

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE**

PEOPLE OF THE STATE OF CALIFORNIA   vs.  DEFENDANT:	FOR COURT USE ONLY     CASE NUMBER:
<b>DRIVING UNDER THE INFLUENCE – PENALTIES</b>	

**DRIVING UNDER THE INFLUENCE**  
 PENALTIES FOR VIOLATIONS OF VEHICLE CODE SECTIONS 23152(a), (b), (e), and (f)

<b>CONVICTION</b>	<b>IF NO PROBATION</b>	<b>3 – 5 YEARS PROBATION<sup>AAA</sup></b>
<b>FIRST</b>	<b>Vehicle Code Section 23536(a)(b)</b> - 96 hours to 6 months in jail – (48 of the 96 hours must be continuous unless it would interfere with your work schedule) - 6 or 10 months driver license suspension – no reinstatement until completion of 3 month (AB541) or 9 month (AB1353) Alcohol/Drug Education Program (may request restricted license from DMV~)++ - May require installation of Ignition Interlock Device - Fine \$390 to \$1,000***	<b>Vehicle Code Section 23538(a)(1)</b> - Possibility of 48 hours to 6 months jail (mandatory 48 hours jail if refused to take a chemical test) - Fine \$390 to \$1,000*** - Either 3 month or 9 month Alcohol/Drug Education Program depending on your blood alcohol level - 6 month driver license suspension (10 month suspension if required to take 9 month AB1353 Alcohol/ Drug Education Program, 1 year supervision if refused to take a chemical test)(may request restricted license from DMV~)++ - May require installation of Ignition Interlock Device
<b>SECOND IN 10 YEARS ##</b>	<b>Vehicle Code Section 23540</b> - 90 days to 1 year jail (plus 96 additional hours if refused to take a chemical test) - 2 year driver license suspension – no reinstatement until completion of 18 month (SB38) Alcohol/Drug Education Program (may request restricted license from DMV~)++ - Fine \$390 - \$1,000*** - May require installation of Ignition Interlock Device	<b>Vehicle Code Section 23542(a)</b> - (a) 10 days to 1 year in jail <b>OR</b> - (b) 96 hours to 1 year in jail (96 hours must be served in two increments of 48 continuous hours) - 18 month (SB38) Alcohol/Drug Education Program - 2 year driver license suspension (may request restricted license from DMV~)++ - Fine \$390 - \$1,000*** - May require installation of Ignition Interlock Device
<b>THIRD IN 10 YEARS ##</b>	<b>Vehicle Code Section 23546(a)</b> - 120 days to 1 year jail (plus 10 days if refused to take a chemical test) - 3 year license revocation – no reinstatement until completion of 18-month Alcohol/Drug Education Program (may request restricted license from DMV~)++ - Designation as Habitual Traffic Offender for 3 years - Possible forfeiture of vehicle (V.C. 23596) - Fine \$390 - \$1,000*** - May require installation of Ignition Interlock Device	<b>Vehicle Code Section 23548(a)</b> - (a) 120 days to 1 year jail <b>OR</b> - (b) 30 days to 1 year jail with 30 month Alcohol/ Drug Education Program <b>AND</b> - 18 month (SB38) Alcohol/Drug Education program if one has not already been completed (unless 30 month program ordered) - 3 year license revocation (may request restricted license from DMV~)++ - Designation as Habitual Traffic Offender for 3 years - Fine \$390 - \$1,000*** - Possible forfeiture of vehicle (V.C. 23596) - May require installation of Ignition Interlock Device

(CONTINUED ON NEXT PAGE)

DEFENDANT:	CASE NUMBER
------------	-------------

**DRIVING UNDER THE INFLUENCE – PENALTIES (CONTINUED)**

CONVICTION	IF NO PROBATION	3 – 5 YEARS PROBATION <sup>***</sup>
<b>FOURTH IN 10 YEARS ##</b>	<b>Vehicle Code Section 23550(a)</b> - (A) 180 days to 1 year (plus 18 days jail, if refused chemical test) if <b>misdemeanor</b> <b>OR</b> - (B) <b>Felony</b> – 16 months, 2 or 3 years in county jail <b>AND</b> - 4 year license revocation – no reinstatement until completion of 18 month Alcohol/Drug Education Program (may request restricted license from DMV~)++ - Designation as Habitual Traffic Offender for 3 years - Possible forfeiture of vehicle - Fine \$390 - \$1,000 <sup>***</sup> - May require installation of Ignition Interlock Device	<b>Vehicle Code Section 23552(a)</b> - (A) 180 days to 1 year in jail <b>OR</b> - (B) 30 days to 1 year jail with 30 month Alcohol/ Drug Education Program <b>AND</b> - 18 month Alcohol/Drug Program if one has not already been completed (unless 30 month program ordered) - 4 year license revocation (may request restricted license from DMV~)++ - Designation as a Habitual Traffic Offender for 3 years - Fine \$390 - \$1,000 <sup>***</sup> - Possible forfeiture of vehicle - May require installation of Ignition Interlock Device

**\*\*\*NOTE:** All base fines listed above do not include mandatory penalty assessments and fees, which increase the total fines by over 300 percent. Further, a mandatory restitution fine (from \$150 to \$1,000), a jail booking fee, a court operations fee, a criminal conviction assessment, an alcohol abuse fee, and an incarceration fee will be imposed.

