

# Alcohol Violations

A set of white icons on a black background, including a pair of scales of justice, a gavel, and a book, positioned to the right of the main title.

Pennsylvania Liquor  
Control Board   
*Alcohol Education*



**Pennsylvania Liquor Control Board  
Alcohol Education Program  
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TTY (717) 772-3725  
Website: [www.lcb.state.pa.us/edu/](http://www.lcb.state.pa.us/edu/)**

Pursuant to Act 24 of 2003, Pennsylvania adopted the federal standard of .08% blood alcohol content (BAC) for most Driving Under the Influence (“DUI”) convictions.

Following are excerpts from the Pennsylvania Crimes Code - Title 18 and the Pennsylvania Vehicle Code - Title 75, and Title 30 relating to the operation of boats. Complete copies of these codes can be found in Public Libraries. See *PLCB Disclaimer of Liability*.

**TITLE 18**  
**Section 5505 Public drunkenness**

A person is guilty of a summary offense if he appears in any public place manifestly under the influence of alcohol... to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

<b>Penalty</b>	<b>1<sup>st</sup> Offense</b>
Fine	0-\$300
Jail	0-90 days

**SECTION 6307**  
**Misrepresentation of age to purchase**  
**liquor or malt or brewed beverages**

A person is guilty of a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violations if he, being under the age of 21 years, knowingly and falsely represents himself to be 21 years of age or older to any licensed dealer, distributor or other person, for the purpose of procuring or having furnished to him, any liquor or malt or brewed beverages.

<b>Penalty</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>Subsequent Offense</b>
Fine	0-\$300	0-\$500	0-\$500
Jail	0-90 days	1 year	1 year
Driver's License Suspension	90 days	1 year	2 years

**SECTION 6308**  
**Purchase, consumption, possession or transportation  
of liquor or malt or brewed beverages by a minor**

A person commits a summary offense if he, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages.

<b>Penalty</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>Subsequent Offense</b>
Fine	0-\$300	0-\$500	0-\$500
Jail	0-90 days	0-90 days	0-90 days
Driver's License Suspension	90 days	1 year	2 years

\*Parental Notification for those under 18 years of age.

**SECTION 6309**  
**Representing that a minor is of age**

A person is guilty of a misdemeanor of the third degree if he knowingly, willfully and falsely represents to any licensed dealer, or other person, any minor to be of full age, for the purpose of inducing [that] person to sell or furnish any liquor or malt or brewed beverages to the minor.

<b>Penalty</b>	<b>1<sup>st</sup> Offense</b>
Fine	\$300-\$2500
Jail	0-1 year

## SECTION 6310

### Inducement of minors to buy liquor or malt or brewed beverages

A person is guilty of a misdemeanor of the third degree if he hires or requests or induces any minor to purchase, or offer to purchase, liquor or malt or brewed beverages....from a duly licensed dealer for any purpose.

Penalty	
Fine	\$300-\$2500
Jail	0-1 year



## **SECTION 6310.1**

### **Selling or furnishing liquor or malt or brewed beverages to minors**

A person commits a misdemeanor of the third degree if he intentionally and knowingly sells or... furnishes, or purchases with the intent to sell or furnish, any liquor or malt or brewed beverages to a person who is less than 21 years of age.

This section does not apply to any religious service or ceremony which may be conducted in a private home or a place of worship where the amount of wine served does not exceed the amount reasonably, customarily and traditionally required as an integral part of the service or ceremony.

<b>Penalty</b>	<b>1st Offense</b>	<b>2nd and Subsequent Offenses</b>
Fine	\$1000-\$2500	\$2500
Jail	0-1 year	0-1 year

## **SECTION 6310.2**

### **Manufacture or sale of false identification card**

A person commits a misdemeanor of the second degree if he intentionally, knowingly or recklessly manufactures, makes, alters, sells or attempts to sell an identification card falsely representing the identity, birth date or age of another.

<b>Penalty</b>	<b>1st Offense</b>	<b>2nd and Subsequent Offenses</b>
Fine	\$1000-\$5000	\$2500-\$5000
Jail	0-2 years	0-2 years

## **SECTION 6310.3**

### **Carrying a false ID**

A person commits a summary offense for a first violation and a misdemeanor of the third degree for subsequent violations if he, being under 21 years of age, possesses an identification card falsely identifying that person by name, age, date of birth or photograph as being 21 years or age or older or obtains or attempts to obtain liquor or malt or brewed beverages by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of that person who possesses the card.

