

	Offense Number	1st Offense	2nd Offense	3rd Offense	4th Offense	
<b>§3802(a)(1)</b> Incapable of Safe Driving due to alcohol No Accident No Refusal	<b>Grading:</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	2nd Degree Misdemeanor	2nd Degree Misdemeanor	<b>TIER ONE</b> <b>§3804(a)</b>
	<b>Maximum Sentence:</b> 75 Pa.C.S.A. §3804(a)	6 Months §3804(a)(1)	6 months §3804(a)(2)	2 years §3804(a)(3)	2 Years §3804(a)(4)	
	<b>Mandatory Minimum:</b>	6 Months Probation	5 Days	10 Days	10 Days	
	<b>Fines:</b>	\$300.00	\$300 - \$2,500	\$500 - \$5,000	\$500 - \$5,000	
	<b>License Suspension</b>	No Suspension	12 Months	12 Months	12 Months	
	<b>ARD Eligibility</b>	YES if no SBI acc. or child under 14	YES if prior offense was §3802(a)(2)	NO	NO	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	
	<b>Presentence C.R.N.</b>	YES	YES	YES	YES	
	<b>Full D &amp; A Assessment:</b> 75 Pa.C.S.A. §3814(2)	effective 06/30/2009 if recommended by CRN evaluation	effective 06/30/2009 required if prior within 10 years	effective 06/30/2006 required if prior within 10 years	effective 06/30/2006 required if prior within 10 years	
	<b>Grading:</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	2nd Degree Misdemeanor	2nd Degree Misdemeanor	
<b>Maximum Sentence:</b> 75 Pa.C.S.A. §3804(a)	6 Months §3804(a)(1)	6 months §3804(a)(2)	2 years §3804(a)(3)	2 Years §3804(a)(4)		
<b>Mandatory Minimum:</b>	6 Months Probation	5 Days	10 Days	10 Days		
<b>Fines:</b>	\$300.00	\$300 - \$2,500	\$500 - \$5,000	\$500 - \$5,000		
<b>License Suspension</b>	No Suspension	12 Months	12 Months	12 Months		
<b>ARD Eligibility</b>	YES if no SBI acc. or child under 14	YES if prior offense was §3802(a)(2)	NO	NO		
<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO		
<b>Presentence C.R.N.</b>	YES	YES	YES	YES		
<b>Full D &amp; A Assessment:</b> 75 Pa.C.S.A. §3814(2)	effective 06/30/2009 if recommended by CRN evaluation	effective 06/30/2009 required if prior within 10 years	effective 06/30/2006 required if prior within 10 years	effective 06/30/2006 required if prior within 10 years		

	Offense Number	1st Offense	2nd Offense	3rd Offense	4th Offense	
<b>§3802(a)(1)</b> Incapable of Safe Driving due to alcohol with REFUSAL	<b>Grading:</b>	Ungraded Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor	<b>TIER THREE</b> <b>§3804(c)</b>
	<b>Maximum Sentence:</b> 75 Pa.C.S.A. §3804(c)	6 Months §3804(c)(1)	5 Years §3804(c)(2)	5 Years §3804(c)(3)	5 Years §3804(c)(3)	
	<b>Mandatory Minimum:</b>	3 Days	90 Days	1 Year	1 Year	
	<b>Fines:</b>	\$1,000 - \$5,000	\$1,500 - \$10,000	\$2,500 - \$10,000	\$2,500 - \$10,000	
	<b>License Suspension</b>	12 Months	18 Months	18 Months	18 Months	
	<b>ARD Eligibility</b>	YES if no SBI acc. or child under 14	YES if prior offense was §3802(a)(2)	NO	NO	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	
	<b>Presentence C.R.N.</b>	YES	YES	YES	YES	
	<b>Full D &amp; A Assessment:</b> 75 Pa.C.S.A. §3814(2)	effective 06/30/2006 if recommended by CRN evaluation	effective 02/01/2004 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years	
	<b>Grading:</b>	Ungraded Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor	
<b>Maximum Sentence:</b> 75 Pa.C.S.A. §3804(c)	6months §3804(c)(1)	5 Years §3804(c)(2)	5 Years §3804(c)(3)	5 Years §3804(c)(3)		
<b>Mandatory Minimum:</b>	3 Days	90 Days	1 Year	1 Year		
<b>Fines:</b>	\$1,000 - \$5,000	\$1,500 - \$10,000	\$2,500 - \$10,000	\$2,500 - \$10,000		
<b>License Suspension</b>	12 Months	18 Months	18 Months	18 Months		
<b>ARD Eligibility</b>	YES if no SBI acc. Or child under 14	YES if prior offense was §3802(a)(2)	NO	NO		
<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO		
<b>Presentence C.R.N.</b>	YES	YES	YES	YES		
<b>Full D &amp; A Assessment:</b> 75 Pa.C.S.A. §3814(2)	effective 06/30/2006 Required for BAC .16%+	effective 02/01/2004 Required for BAC .16%+	effective 02/01/2004 Required for BAC .16%+	effective 02/01/2004 Required for BAC .16%+		

