

PENNSYLVANIA COMMISSION ON SENTENCING

Listing of DUI Offenses (Effective February 1, 2004)

For Sentences Imposed on or after 11/29/04 the Grade and Penalty are Determined by the 10 year Look-back Period

<i>Statutory Grading Determined by 10 year Look-back Period</i>					<i>Mandatory Penalties Determined by 10 Year Look-back Period</i>		
Title	Section	Sub-Section	Offense Description	Grade	6th Edition OGS	Mandatory Penalty	Mandatory Fine
75	3802	(a)(1)	DUI: General Impairment/Incapable of Driving Safely - 1st Offense	M	1	6 mo. Probation	\$300
75	3802	(a)(1)	DUI: General Impairment/Incapable of Driving Safely - 2nd Offense	M	1	5 days	\$300-\$2,500
75	3802	(a)(1)	DUI: General Impairment/Incapable of Driving Safely - 3rd & Subsq.	M2	3	10 days	\$500-\$5,000
75	3802	(a)(2)	DUI: General Impairment - (BAC .08 - < .10) - 1st Offense	M	1	6 mo. Probation	\$300
75	3802	(a)(2)	DUI: General Impairment - (BAC .08 - < .10) - 2nd Offense	M	1	5 days	\$300-\$2,500
75	3802	(a)(2)	DUI: General Impairment - (BAC .08 - < .10) - 3rd & Subsq.	M2	3	10 days	\$500-\$5,000
75	3802	(a)(1)	DUI: General Impairment/Incapable of Driving Safely(refused testing) - 1st Offense	M	1	72 hours	\$1,000-\$5,000
75	3802	(a)(1)	DUI: General Impairment/Incapable of Driving Safely - (refused testing) - 2nd Offense	M1	5	90 days	\$1,500
75	3802	(a)(1)	DUI: General Impairment/Incapable of Driving Safely - (refused testing) - 3rd & Subsq.	M1	5	1 year	\$2,500
75	3802	(a)(1)	DUI: General Impairment/Incapable of Driving Safely/Accident resulting in BI/SBI or Death or damage to veh/property - 1st Offense	M	1	48 hours	\$500-\$5,000
75	3802	(a)(1)	DUI: General Impairment/Incapable of Driving Safely/Accident resulting in BI/SBI or Death or damage to veh/property - 2nd Offense	M	1	30 days	\$750-\$5,000
75	3802	(a)(1)	DUI: General Impairment/Incapable of Driving Safely/Accident resulting in BI/SBI or Death or damage to veh/property - 3rd Offense	M1	5	90 days	\$1,500-\$10,000
75	3802	(a)(1)	DUI: General Impairment/Incapable of Driving Safely/Accident resulting in BI/SBI or Death or damage to veh/property - 4th & Subsq.	M1	5	1 year	\$1,500-\$10,000
75	3802	(b)	DUI: High Rate of Alcohol - (BAC .10 - < .16) - 1st Offense	M	1	48 hours	\$500-\$5,000
75	3802	(b)	DUI: High Rate of Alcohol - (BAC .10 - < .16) - 2nd Offense	M	1	30 days	\$750-\$5,000
75	3802	(b)	DUI: High Rate of Alcohol - (BAC .10 - < .16) - 3rd Offense	M1	5	90 days	\$1,500-\$10,000
75	3802	(b)	DUI: High Rate of Alcohol - (BAC .10 - < .16) - 4th & Subsq.	M1	5	1 year	\$1,500-\$10,000

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Title	Section	Sub-Section	Offense Description	Grade	6th Edition OGS	Mandatory Penalty	Mandatory Fine
75	3802	(c)	DUI: Highest Rate of Alcohol - (BAC .16+) - 1st Offense	M	1	72 hours	\$1,000-\$5,000
75	3802	(c)	DUI: Highest Rate of Alcohol - (BAC .16+) - 2nd Offense	M1	5	90 days	\$1,500
75	3802	(c)	DUI: Highest Rate of Alcohol - (BAC .16+) - 3rd & Subsq.	M1	5	12 months	\$2,500
75	3802	(d)	DUI: Controlled Substances - 1st Offense	M	1	72 hours	\$1,000-\$5,000
75	3802	(d)	DUI: Controlled Substances - 2nd Offense	M1	5	90 days	\$1,500
75	3802	(d)	DUI: Controlled Substances - 3rd & Subsq. Offense	M1	5	12 months	\$2,500
75	3802	(e)	DUI: Minors - 1st Offense	M	1	48 hours	\$500-\$5,000
75	3802	(e)	DUI: Minors - 2nd Offense	M	1	30 days	\$750-\$5,000
75	3802	(e)	DUI: Minors - 3rd Offense	M1	5	90 days	\$1,500-\$10,000
75	3802	(e)	DUI: Minors - 4th & Subsq. Offense	M1	5	1 year	\$1,500-\$10,000
75	3802	(f)	DUI: Commercial or School Vehicles - 1st Offense	M	1	48 hours	\$500-\$5,000
75	3802	(f)	DUI: Commercial or School Vehicles - 2nd Offense	M	1	30 days	\$750-\$5,000
75	3802	(f)	DUI: Commercial or School Vehicles - 3rd Offense	M1	5	90 days	\$1,500-\$10,000
75	3802	(f)	DUI: Commercial or School Vehicles - 4th & Subsq.	M1	5	1 year	\$1,500-\$10,000