<b>Penalty</b>	<b>1<sup>st</sup> Offense</b>	<b>2<sup>nd</sup> Offense</b>	<b>Subsequent Offense</b>
Fine	0-\$300	0-\$500	0-\$500
Jail	0-90 days	0-1 year	0-1 year
Driver's License Suspension	90 days	1 year	2 years

\*Parental Notification for those under 18 years of age.

## **SECTION 6310.7**

### **Selling or furnishing nonalcoholic beverages to persons under 21**

A person commits a summary offense if he intentionally and knowingly sells or furnishes nonalcoholic beverages to any person under 21 years of age.

As used in this section, the term “nonalcoholic beverage” means any beverage intended to be marketed or sold as nonalcoholic beer, wine or liquor having some alcohol content but not containing more than 0.5% alcohol by volume.

<b>Penalty</b>	
Fine	0-\$300
Jail	0-90 days

**TITLE 75**  
**(Vehicle Code)**  
**SECTION 3809 Restriction on alcoholic beverages**

An individual who is an operator or an occupant in a motor vehicle may not be in possession of an open alcoholic beverage container or consume...an alcoholic beverage in a motor vehicle while the motor vehicle is located on a highway in this Commonwealth.

This section does not prohibit possession or consumption by passengers in the passenger areas of a motor vehicle designed, maintained or used primarily for the lawful transportation of persons for compensation, including buses, taxis and limousines, or persons in the living quarters of a house coach or house trailer.

Any person who violates this section commits a summary offense.

<b>Penalty</b>	
Fine	0-\$300
Jail	0-90 days

## **SECTION 1543**

### **Driving while operating privilege is suspended or revoked**

A person is guilty of a summary offense if he/she is driving while his/her operating privileges are suspended or revoked due to a charge for driving under the influence or as a condition of acceptance of Accelerated Rehabilitative Disposition (ARD) or for refusal to take a chemical test.

The mandatory penalty is a \$500 fine, 60-90 days in jail and an additional 1-year license suspension.

A person who has an amount of alcohol by weight in his/her blood that is equal to or greater than .02% or is under the influence of a controlled substance at the time of testing... and who drives a motor vehicle on any highway or traffic way of this Commonwealth at a time when the person's operating privilege is suspended or revoked as a condition of acceptance of Accelerated Rehabilitative Disposition for

a violation of driving under the influence or for refusal to take a chemical test or is suspended under section 1581 for an offense substantially similar to a violation of section 3802 (driving under the influence) shall, upon a first conviction, be guilty of a summary offense and shall be sentenced to pay a fine of \$ 1,000 and to undergo imprisonment for a period of not less than 90 days.

A second violation... shall constitute a misdemeanor of the third degree, and upon conviction thereof the person shall be sentenced to pay a fine of \$ 2,500 and to undergo imprisonment for not less than six months.

A third or subsequent violation shall constitute a misdemeanor of the first degree, and upon conviction thereof the person shall be sentenced to pay a fine of \$ 5,000 and to undergo imprisonment for not less than two years.

## **SECTION 1547**

### **Chemical testing to determine amount of alcohol or controlled substance**

Any person who drives, operates or is in actual physical control of the movement of a motor vehicle in Pennsylvania shall be deemed to have given consent to one or more chemical tests of breath, blood or urine for the purposes of determining the alcoholic content of blood or the presence of a controlled substance if a police officer has reasonable grounds to believe that person to have been driving, operating or in actual physical control of the movement of the motor vehicle:

- while under the influence of alcohol or a controlled substance or both, or
- while in violation of section 3802(a)(2), or
- while in violation of section 1543(b)(1.1), or
- which was involved in an accident in which the operator or passenger of any vehicle involved or a pedestrian required treatment at a medical facility or was killed.

If a person refuses to submit to a chemical test, the testing shall not be conducted, but upon notice by the police officer, the Department of Transportation shall suspend the operating privilege of the person for a minimum of 12 months.