	Offense Number	1st Offense	2nd Offense	3rd Offense	4th Offense	
<b>§3802(d)</b> Controlled Substances	<b>Grading:</b>	Ungraded Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor	<b>TIER THREE</b> <b>§3804(c)</b>
	<b>Maximum Sentence:</b> 75 Pa.C.S.A. §3804(c)	6months §3804(c)(1)	5 Years §3804(c)(2)	5 Years §3804(c)(3)	5 Years §3804(c)(4)	
	<b>Mandatory Minimum:</b>	3 Days	90 Days	1 Year	1 Year	
	<b>Fines:</b>	\$1,000 - \$5,000	\$1,500 - \$10,000	\$2,500 - \$10,000	\$2,500 - \$10,000	
	<b>License Suspension</b>	12 Months	18 Months	18 Months	18 Months	
	<b>ARD Eligibility</b>	YES if no SBI acc. Or child under 14	YES if prior offense was §3802(a)(2)	NO	NO	
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO	
	<b>Presentence C.R.N.</b>	YES	YES	YES	YES	
	<b>Full D &amp; A Assessment:</b> 75 Pa.C.S.A. §3814(2)	effective 06/30/2006 if recommended by CRN evaluation	effective 02/01/2004 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years	
	<b>Grading:</b>	Ungraded Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor	
<b>Maximum Sentence:</b> 75 Pa.C.S.A. §3804(c)	6months §3804(c)(1)	5 Years §3804(c)(2)	5 Years §3804(c)(3)	5 Years §3804(c)(4)		
<b>Mandatory Minimum:</b>	3 Days	90 Days	1 Year	1 Year		
<b>Fines:</b>	\$1,000 - \$5,000	\$1,500 - \$10,000	\$2,500 - \$10,000	\$2,500 - \$10,000		
<b>License Suspension</b>	12 Months	18 Months	18 Months	18 Months		
<b>ARD Eligibility</b>	YES if no SBI acc. Or child under 14	YES if prior offense was §3802(a)(2)	NO	NO		
<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO		
<b>Presentence C.R.N.</b>	YES	YES	YES	YES		
<b>Full D &amp; A Assessment:</b> 75 Pa.C.S.A. §3814(2)	effective 06/30/2006 if recommended by CRN evaluation	effective 02/01/2004 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years		

