

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, it can be cause for suspension or even dismissal from employment.

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.

*****This pamphlet was designed ONLY as a resource guide for criminology 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.**

Brought to you by the Alcohol,
Tobacco, and Other Drugs Program

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Alcohol Citations and Your Career

Q&A
for
Criminology Majors



As a criminology 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?

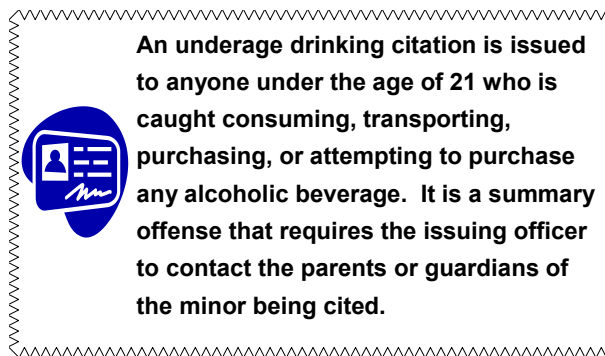
A: ACT 34 is a criminal record check. Criminal offenses include crimes against another person. i.e. assault, sexual molestation, rape, etc. ACT 34 check will yield a complete RAP sheet on a person, which includes felony and misdemeanor offenses.

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

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

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 of up to 90 days. They rank below both felonies and misdemeanors. Examples of alcohol summary offenses include public drunkenness/purchase/consumption/possession/transportation of alcohol by a minor, and misrepresentation of age through fake identification or verbal statement (first offense; subsequent offenses are a misdemeanor of the third degree).



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

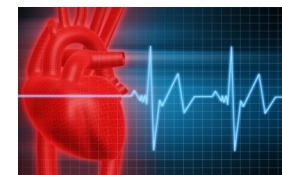
A: No. Certain summary offenses like minor vehicular or property damage will appear on criminal background checks. These offenses require that fingerprints be taken and kept at the police repository. This is done to track the number of offenses an individual has committed. Multiple offenses of the same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

Q: What 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/furnishing alcohol to minors
- Subsequent offenses of misrepresentation of your age to buy alcohol (according to PA Crimes Code Title 18)
- Carrying or manufacturing a false I.D.



Applicants for law enforcement undergo a polygraph examination. Depending on the department, self-reported excessive alcohol use, illegal drug use, and/or a DUI may lead to denial of acceptance. In addition, it can be cause for suspension or even dismissal from employment.