## **SECTION 3802(e)**

### **Minor prohibited from operating with any alcohol in system**

A minor (person under 21 years of age) may not drive, operate or be in actual physical control of the movement of a vehicle after imbibing a sufficient amount of alcohol such that the alcohol concentration in the minor's blood or breath is .02% or higher within two hours after the minor has driven, operated, or been in actual physical control of the movement of the vehicle.

## **SECTION 3735**

### **Homicide by vehicle while driving under the influence**

Any person who unintentionally causes the death of another person as the result of... driving under the influence of alcohol or controlled substance and who is convicted of violating [the law regarding driving under the influence] is guilty of a felony of the second degree when the violation is the cause of death.

The penalty is a mandatory sentence of 3-10 years incarceration and consecutive 3-10 year terms for each victim whose death is a result. The fine may be as high as \$25,000 per victim.

## **SECTION 3735.1**

### **Aggravated assault by vehicle while driving under the influence**

Any person who negligently causes serious bodily injury to another person as the result of a violation of section 3802 (relating to driving under the influence of alcohol or controlled substance) and who is convicted of violating that section, commits a felony of the second degree when the violation is the cause of the injury.

<b>Penalty</b>	
Fine	0-\$25,000
Jail	0-10 years

## **SECTION 7726**

### **Operation in Safe Manner**

No person shall operate a snowmobile or an ATV in any of the following ways:

- At a rate of speed that is unreasonable or improper under existing conditions or in excess of the maximum limits posted for vehicular traffic
- In any careless way so as to endanger the person or property of another
- While under the influence of alcohol or any controlled substance.

No owner or other person having charge or control of a snowmobile or ATV shall knowingly authorize or permit the operation of the snowmobile or ATV by any person who is incapable to do so by reason of age, physical or mental disability, or who is under the influence of alcohol or any controlled substance.

<b>Penalty</b>	<b>1st Offense</b>	<b>Subsequent Offenses</b>
Fine	\$25-\$100	\$100-\$200

**TITLE 30**  
**SECTION 5502**

**Operating watercraft under influence of alcohol or controlled substance**

No person shall operate or be in actual physical control of the movement of a watercraft upon, in or through the waters of this Commonwealth:

- (1) while under the influence of alcohol to a degree which renders the person incapable of safe operation of a watercraft;
- (2) while under the influence of any controlled substance, as defined by the laws of this Commonwealth and rules and regulations promulgated thereunder, to a degree which renders the person incapable of safe operation of a watercraft;

- (3) while under the combined influence of alcohol and a controlled substance to a degree which renders the person incapable of safe operation of a watercraft; or
- (4) while the amount of alcohol by weight in the blood of:
  - (i) an adult is 0.10% or greater; or
  - (ii) a minor is 0.02% or greater.

Grading and penalties.—

A person violating any of the provisions of this section commits a misdemeanor of the second degree except a person who meets the requirements below. The sentencing court shall order the person to pay a fine of \$ 500-\$ 5,000 and to serve a minimum term of imprisonment of:

- (i) not less than 48 hours - 2 years; or
- (ii) not less than 30 days - 2 years if the person had previously accepted Accelerated Rehabilitative Disposition or any other form of preliminary disposition or had been convicted of, adjudicated delinquent or granted a consent decree under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on an offense under this section or an equivalent offense in this or other jurisdictions within the previous seven years calculated from the date of acceptance, conviction, adjudication or grant.

If the person has two or more times previously been convicted of, adjudicated delinquent or granted a consent decree under 42 Pa.C.S. Ch. 63 based on an offense under this section or an equivalent offense in this or other jurisdictions within the previous seven years, a person commits a misdemeanor of the first degree. The sentencing court shall order the person to pay a fine of not less than \$2,500 nor more than \$ 10,000 and to serve a minimum term of imprisonment of not less than 90 days - 5 years.



## **SECTION 5502.1**

### **Homicide by watercraft while operating under influence**

Any person who unintentionally causes the death of another person as the direct result of a violation of section 5502 (relating to operating watercraft under influence of alcohol or controlled substance) and who is convicted of violating section 5502 commits a felony of the third degree when the violation is the cause of death and the sentencing court shall order the person to serve a term of imprisonment of 3 - 10 years, and a fine up to \$ 10,000.

