

# DUI Grading & Sentencing Chart 2020 Version

	Violation	1 <sup>st</sup> in 10 Years	2 <sup>nd</sup> in 10 Years	3 <sup>rd</sup> in 10 Years	4 <sup>th</sup> in 10 years
<b>Tier 1</b>	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 D&A evaluation	Felony 3 Jail 10 days to 7 years Fine \$500-\$5,000 12 month Suspension D&A evaluation
	2. 3802(a)(2) <b>BAC .08% - &lt;10%</b>	No License Suspension D&A if indicated by CRN	12 month License Suspension D&A evaluation		
<b>Tier 2</b>	3. <b>3802(b) BAC .10% - &lt; .16%</b>	Ungraded Misdemeanor	Ungraded Misdemeanor	Misdemeanor 1	Felony 3
	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 7 years
	5. 3802(e) Minors .02% or greater	Fine \$500-\$5,000	Fine \$750-\$5,000	Fine \$1,500-\$10,000	Fine \$1,500-\$10,000
	6. 3802(f) Commercial .04% or greater	AHSS	AHSS	18 month License Suspension D&A evaluation	18 month Suspension D&A evaluation
	7. 3802(f) School Vehicles .02% or greater	12 Month License Suspension D&A if indicated by CRN	12 month License Suspension D&A evaluation		
	8. General Impairment – CDL				
<b>Tier 3</b>	9. <b>3802(c) BAC .16% or greater</b>	Ungraded Misdemeanor	Misdemeanor 1	Felony 3	Felony 3
	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 7 years Fine \$2,500-\$15,000 18 month License Suspension D&A evaluation	Jail 1 year to 7 years Fine \$2,500-\$15,000 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.

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