

Probation with Restrictive DUI Conditions

Probation with restrictive DUI conditions is an alternative to incarceration that can be used to fulfill mandatory minimum sentences for DUI and DUS offenses as outlined in 42 Pa. C.S. § 9763 (c). A defendant can be sentenced to a period of up to 90 days incarceration (without parole) followed by inpatient treatment and/or home confinement with electronic monitoring in order to meet the mandatory minimum requirement. In order to determine eligibility, you must:

1. Complete and submit the application.
2. Complete and include the results of a CRN Evaluation.
3. Complete and include the results of a full drug and alcohol assessment if one or more of the following apply:
 - a. You are being charged for a 2nd or 3rd DUI offense.
 - b. You have been convicted of an equivalent offense in another jurisdiction within the past 10 years.
 - c. Your BAC was .16% or higher.
 - d. Your CRN recommends that you are in need of a full assessment, counseling or treatment.

The level of care that is recommended must be incorporated into the sentence. Some of the other restrictive DUI conditions that may be imposed at the time of sentencing include the use of an alcohol monitoring system, random drug testing, mental health treatment if necessary, educational or vocational training programs and/or community service.

Eligible Offenders:

For the purpose of sentencing, an eligible offender shall be defined as:

1. A person convicted of a 1st, 2nd or 3rd offense DUI or DUS (75 Pa. C.S. § 1543 (b)-sentenced through the Court of Common Pleas)
2. An offender who does not demonstrate a present or past history of violent or assaultive behavior.

Funding may be available for those convicted of level 2, 3 or 4 offenses to assist with housing, treatment, transportation and electronic monitoring. Eligibility for any available funding will be determined during the screening process.

The term eligible offender also does not include an offender who has been convicted or adjudicated delinquent of a crime requiring registration under Subchapter H of Chapter 97 (relating to registration of sexual offenders) or an offender with a current conviction or a prior conviction within the past ten years for any of the following offenses 42§ 9802:

18 Pa. CSA sec. 2502	Murder	18 Pa. CSA sec. 3301	Arson and Related
18 Pa. CSA sec. 2503	Voluntary Manslaughter		Offenses
18 Pa. CSA sec. 2702	Aggravated Assault	18 Pa. CSA sec. 3502	Burglary (felony 1 only)
18 Pa. CSA sec. 2703	Assault by Prisoner	18 Pa. CSA sec. 3701	Robbery
18 Pa. CSA sec. 2704	Assault by Life Prisoner	18 Pa. CSA sec. 3923	Theft by Extortion
18 Pa. CSA sec. 2901	Kidnapping	18 Pa. CSA sec. 4302	Incest
18 Pa. CSA sec. 3122	Statutory Rape	18 Pa. CSA sec. 5121	Escape

Generally, eligible candidates must reside in Bucks County or at least reside in Bucks County until the duration of their minimum sentence is complete. However, in certain cases, accommodations may be possible. Those potential accommodations will be determined during the screening process.

The Commonwealth may waive an ineligible offense, but the victim must be notified and given an opportunity to provide input. The Court will then have the ability to make a decision based on that input.

Eligibility for probation with restrictive DUI conditions is not an entitlement and the Court has a right to determine someone ineligible.

An individual may be able to receive a sentence of Restrictive Probation more than once as long as they continue to meet the eligibility requirements.

*** The District Attorney's Office will object to a restrictive probation sentence if a defendant has more than three lifetime DUI convictions, regardless of how the instant offense is charged.**

Screening Process:

1. Application should be submitted to APPD 30 days or more prior to sentencing with CRN results and an updated drug and alcohol assessment (within 90 days) if applicable.
2. Restrictive Probation Investigation includes:
 - a. Interview with the defendant including explanation of program requirements
 - b. Review of eligibility and other required information
 - c. Field visit to residence
 - d. Completion of all paperwork including but not limited to:
 - a. Statement of Residence Form (if needed)
 - b. Rules and regulations
 - c. Any special conditions
 - d. Equipment responsibility form