## DEFINITIONS

### Section 6310.6, Title 18

The following words and phrases when used in sections 6307 (relating to misrepresentation of age to secure liquor or malt or brewed beverages) through 6310.3 (relating to carrying false identification card) shall have the meanings given to them in this section unless context clearly indicates otherwise:

**“Furnish.”**

To supply, give or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged.

**“Identification card.”**

A driver’s license, a Department of Transportation nondriver’s identification card or a card issued by the Pennsylvania Liquor Control Board for the purpose of identifying a person desiring liquor or malt or brewed beverages, a card which

falsely purports to be any of the foregoing, or any card, paper or document which falsely identifies the person by name, photograph, age or date of birth as being 21 years of age or older.

**“Liquor.”**

Includes any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures and reused, recovered or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than 0.50% of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.

**“Malt or brewed beverages.”**

Any beer, lager beer, ale, porter or similar fermented malt beverage containing 0.50% or more of alcohol by volume, by whatever name such beverage may be called.

## **Section 3801, Title 75**

Definitions.-As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

**“Adult.”**

An individual who is at least 21 years of age

**“Minor.”**

An individual who is under 21 years of age.

## **CRIMES ASSOCIATED WITH UNDERAGE DRINKING:**

- Misrepresentation of Age to Secure Liquor or Malt or Brewed Beverages, 18 Pa. C.S. §6307.
- Purchase, Consumption, Possession, or Transportation of Liquor or Malt or Brewed Beverages, 18 Pa. C.S. §6308.
- Representing that Minor is of Age, 18 Pa. C.S. §6309.
- Inducement of Minors to Buy Liquor or Malt or Brewed Beverages, 18 Pa. C.S. §6310.1.
- Manufacture or Sale of False Identification Card, 18 Pa. C.S. §6310.2.
- Carrying a False Identification Card, 18 Pa. C.S. §6310.3.

- Restriction of Operating Privileges, 18 Pa. C.S. §6310.4.
- Predisposition Evaluation, 18 Pa. C.S. §6310.5.
- Definitions, 18 Pa. C.S. §6310.6.
- Selling and Furnishing Nonalcoholic Beverages to Persons Under 21 Years of Age, 18 Pa. C.S. §6310.7.
- Liquor or Malt or Brewed Beverages, 75 Pa. C.S. §6312.
- Minor Prohibited from Operating with Alcohol in System 75 Pa. C.S. §3802e
- Driving Under the Influence of Alcohol or Controlled Substances, 75 Pa. C.S. §3802.

## OTHER RELEVANT STATUTES

- Liquor Code, 47 Pa. C.S. §§4-491 through 4-499.  
\*Specifically, Unlawful Acts Relative to Liquor, Malt and Brewed Beverages and Licensees, 47 Pa. C.S. §4-493 (1) and (14).
- Vehicle Code, 75 Pa. C.S. §1547

**Officers should be familiar with the local ordinances, as many ordinances provide additional grounds upon which to initiate an investigation, issue a citation, and in limited circumstances, effectuate an arrest.**

## DUI LAW GRADING AND SENTENCING GUIDE

*(Sections 3802-3804 of Pennsylvania Vehicle Code)*

<b>Levels of Impairment</b>	<b>.08% TO .099% BAC (Blood Alcohol Content)</b>	<b>Incapable of safe driving</b> No BAC available No implied violation No crash/injury or damage	
<b>1<sup>st</sup> Offense in 10 Years</b>	<ul style="list-style-type: none"><li>• Ungraded misdemeanor</li><li>• 6 months minimum probation</li><li>• \$300 fine</li></ul>	<ul style="list-style-type: none"><li>• Attend Alcohol Highway Safety School</li><li>• CRN evaluation</li></ul>	<ul style="list-style-type: none"><li>• Pending CRN, full assessment and compliance with D&amp;A (drug and alcohol) treatment as part of sentencing</li></ul>
<b>2<sup>nd</sup> Offense in 10 Years</b>	<ul style="list-style-type: none"><li>• Ungraded misdemeanor</li><li>• 5 days minimum imprisonment</li><li>• \$300 to \$2,500 fine</li></ul>	<ul style="list-style-type: none"><li>• 12 month license suspension</li><li>• Attend Alcohol Highway Safety School</li></ul>	<ul style="list-style-type: none"><li>• Mandatory 1 year Ignition Interlock</li><li>• CRN evaluation</li><li>• Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li></ul>
<b>3<sup>rd</sup> and Subsequent Offenses in 10 years</b>	<ul style="list-style-type: none"><li>• 2<sup>nd</sup> degree misdemeanor</li><li>• 10 days minimum imprisonment</li><li>• \$500 to \$5,000 fine</li></ul>	<ul style="list-style-type: none"><li>• 12 month license suspension</li><li>• Mandatory 1 year Ignition Interlock</li></ul>	<ul style="list-style-type: none"><li>• CRN evaluation</li><li>• Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li></ul>



