Grading:	Ungraded Misdemeanor	1 st Degree Misdemeanor	3 rd Degree Felony	2 nd Degree Felony	TIER THREE
	Maximum Sentence: 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)	
	Mandatory Minimum	72 HOURS	90 Days	1 Year*	1 Year*	
	Fines:	\$1,000	\$1,500	\$2,500	\$2,500	
	License Suspension:	12 Months	18 Months	18 Months	18 Months	
	Ignition Interlock:	12 Months IIL	12 Months IIL	12 Months IIL	12 Months IIL	
	Alc. Hwy. Safety School	YES	YES	NO	NO	
§3804c.1, §3803b(5) Violation with minor occupant (under 18) in the vehicle	Grading:	1 st Degree Misdemeanor	1 st Degree Misdemeanor	3 rd Degree Felony	2 nd Degree Felony	ADD ONS FOR MINOR OCC. IN VEH.
	Maximum Sentence: 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)	
	Total jail sentence** must be at least:		1-6 months	6 months – 2 years	6 months – 2 years	
	Req. fines/community service:	\$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.						
ARD-Related DL Suspensions						
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		
3 rd Degree Felonies- Effective for arrests after December 24, 2018 Arrests prior to December 24, 2018- see previous chart. 2 nd Degree Felonies and consecutive sentences for 3 rd offenses -- effective for arrests after November 8, 2022 (otherwise F2s are F3s and sentences can be concurrent).				CRN and Full D & A Assessment Required PRIOR to Sentencing. IF Assessment Reveals Need For additional Treatment Pursuant to §3814(2) Judge MUST Impose Maximum Sentence under §3804(d)		