

DUI Grading & Sentencing Chart

| Violation | 1 st in 10 Years | 2 nd in 10 Years | 3 rd in 10 Years | 4 th in 10 years |
|---|--|---|--|--|
| 1. 3802 (a)(1) General Impairment a. No BAC Available b. No Injury or Damage | Ungraded Misdemeanor Mandatory 6 Months Probation Fine \$300 AHSS | Ungraded Misdemeanor Jail 5 days to 6 months Fine \$300-\$2,500 AHSS | Misdemeanor 2 Jail 10 days to 2 years Fine \$500-\$5,000 12 month License Suspension | Misdemeanor 2 Jail 10 days to 2 years Fine \$500-\$5,000 12 month Suspension |
| 2. 3802(a)(2) BAC .08% - <10% | No License Suspension D&A if indicated by CRN | 12 month License Suspension D&A evaluation | D&A evaluation | D&A evaluation |
| 3. 3802(b) BAC .10% - < .16% | Ungraded Misdemeanor | Ungraded Misdemeanor | Misdemeanor 1 | Misdemeanor 1 |
| 4. 3802(a)(1) with damage or injury | Jail 48 hours to 6 months | Jail 30 days to 6 months | Jail 90 days to 5 years | Jail 1 year to 5 years |
| 5. 3802(e) Minors .02% or greater | Fine \$500-\$5,000 | Fine \$750-\$5,000 | Fine \$1,500-\$10,000 | Fine \$2,500-\$10,000 |
| 6. 3802(f) Commercial .04% or greater | AHSS | AHSS | 18 month License Suspension | 18 month Suspension |
| 7. 3802(f) School Vehicles .02% or greater | 12 Month License Suspension | 12 month License Suspension | D&A evaluation | D&A evaluation |
| 8. General Impairment – Commercial/School | D&A if indicated by CRN | D&A evaluation | | |
| 9. 3802(c) BAC .16% or greater | Ungraded Misdemeanor | Misdemeanor 1 | Misdemeanor 1 | Misdemeanor 1 |
| 10. 3802(d) Controlled Substances | Jail 72 hours to 6 months Fine \$1,000-\$5,000 AHSS 12 Month License Suspension D&A Evaluation | Jail 90 days to 5 years Fine \$1,500 - \$10,000 AHSS 18 month License Suspension D&A evaluation | Jail 1 year to 5 years Fine \$2,500-\$10,000 18 month License Suspension D&A evaluation | Jail 1 year to 5 years Fine \$2,500-\$10,000 18 month Suspension D&A evaluation |

ARD (Accelerated Rehabilitative Disposition)

A DUI offense is eligible for ARD if the District attorney agrees and all of the following apply:

1. It is a first offense within 10 years
2. No one other than offender is injured
3. No one under 14 in offender's vehicle

License Suspension for ARD Participants

- BAC < .10% - **no license suspension** (no reduction from conviction)
- BAC .10% - <.16% - **30 day license suspension** (11 month reduction)
- BAC .16% or higher - **60 day license suspension** (10 month reduction)
- Any DUI by minor - **60 day license suspension** (9 month reduction)

Mandatory Conditions of ARD for all DUIs

1. AHSS
2. Probation Supervision of 6 months to 12 months

Possible Mandatory Conditions of ARD

3. Drug and Alcohol evaluation if recommended by CRN or a BAC of .16% or greater
4. License suspension for DUIs .10% or above
5. Restitution of property damaged
6. Any other conditions imposed by court.