# DUI LAW GRADING AND SENTENCING GUIDE

*(Sections 3802-3804 of Pennsylvania Vehicle Code)*

<b>Levels of Impairment</b>	<b>.10% TO .159% BAC (Blood Alcohol Content)</b>	<ul style="list-style-type: none"><li>• Incapable of safe driving with crash, damage or injuries</li><li>• Minors (.02% or greater BAC)</li><li>• Commercial drivers (.04% or greater BAC) and school bus/vehicle drivers (.02% or greater BAC)</li><li>• Commercial/school vehicles incapable of safe driving</li></ul>	
<b>1<sup>st</sup> Offense in 10 Years</b>	<ul style="list-style-type: none"><li>• Ungraded misdemeanor</li><li>• 48 consecutive hrs. minimum imprisonment</li><li>• \$500 to \$5,000 fine</li></ul>	<ul style="list-style-type: none"><li>• 12 month license suspension</li><li>• Attend Alcohol Highway Safety School</li></ul>	<ul style="list-style-type: none"><li>• CRN evaluation</li><li>• Pending CRN, full assessment and compliance with D&amp;A treatment as part of sentencing</li></ul>
<b>2<sup>nd</sup> Offense in 10 Years</b>	<ul style="list-style-type: none"><li>• Ungraded misdemeanor</li><li>• 30 days minimum imprisonment</li><li>• \$750 to \$5,000 fine</li></ul>	<ul style="list-style-type: none"><li>• 12 month license suspension</li><li>• Attend Alcohol Highway Safety School</li></ul>	<ul style="list-style-type: none"><li>• Mandatory 1 year Ignition Interlock</li><li>• CRN evaluation</li><li>• Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li></ul>
<b>3<sup>rd</sup> and Subsequent Offenses in 10 years</b>	<ul style="list-style-type: none"><li>• 1<sup>st</sup> degree misdemeanor</li><li>• 90 days minimum imprisonment</li><li>• \$1,500 to \$10,000 fine</li></ul>	<ul style="list-style-type: none"><li>• 18 month license suspension</li><li>• Mandatory 1 year Ignition Interlock</li></ul>	<ul style="list-style-type: none"><li>• CRN evaluation</li><li>• Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li></ul>
<b>4<sup>th</sup> and Subsequent Offenses in 10 years</b>	<ul style="list-style-type: none"><li>• 1<sup>st</sup> degree misdemeanor</li><li>• 1 year minimum imprisonment</li><li>• \$1,500 to \$10,000 fine</li></ul>	<ul style="list-style-type: none"><li>• 18 month license suspension</li><li>• Mandatory 1 year Ignition Interlock</li></ul>	<ul style="list-style-type: none"><li>• CRN evaluation</li><li>• Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li></ul>

