

INTERMEDIATE PUNISHMENT PROGRAM FOR DRIVING UNDER SUSPENSION/ DUI-RELATED (1543b,1)

A conviction for Driving Under Suspension/DUI-related (75 Pa. C.S. Section 1543(b)(1)) requires that the court impose a mandatory sentence of **not less than 60 days nor more than 90 days in jail** and a **\$500** fine (effective 2/1/04). However, the County Intermediate Punishment Act (42 Pa.C.S. Section 9801-9812), effective August 21, 2000, authorizes the court to impose an order of **Intermediate Punishment (IP)** for 75 Pa. C.S.A. Section 1543(b)(1) (Driving Under Suspension/DUI-related), in lieu of 60-90 days in jail.

What is Intermediate Punishment (IP)?

Under the Intermediate Punishment Act the court **may** satisfy the mandatory minimum (jail) requirement by imposing a sentence of **Intermediate Punishment (IP)** in the form of **house arrest/electronic monitoring combined with drug and alcohol treatment, including in-patient and or halfway house programs.**

How do I apply for Intermediate Punishment (IP)?

When you appear before the Magisterial District Judge, advise the Judge of your intent to **plead guilty** along with your interest in an IP sentence. After accepting your **guilty plea**, the Magisterial District Judge will transfer your case to the Court of Common Pleas and give you a subpoena with a court date to appear in front of a Court of Common Pleas Judge, Berks County Services Center/Courthouse, Reading, Pa. approximately 60-days in the future. **Within three (3) working days** after your appearance before the Magisterial District Judge, you will be required to contact Probation/Parole Officer Jay Schmehl (610-478-3403) in the Berks County Adult Probation/Parole Office, 7th floor, Berks County Services Center, Reading, Pa., to schedule your initial appointment. Please bring a copy of your citation and the subpoena when you report to the Adult Probation/Parole Department.

The Adult Probation/Parole Department will: (1) evaluate whether your case qualifies for Intermediate Punishment based upon program guidelines; (2) interview you and explain the conditions of the IP Program; (3) schedule a drug/alcohol evaluation at the TASC Program and refer you to appropriate drug/alcohol treatment (including out patient, in-patient treatment, and or a halfway house program); and (4) schedule a home assessment for electronic monitoring if IP appropriate.

What kind of sentence will I receive for my Driving Under Suspension/DUI-related charge under the Intermediate Punishment Act?

Instead of serving a mandatory sentence of between 60 and 90 days in jail you will be sentenced by the court to 90 days of Intermediate Punishment (a period of probation) which will include: (1) 15 days in Berks County Prison; (2) house arrest with electronic monitoring (EM) for 75 days, and pay \$10 per day for EM (with all EM fees paid prior to sentencing); (3) drug and alcohol treatment, including in-patient treatment or a halfway house, as directed by the Berks County Adult Probation/Parole Department; (4) any other conditions of the Adult Probation/Parole Department; (5) 16 hours of Community Service. You will also be required to pay the mandatory \$500 fine. **Failure to comply with any condition of Intermediate Punishment will result in your incarceration as a probation violator.**