

## PA DUI SENTENCING MATRIX

### TIER ONE

**§3802(a)(1) – General Impairment, Unsafe Driving, with no refusal or accident**

**§3802(a)(2) – General Impairment, BAC .08 < .10%**

### FIRST OFFENSE

- Ungraded misdemeanor
- **No mandatory jail**
- 6 months max. sentence
- Mandatory \$300 fine
- Alcohol highway safety school
- D/A treatment, if warranted
- **No license suspension or ignition interlock requirement**

### SECOND OFFENSE

- Ungraded misdemeanor
- **5 days mandatory jail**
- 6 months max. sentence
- Mandatory \$300 fine
- Alcohol highway safety school
- D/A treatment, if ordered by the court
- **12 month license suspension**
- Eligible for early ignition interlock license after serving 6 months of license suspension
- 12 month ignition interlock
- Eligible to apply for house arrest or restrictive probation (home detention)

### THIRD OFFENSE

- Second-degree misdemeanor
- **10 days mandatory jail**
- 2 years max. sentence
- Mandatory \$500 fine
- Alcohol highway safety school
- D/A treatment, if ordered by the court
- **12 month license suspension**
- Eligible for early ignition interlock license after serving a 6-month license suspension
- 12 month ignition interlock
- Eligible to apply for house arrest or restrictive probation (home detention)

### 4TH AND SUBSEQUENT

- Third-degree felony
- **10 days mandatory jail**
- 7 years max. sentence
- Mandatory \$500 fine
- Alcohol highway safety school
- D/A treatment, if ordered by the court
- **12 month license suspension**
- Eligible for early ignition interlock license after serving 6 months of license suspension
- 12 month ignition interlock
- Eligible to apply for house arrest

### TIER TWO

**§3802(a)(1) – General Impairment, Unsafe Driving, resulting in an accident with injury, death, or damages**

**§3802(b) – High Rate, BAC .10% to .159%**

**§3802(e) – Minors, BAC .02% or greater**

**§3802(f) – Commercial & School Vehicles with .04% BAC**

- Ungraded misdemeanor
- **48 hrs. mandatory jail**
- 6 months jail max. sentence
- Mandatory \$500 fine
- Alcohol highway safety school
- D/A treatment, if ordered by the court
- **12-month license suspension**
- Immediately eligible for ignition interlock license
- 12-month ignition interlock
- Eligible to apply for house arrest or restrictive probation (home detention)

- Ungraded misdemeanor
- **30 days mandatory jail**
- 6 months max. sentence
- Mandatory \$750 fine
- Alcohol highway safety school
- D/A treatment, if ordered by the court
- **12 month license suspension**
- Eligible for early ignition interlock license after serving 6 months of license suspension
- 12-month ignition interlock
- Eligible to apply for house arrest or restrictive probation (home detention)

- First-degree misdemeanor
- **90 days mandatory jail**
- 5 years max. sentence
- Mandatory \$1,500 fine
- D/A treatment, if ordered by the court
- **18-month license suspension**
- Eligible for early ignition interlock license after serving 9 months of license suspension
- 12-month ignition interlock

- Third-degree felony
- **1 year mandatory jail**
- 7 years max. sentence
- Mandatory \$1,500 fine
- D/A treatment, if ordered by the court
- **18-month license suspension**
- Eligible for early ignition interlock license after serving 9 months of license suspension
- 12-month ignition interlock
- May be RRRI eligible (if state sentence)

### TIER THREE

**§3802(a)(1) – General Impairment, Unsafe Driving, with Refusal to Submit to Chemical Testing**

**§3802(c) – Highest Rate, BAC .16% or greater**

**§3802(d) – Controlled Substances (Drugs or combination of alcohol and drugs)**

- Ungraded misdemeanor
- **72 hrs. mandatory jail**
- 6 months max. sentence
- Mandatory \$1,000 fine
- Alcohol highway safety school
- D/A treatment if ordered by the court or if BAC is .16% or greater
- **12 month license suspension**
- Immediately eligible for early ignition interlock license
- 12 month ignition interlock
- Eligible to apply for house arrest or restrictive probation (home detention)

- First-degree misdemeanor
- **90 days mandatory jail**
- 5 years max. sentence
- Mandatory \$1,500 fine
- Alcohol highway safety school
- D/A treatment, if ordered by the court
- **18 month license suspension**
- Eligible for early ignition interlock license after serving 9 months of license suspension
- 12 month ignition interlock
- Eligible to apply for house arrest or restrictive probation (home detention)

- Third-degree felony
- **1 year mandatory jail**
- 7 years max. sentence
- Mandatory \$2,500 fine
- D/A treatment, if ordered by the court
- **18 month license suspension**
- Eligible for early ignition interlock license after serving 9 months of license suspension
- 12 month ignition interlock
- Eligible to apply for house arrest or restrictive probation (home detention)
- May be eligible for RRRI (if state sentence)

- Second-degree felony
- **1 year mandatory jail**
- 10 years max. sentence
- Mandatory \$2,500 fine
- D/A treatment, if ordered by the court
- **18 month license suspension**
- Eligible for early ignition interlock license after serving 9 months of license suspension
- 12 month ignition interlock
- May be RRRI eligible (if state sentence)