## DUI LAW GRADING AND SENTENCING GUIDE

*(Sections 3802-3804 of Pennsylvania Vehicle Code)*

<b>Levels of Impairment</b>	<b>.16% and higher BAC (Blood Alcohol Content)</b>	<b>Controlled Substances</b>	
<b>1<sup>st</sup> Offense in 10 Years</b>	<ul style="list-style-type: none"><li>• Ungraded misdemeanor</li><li>• 72 consecutive hours minimum imprisonment</li><li>• \$1,000 to \$5,000 fine</li></ul>	<ul style="list-style-type: none"><li>• 12 month license suspension</li><li>• Attend Alcohol Highway Safety School</li></ul>	<ul style="list-style-type: none"><li>• CRN evaluation</li><li>• Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li></ul>
<b>2<sup>nd</sup> Offense in 10 Years</b>	<ul style="list-style-type: none"><li>• 1<sup>st</sup> degree misdemeanor</li><li>• 90 days minimum imprisonment</li><li>• \$1,500 to \$10,00 fine</li></ul>	<ul style="list-style-type: none"><li>• 18 month license suspension</li><li>• Attend Alcohol Highway Safety School</li></ul>	<ul style="list-style-type: none"><li>• Mandatory 1 year Ignition Interlock</li><li>• CRN evaluation</li><li>• Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li></ul>
<b>3<sup>rd</sup> and Subsequent Offenses in 10 years</b>	<ul style="list-style-type: none"><li>• 1<sup>st</sup> degree misdemeanor</li><li>• 1 year minimum imprisonment</li><li>• \$2,500 to \$10,000 fine</li></ul>	<ul style="list-style-type: none"><li>• 18 month license suspension</li><li>• Mandatory 1 year Ignition Interlock</li></ul>	<ul style="list-style-type: none"><li>• CRN evaluation</li><li>• Mandatory full D&amp;A assessment and compliance with D&amp;A treatment as condition of sentencing</li></ul>

## PROCEDURES TO BE FOLLOWED IN HANDLING JUVENILES

**Status Offenders may not be placed in secure custody.** Secure custody/holding is defined as being held in a locked cell/room or being handcuffed to a stationary object.

**Status Offenders** are defined as juveniles, who have been accused of, or charged with, conduct, which would not, under law, be an offense if committed by an adult. Examples include: runaway; truancy; dependent/neglected juveniles; underage alcohol offenses; or abused juveniles.

**Accused Delinquent Offenders may be held securely if necessary,** but only for a period of no more than six hours. If it is necessary for a securely held delinquent offender to remain in police custody for more than six hours, the offender must be removed from secure holding after six hours, if possible, and held non-securely for the remaining time spent in police custody.

A securely held delinquent offender must be separated by sight and sound from incarcerated adults and must be under visual supervision at all times.

If it appears that a securely held delinquent offender cannot be released from police custody within the six-hour limit due to an unresolved problem, assistance should be requested by calling ChildLine at (800) 932-0313 or the Pennsylvania Commission on Crime and Delinquency at (800) 692-7292, extension 3033.

*(Refer to Telephone Reporting System – Information/Procedures)*

Questions concerning juvenile policy and procedures while in police custody should be directed to Mr. Donald Sadler of the Pennsylvania Commission on Crime and Delinquency at (800) 692-7292, extension 3033.

(Revised 3/10/04)

**The critical change to the Pennsylvania compliance initiative as a result of the JJDP Act of 2002 is the change in definition of a Status Offender, which is now as follows:**

**“Status offenders are defined as juveniles, who have been accused of, or charged with, conduct which would not, under law, be an offense if committed by an adult. Examples include runaways; truants; dependant/neglected juveniles; underage alcohol offenses; or abused juveniles.”**

**Juvenile offenders charged solely with Underage Drinking Sec. 6308 (and related sub-sections) of Title 18 may not be held securely. However, juveniles charged with Public Drunkenness (Sec. 5505, Title 18) and Disorderly Conduct (Sec. 5503, Title 18), which are crimes if committed by juveniles and adults, are therefore not status offenses. Juveniles charged with Sec. 5503 and Sec. 5505 may be held securely, but only for a period of no more than six hours. For those law enforcement agencies required to submit the Summary**

**Information Log Form to PCCD on a monthly basis, please utilize the correct and applicable section in the “Reason Held” box of the log form if the juvenile is held securely.**

Juveniles charged with only Sec. 6308 and held securely in the law enforcement facility will be considered “**Violations**” and will have to be investigated and reported as **violations** to the federal Office of Juvenile Justice and Delinquency Prevention in the Annual Compliance Monitoring Report as required by the JJDP Act of 2002. **These status offender violations are extremely serious and could impact Pennsylvania’s receipt of approximately \$2 million annually in formula grant funds, which are designated for the treatment and rehabilitation of youthful offenders.**

***Disclaimer: This information is not intended to be legal advice, but merely conveys information pertinent to alcohol-related offenses and to drinking and driving. For more information, please contact your local District Attorney's Officer or a private attorney.***

## NOTES

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