

**Q: What is a misdemeanor?**

A: A misdemeanor is a more serious offense than a summary offense, but a lesser crime than a felony. It is typically punishable by a fine and could include jail time. It may also require the individual to be fingerprinted. Misdemeanor offenses appear on a criminal background check. According to the PA Crimes Code, state–licensing agencies would reserve the right to deny the issuance of a certificate, license, registration or permit to anyone charged with a misdemeanor. The PA Crimes Code also allows potential employers to use criminal history records in the hiring process. This means if you have a misdemeanor, you may not be able to get a license or certificate and even worse, the job you hoped to have. Alcohol misdemeanors include but are not limited to the following:

- Driving under the influence
- Purchasing and or furnishing alcohol to minors
- Misrepresentation of your age to buy alcohol
- Carrying or manufacturing a false I.D.

**Q: What if I am charged with DUI (Driving Under the Influence)?**

A: In Pennsylvania, a DUI is classified as a misdemeanor. Pennsylvania has set .08% Blood Alcohol Content (BAC) as the legal limit for Driving Under the Influence (DUI) convictions. Anyone under the age of 21, driving with a blood alcohol content of .02 or higher, can be charged with a DUI and processed as an adult.

Having a DUI can be cause for denial of certification and licensure. In addition, if already employed it can be cause for suspension of health care license or even dismissal from employment.

**Q: What if I furnish alcohol to a minor?**

A: In the state of Pennsylvania, you will receive a misdemeanor of the third degree if you furnish, sell, or purchase alcohol to/for anyone under 21 years of age.

**Q: What if I have misrepresent my age more than once?**

A: According to PA Crimes Code (Title 18), after the first violation, subsequent offenses will be treated as a misdemeanor of the third degree.

\*\*\*Please note: This pamphlet was designed ONLY as a resource guide for education and health care majors. The sponsors of this pamphlet do not encourage or condone the use of alcohol by anyone under the age of 21. While it includes general information about alcohol offenses, each situation should be evaluated separately. If charged with any of these offenses, you may want to consult with professional legal counsel and your academic department.

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# Alcohol Citations and Your Career

## Questions and Answers

Information for Education and Health Care Majors

**As an education or health care major, you may be unsure about the fate of your major and, even more important, your career if you are cited for UAD (Underage Drinking) or DUI (Driving Under the Influence). This pamphlet was designed to answer some of the commonly asked questions and set the record straight.**

**Q: Why would certain professions require a Criminal Background Clearance?**

A: The Commonwealth of Pennsylvania requires that educational and health care systems provide a safe environment for children and the provision of service safeguarding the rights of older adults while protecting them from abuse.

**Q: WHAT IS ACT 34?**

A: ACT 34 is a criminal record check. Criminal offenses include crimes against another person. i.e. assault, sexual molestation, rape etc. ACT 34 check will yield a complete RAP sheet on a person, which includes felony and misdemeanor offenses.

**Q: What are summary alcohol offenses?**

A: Summary offenses are the least serious of criminal offenses. They are accompanied by citations and fines that are processed by a magistrate and can include jail time up to 90 days. They rank below both felonies and misdemeanors. Examples of alcohol summary offenses include:

- Purchase, consumption, possession or transportation of alcohol by a minor
- Misrepresentation of age (first offense).
- Public drunkenness

**Q: What behaviors are classified as an Underage Drinking (UAD) offense?**

A: In Pennsylvania, an underage drinking citation is issued to anyone under the age of 21 who is caught consuming, transporting, purchasing, or attempting to purchase any alcoholic beverage. It is a summary offense that requires the issuing officer to contact the parents or guardians of the minor being cited.

**Q: If I am an education major and get charged with UAD, does that mean I will never be able to teach in Pennsylvania?**

A: According to the Pennsylvania Crimes Code (Section 9124), neither summary offenses nor expungements can be used in consideration of acceptance or denial of a state license or certificate. Therefore, you will still be eligible for teaching status in this state. While it is not legal for the state to deny a teaching certificate due to a summary offense, it is legal for a school district to deny employment based upon past citations *of any kind*. Even though a UAD will not appear on a background check, it does remain on record with the University Judicial Office and/or the police and can be accessed by any school district that chooses to search for the information.

**Q: What if I misrepresent my age to obtain alcohol?**

A: If you misrepresent your age to be 21 or older to anyone for the purpose of obtaining alcohol, you will receive a summary citation for your first violation. Pennsylvania law states that after the first violation, subsequent offenses will be treated as a misdemeanor of the third degree.



Age misrepresentation includes not only providing a fake identification, but also verbally stating you are of age when you are not.

**Q: Will my UAD appear on my state clearance background check?**

A: Underage drinking citations do not appear on criminal background checks because they are not fingerprintable offenses. However, they will appear on a vehicular background check. These records can be accessed for a fee by insurance companies and also by investigators doing a thorough review of an applicant.

**Q: Does that mean that all summary offenses are exempt from criminal background checks?**

A: No. Certain summary offenses like retail and library theft will appear on criminal background checks. These offenses require that fingerprints be taken and kept at the police repository. This is done to track the number of offenses an individual has committed. Multiple offenses of the same crime would result in an upgrading of punishment.

**Q: What does it mean to have your record expunged?**

A: Expunging your record is a legal process that serves to seal your criminal file. To apply you must meet certain criteria and be approved through the district attorney's office. Not all requests will be approved. Expungement will not remove the charge from your vehicular record.

**Q: What is ARD?**

A: Accelerated Rehabilitative Disposition (ARD) is a pretrial diversionary program. The primary purpose of ARD is to educate and counsel offenders and, secondarily, to move cases promptly through the judicial system. Completion of the program results in the sealing of your criminal record. You need to meet certain criteria in order to be eligible, and ARD may not be offered in all counties. Information about ARD can be obtained through a magistrate, probation officer, or district attorney's office.