

SECOND TIME DUI OFFENDERS & SECOND TIME OFFENDERS PROGRAM (STOP)

If you have been arrested for Driving Under the Influence (DUI) for the **second time** in the past 10 years (on or after Feb. 1, 2004) and have been charged with a violation of 75 Pa. C.S.A. under Section 3802(a)(1), 3802(a)(1) with a breath/blood test refusal, 3802(b), 3802(c), 3802(d), 3802(e), or 3802(f), you may be eligible for the **Second Time Offenders Program (STOP)**. Please note that the only DUI offense not eligible for STOP is 75 Pa. C.S.A. Section 3802(a)(2) (Blood Alcohol Level between .08 and .099)

What is the Second Time Offenders Program?

The Second Time Offenders Program (STOP) is a **pre-sentence** drug and alcohol treatment program. Participation in and successful completion of drug and alcohol treatment as directed will make you eligible for an **Intermediate Punishment/Alternative Sentence** and avoid a minimum sentence of at least **30 days** in jail if you have been charged with a violation of 75 Pa. C.S.A. Section 3802 (a)(1), (b), (e), or (f) OR **90 days** in jail if you have been charged with violation of Section 3802 (a)(1) with a blood/breath test refusal, (c), or (d).

Who is eligible for the Second Time Offenders Program?

All individuals arrested for the second time for Driving Under the Influence (who are subject to a mandatory minimum sentence of at least 30 or 90 days in jail) within the past 10 years are eligible for the Second Time Offenders Program.

A second offense for Driving Under the Influence is defined as a second arrest for Driving Under the Influence within 10 years or less between the date of sentence (including Juvenile adjudications and ARD dispositions) on the prior DUI offense and the date of offense on the current DUI arrest.

How do I get involved in the Second Time Offenders Program?

Within three (3) business days following your Preliminary Hearing before the Magisterial District Judge, you and your Attorney need to complete a **Second Time Offender Intermediate Punishment Program Application**, and submit said application to the Clerk of Courts Office, 4th Floor, Courthouse, Reading, Pa. Thereafter you will be contacted to schedule an initial appointment with the STOP program Officer. The Adult Probation/Parole Department will review your case, explain the Second Time Offenders Program, schedule a CRN (a drug and alcohol screening) and a Relapse Risk Assessment, perform a Pre-sentence Investigation and make all necessary arrangements for you to enter drug and alcohol treatment.

How does the Second Time Offenders Program work?

1. Pre-sentence Phase

The Risk Relapse Assessment will generate a relapse risk level of High-Medium-Low. A High or Medium risk level will result in a referral to a DUI Residential Program (with a per diem cost) for a period of 60 or 90 days (determined by your BAC) as well as participation in an applicable drug and alcohol treatment. A low risk level assessment will result in a referral for outpatient treatment. If you do not reside within the County of Berks, the DUI Residential Program option will not be available to you regardless of your risk level and you will be referred to outpatient treatment. Low risk assessed individuals will have to agree to permit the STOP Officer to perform a home assessment to determine future electronic monitoring eligibility.

Throughout the pre-sentence phase, you will be monitored for any drug and/or alcohol use, and will be required to maintain weekly contact with your Probation/Parole Officer to assure compliance. A new arrest during this process will jeopardize further STOP eligibility.

2. Sentencing Phase

Upon successful completion of any applicable treatment and successful participation in the DUI Residential Program (if applicable), you will be scheduled for sentencing and formal placement into the Intermediate Punishment Program. Though an open plea will be entered, the Court will likely impose some incarceration (anywhere between 2 days up to 15 days) as a part of your Intermediate Sentencing. The period of incarceration will be determined by the Court in consideration of factors, including but not limited to, your compliance during the pre-sentence phase, your BAC level, accident involvement and severity of injuries (if any), victim statements, and information contained in the Pre-sentence report. If your Risk Relapse Assessment level was rated low, or you reside outside the County of Berks, you will be placed on House Arrest (if eligible) via use of Electronic monitoring (at a **prepaid** \$10 per diem rate) for a period of 60 or 90 days (determined upon your BAC).

If your BAC was between .10% and less than .16%, you will be placed on Intermediate Punishment supervision for a period of six (6) months. If your BAC was .16% or higher, you refused a blood/breath test, or charged with a DUI involving controlled substance, you will be placed on Intermediate Punishment supervision for a period of five (5) years.

In cases involving supervision of five (5) years, your attorney, in conjunction with and agreement of the Adult Probation/Parole Office, may petition the Court at any time following the completion of your 23rd month of supervision for early termination of your Intermediate Punishment supervision. In order for the Court to consider early termination, you must have maintained total sobriety for a minimum of 15 consecutive months, and successfully satisfied all Court imposed conditions and all assessed financial obligations.

Questions ?

Contact either Probation/Parole Officer Jay A. Schmehl at 610-478-3403 or Assistant Chief/DUI Coordinator Richard Forry at 610-478-3400.