**##NOTE:** A conviction of Vehicle Code Section 23103/23103.5 (Alcohol Related Reckless Driving) that occurred within 10 years of the current offense is considered a priorable offense which enhances punishment in the same way as a prior Driving Under the Influence offense (Vehicle Code Sections 23152 or 23153). Additionally, for repeat offenses the court must require either 48 consecutive hours of jail time or not less than 10 days of community service (V.C. 23580(a))

**\*\*\*NOTE:** All grants of probation require that the court order that you not drive with any measurable amount of alcohol in your blood, that you will not refuse to submit to a chemical test of your blood, breath, or urine if arrested for a violation of Vehicle Code Sections 23152 or 23153, and that you do not commit any criminal offenses. (V.C. 23600)

**++NOTE:** DMV may not fully restore your driving privilege unless they have received satisfactory proof of successful completion of an Alcohol/Drug Education Program as required per the chart above.

**~NOTE:** May request restricted license (allows driving to and from work, during the course of your employment and to and from an Alcohol/Drug Education Program only) from DMV as follows:

**First Offense:** (Unless disallowed by court) (1) Submit proof of enrollment in Alcohol/Drug Education Program and, (2) Submit proof of insurance (SR22), and (3) Pay all reissue or reinstatement and restriction fees. (V.C. 13352.4)

**Second Offense:** (1) Completion of 90 days of suspension period or 12 months of suspension period if conviction includes use of drugs, and (2) Submit proof of enrollment in 18 or 30 month Alcohol/Drug Education Program, and (3) Agree to continue satisfactory participation in Alcohol/Drug Education Program, and (4) Submit proof of installation of Interlock Ignition Device in vehicle, and (5) Agree to maintain Ignition Interlock Device in vehicle for remainder of suspension period, and (6) Submit proof of insurance (SR22), and (7) Pay all reissue or reinstatement and restriction fees (V.C. 13352(a)(3))

**Third Offense:** (1) Completion of 6 months of suspension period or 12 months of suspension period if conviction includes use of drugs, and (2) Submit proof of enrollment in 18 or 30 month Alcohol/Drug Education Program, and (3) Agree to continue satisfactory participation in Alcohol/Drug Education Program, and (4) Submit proof of installation of Ignition Interlock Device in vehicle, and (5) Agree to maintain Ignition Interlock Device in vehicle for remainder of suspension period, and (6) Submit proof of insurance (SR22), and (7) Pay all reissue or reinstatement and restriction fees. (V.C. 13352(a)(5))

**Fourth Offense:** (1) Completion of 12 months of the suspension period, and (2) Submit proof of completion of the initial 12 months of an 18 or 30 month Alcohol/Drug Education Program, and (3) Agree to continue satisfactory participation in Alcohol/ Drug Education Program, and (4) Submit proof of installation of Ignition Interlock device in Vehicle, and (5) Agree to maintain Ignition Interlock Device in vehicle for the remainder of suspension period, and (6) Submit proof of insurance (SR22), and (7) Pay all reissue or reinstatement and restriction fees. (V.C. 13352(a)(7))

(CONTINUED ON NEXT PAGE)

DEFENDANT:	CASE NUMBER
------------	-------------

**DRIVING UNDER THE INFLUENCE – PENALTIES (CONTINUED)**

- If the concentration of alcohol in your blood was at 0.15 percent or more or if you refused to take a chemical test, the court may use this as a special factor to enhance your punishment, add additional terms to your probation, or deny probation. (V.C. 23578)
- If under the age of 21 at the time of the offense, DMV and court will suspend your license for 1 year and you will not be able to obtain a restricted license unless you are able to show a critical need to drive which would qualify you for a junior permit (V.C. 13202.5/V.C. 12513). You may also be required to attend a youthful offenders program (either T.E.M.P.O. or H.A.M.M.) in addition to an Alcohol/Drug Education Program.
- If there was a passenger in your vehicle at the time of the offense who was under 14 years old, you must serve additional jail time as follows: First conviction – 48 continuous hours; Second conviction – 10 days; Third conviction – 30 days; Fourth or more convictions – 90 days (V.C. 23572)
- If you were driving recklessly and at least 30 miles per hour over the speed limit on a freeway or at least 20 miles per hour over the speed limit on a street or highway other than a freeway, you must serve an additional 60 days in jail (V.C. 23582)

**I acknowledge that I have read and understand the possible consequences of a conviction for Driving Under the Influence as set forth herein.**

\_\_\_\_\_

(DATE)

(PRINT NAME)

(SIGNATURE)

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
ADVISORY STATEMENT  
VEHICLE CODE SECTION 23593**

People vs. \_\_\_\_\_ Case Number \_\_\_\_\_

**ADVISEMENT:** California Vehicle Code Section 23593 requires the following advisory statement in any convictions for Vehicle Code sections 23152, 23153 or 23103 pursuant to 23103.5:

**“You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.”**

I declare under penalty of perjury that I have read and understand the above advisement.

Date: \_\_\_\_\_ Signature \_\_\_\_\_

**INTERPRETER'S STATEMENT**

Having been duly sworn, I have truly translated this form to the defendant in the \_\_\_\_\_ language. The defendant has stated that he/she fully understood the contents of the form prior to signing.

Printed Name: \_\_\_\_\_ Signature \_\_\_\_\_