

PENNSYLVANIA DUI FACT SHEET
by Scott A. MacNair, Esquire*

Accelerated Rehabilitative Disposition (ARD)

Individuals who are charged with Driving Under the Influence (DUI) for the first time may be eligible for a program entitled Accelerated Rehabilitative Disposition (ARD). ARD allows individuals to earn a dismissal of the charges and a potential expungement of their case. Most counties require the person charged to petition the court for expungement subsequent to the completion of the conditions of ARD. The conditions of ARD vary from county to county, but often include a period of probation, a driver's license suspension period based on the individual's blood alcohol content (BAC) the payment of court costs, the completion of highway safety school and the completion of community service.

The District Attorney's Office of the County in which you are charged will ultimately determine whether you are approved for ARD. The eligibility criteria for obtaining ARD vary from county to county. For the most part, prosecutors consider the status of an individual's driver's license at the time of the offense, the status of car insurance, whether the person has any criminal history, whether there was a car accident, whether there were passengers in the driver's vehicle and sometimes the BAC of the individual. In addition, prosecutors often assess whether the driving behavior constituted a significant hazard or was a threat to the safety of other motorists or pedestrians.

Obtaining approval for the ARD program may result in avoiding a period of incarceration, a lengthy driver's license suspension and a permanent record.

General Ramifications for DUI Conviction

If you are not eligible for ARD and incur a conviction for a Driving Under the Influence charge by entering a guilty plea or being found guilty subsequent to trial in Pennsylvania, you will likely be subject to the following consequences:

	1st Offense	2nd Offense	3rd Offense
Blood Alcohol Content (BAC) between .08% and .099%	- 6 months probation - \$300 fine - Highway Safety School - payment of court costs	- Not less than 5 days of incarceration - 1 year driver's license suspension - \$300 to \$2,500 fine - Highway Safety School - payment of court costs - 1 year ignition interlock	- Not less than 10 days of incarceration - 1 year driver's license suspension - \$500 to \$5,000 fine - Highway Safety School - payment of court costs - 1 year ignition interlock
BAC between .10% and .159%	- Not less than 48 hours of incarceration - 1 year driver's	- Not less than 30 days of incarceration - 1 year driver's	- Not less than 90 days of incarceration - 18 month driver's

<p>Minors (under 21) with .02% BAC or higher</p> <p>CDL drivers with .04% or higher</p>	<p>license suspension</p> <ul style="list-style-type: none"> - \$500 - \$5,000 fine - Highway Safety School - payment of court costs 	<p>license suspension</p> <ul style="list-style-type: none"> - \$750 to \$5,000 fine - Highway Safety School - payment of court costs - 1 year ignition interlock 	<p>license suspension</p> <ul style="list-style-type: none"> - \$1,500 to \$10,000 fine - Highway Safety School - payment of court costs - 1 year ignition interlock
<p>BAC of .16% or higher</p> <p>Controlled Substance DUI</p> <p>Refusal to submit to blood or breath test</p>	<ul style="list-style-type: none"> - Not less than 72 hours of incarceration - 1 year driver's license suspension - \$1,000 - \$5,000 fine - Highway Safety School - payment of court costs 	<ul style="list-style-type: none"> - Not less than 90 days of incarceration - 18 month driver's license suspension - \$1,500 minimum fine - Highway Safety School - payment of court costs - 1 year ignition interlock 	<ul style="list-style-type: none"> - Not less than 1 year of incarceration - 18 month driver's license suspension - \$2,500 minimum fine - Highway Safety School - payment of court costs - 1 year ignition interlock

House Arrest

Some counties have a house arrest program available to individuals facing a second or subsequent DUI case. If approved, an individual will often be able to maintain their employment, but be subject to confinement in their own home at all other times. Different methods are used to monitor the whereabouts of individuals who qualify including electronic monitoring and voice recognition telephone systems. The house arrest program is often coordinated by the county correctional institution or the county adult probation and parole department.

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