

## APPENDIX A

THE MINIMUM ELEMENTS OF THE RESTRICTIVE PROBATION PROGRAM ARE AS FOLLOWS:

Offense	At the Courts discretion a Flat Sentence May be Imposed	Restrictive Probation Not to exceed statutory limit	Minimum Fine	Electronic Monitoring OR Residential Treatment	Community Service	
<b>SINGLE COUNT OF DUI AND DUS</b>		<b>RESTRICTIVE PROBATION PORTION OF SENTENCE</b> **Must be consecutive to a total confinement jail sentence**				
<b>DUI 1<sup>st</sup> Offense</b>	<b>DUI- Lowest Tier</b>	<b>NOT ELIGIBLE</b>				
	<b>DUI-Middle Tier (48 hr mandatory)</b>	NONE	6 MONTHS <sup>^</sup>	\$500.00	10 DAYS	30 Hours
	<b>DUI-High Tier (72 hr mandatory)</b>	24 hours	Up to statutory maximum <sup>^</sup>	\$1,000.00	10 DAYS	30 Hours
<b>DUI 2<sup>nd</sup> Offense</b>	<b>DUI- Lowest Tier (5 days mandatory)</b>	24 hours	Up to statutory maximum <sup>^</sup>	\$300.00	10 DAYS	60 Hours
	<b>DUI-Middle Tier (30 days mandatory)</b>	5 days	Up to statutory maximum <sup>^</sup>	\$750.00	25 DAYS	60 Hours
	<b>DUI-High Tier (90 days mandatory)</b>	15 DAYS	Up to statutory maximum <sup>^</sup>	\$1,500.00	75 DAYS	60 Hours
<b>DUI 3<sup>rd</sup> Offense</b>	<b>DUI- Lowest Tier (10 days mandatory)</b>	2 days	Up to statutory maximum <sup>^</sup>	\$500.00	10 DAYS	90 Hours
	<b>DUI-Middle Tier (90 days mandatory)</b>	15 DAYS	Up to statutory maximum <sup>^</sup>	\$1,500.00	75 DAYS	90 Hours
	<b>DUI-High Tier (1 year mandatory)</b>	<b>Eligible for Restrictive Probation in the Recovery Court Program</b>				

<sup>^</sup>If the participant is in need of treatment, they must be sentenced to supervision (jail time + probation) for the statutory maximum permitted by law.

<b>Expanded IP</b>	<b>All other eligible offenses</b>	15 days – 3 months	Up to Statutory Limit	VARIES	75 – 180 DAYS	50-100 Hours
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<b>DUS/DUI 75 §1543(b)</b>	<b>DUS/DUI Related 75 §1543(b) 1st offense Only</b>	5 DAYS	Up to 60 DAYS	\$500.00	55 DAYS	20
	<b>DUS/DUI Related 75 §1543(b) 2nd Offense in last 10 years</b> <b>OR</b> <b>DUS/DUI while under the influence 75 §1543(b)(1.1) 1<sup>st</sup> Offense Only</b>	10 DAYS	Up to 90 DAYS	\$500.00 DUS/DUI  \$1,000 DUS/DUI Under the Influence	80 DAYS	20

\*\* All participants for RP must complete a Drug/Alcohol Assessment and Risk/Need assessment and submit the assessment with the application. All recommendations from the assessments must be followed as a condition of RP.

\*\* All RP technical violators will be required to attend Cognitive Behavioral Training (CBT).

\*\* 30 hours of community service may be waived if CBT is completed within the first 4 months of RP Supervision.

\*\*EHM and Jail Time must equal the Mandatory Sentence.

**Formula for sentence:**

**Jail = 1/6 of the mandatory sentence**

**EHC= balance of mandatory sentence with a minimum of 10 days**