	Offense Number	1st Offense	2nd Offense	3rd Offense	4th Offense
<b>§3802(a)(1)</b> Incapable of Safe Driving due to alcohol with <b>ACCIDENT</b> resulting in bodily injury or damage to property	<b>Grading:</b>	Ungraded Misdemeanor	Ungrade Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor
	<b>Maximum Sentence:</b> 75 Pa.C.S.A. §3804(b)	6 Months §3804(b)(1)	5 Years §3804(b)(2)	5 Years* §3804(b)(3)	5 Years* §3804(b)(4)
	<b>Mandatory Minimum:</b>	2 Days	30 Days	90 Days	90 Days
	<b>Fines:</b>	\$500 - \$5,000	\$750 - \$5,000	\$1,500 - \$10,000	\$1,500 - \$10,000
	<b>License Suspension</b>	12 Months	12 Months	18 Months	18 Months
	<b>ARD Eligibility</b>	YES if no SBI acc. or child under 14	YES if prior offense was §3802(a)(2)	NO	NO
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO
	<b>Presentence C.R.N.</b>	YES	YES	YES	YES
	<b>Full D &amp; A Assessment:</b> 75 Pa.C.S.A. §3814(2)	effective 06/30/2009 if recommended by CRN evaluation	effective 06/30/2006 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years
<b>§3802(b)</b> Adult with BAC of .10% to .15% within 2 hours of driving	<b>Grading:</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor
	<b>Maximum Sentence:</b> 75 Pa.C.S.A. §3804(b)	6 Months §3804(b)(1)	6 Months §3804(b)(2)	5 Years* §3804(b)(3)	5 Years* §3804(b)(4)
	<b>Mandatory Minimum:</b>	2 Days	30 Days	90 Days	1 Year
	<b>Fines:</b>	\$500 - \$5,000	\$750 - \$5,000	\$1,500 - \$10,000	\$1,500 - \$10,000
	<b>License Suspension</b>	12 Months	12 Months	18 Months	18 Months
	<b>ARD Eligibility</b>	YES if no SBI acc. Or child under 14	YES if prior offense was §3802(a)(2)	NO	NO
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO
	<b>Presentence C.R.N.</b>	YES	YES	YES	YES
	<b>Full D &amp; A Assessment:</b> 75 Pa.C.S.A. §3814(2)	effective 06/30/2009 if recommended by CRN evaluation	effective 06/30/2006 Required for BAC .16%+	effective 02/01/2004 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years
<b>§3802(e)</b> <b>MINORS</b> (18 to 20) with BAC .02%+ within 2 hours of driving	<b>Grading:</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor
	<b>Maximum Sentence:</b> 75 Pa.C.S.A. §3804(b)	6 Months §3804(b)(1)	6 Months §3804(b)(2)	5 Years §3804(b)(3)	5 Years §3804(b)(4)
	<b>Mandatory Minimum:</b>	2 Days	30 Days	90 Days	1 Year
	<b>Fines:</b>	\$500 - \$5,000	\$750 - \$5,000	\$1,500 - \$10,000	\$1,500 - \$10,000
	<b>License Suspension</b>	12 Months	12 Months	18 Months	18 Months
	<b>ARD Eligibility</b>	YES if no SBI acc. Or child under 14	YES if prior offense was §3802(a)(2)	NO	NO
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO
	<b>Presentence C.R.N.</b>	YES	YES	YES	YES
	<b>Full D &amp; A Assessment:</b> 75 Pa.C.S.A. §3814(2)	effective 06/30/2009 if recommended by CRN evaluation	effective 06/30/2006 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years
<b>§3802(f)</b> Commercial/School Veh. Commercial Veh. with BAC .04%+, or School Vehicle with BAC .02%+	<b>Grading:</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	1st Degree Misdemeanor	1st Degree Misdemeanor
	<b>Maximum Sentence:</b> 75 Pa.C.S.A. §3804(b)	6 Months §3804(b)(1)	6 Months §3804(b)(2)	5 Years §3804(b)(3)	5 Years §3804(b)(4)
	<b>Mandatory Minimum:</b>	2 Days	30 Days	90 Days	1 Year
	<b>Fines:</b>	\$500 - \$5,000	\$750 - \$5,000	\$1,500 - \$10,000	\$1,500 - \$10,000
	<b>License Suspension</b>	12 Months	12 Months	18 Months	18 Months
	<b>ARD Eligibility</b>	YES if no SBI acc. Or child under 14	YES if prior offense was §3802(a)(2)	NO	NO
	<b>Alc. Hwy. Safety School</b>	YES	YES	NO	NO
	<b>Presentence C.R.N.</b>	YES	YES	YES	YES
	<b>Full D &amp; A Assessment:</b> 75 Pa.C.S.A. §3814(2)	effective 06/30/2009 if recommended by CRN evaluation	effective 06/30/2006 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years	effective 02/01/2004 required if prior within 10 years

**TIER  
TWO  
§3804(b)**

**A.R.D. Related Suspensions**

BAC up to .10%	NO SUSPENSION
BAC .10% to .15%	30 DAYS
BAC of .16% **ACCIDENT with INJURY/DAMAGE ** DRUGS	60 DAYS
<b>MINORS</b>	90 DAYS

Ungraded Misdemeanors *** <b>NO JURY TRIALS</b> See Com. v. Mayberry, 327 A.2d 86 (Pa. 1974); Com. v. Collazo, 692 A 2d 1116 (Pa. Super. 1997)	CRN and Full D & A Assessment Required to Sentencing; If Assessment For Additional Treatment Pursuant to §3814(2), Judge <b>MUST</b> Impose Maximum Sentence under §3804(d)
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