

<b>Superior Court of the State of California</b> <b>County of Marin</b> 3501 Civic Center Dr PO Box 4988 San Rafael, CA 94913-4988	
People of the State of California vs.	
<b>DUI ADVISEMENT OF RIGHTS, WAIVER AND PLEA FORM</b> <b>(VEHICLE CODE §§ 23103, 23152 &amp; 23153)</b>	Case Number(s):

### INSTRUCTIONS

- Fill out this form only if you wish to plead guilty or no contest to the charges against you.
- Read this form carefully. Initial the applicable boxes only if you understand and agree with what you read.
- Sign and date the form on page 4 where “Defendant’s Signature” is indicated (two places).
- If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHT TO AN ATTORNEY		Initial
1.	I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint an attorney for me if I cannot afford to hire one. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.	
2.	<b>Initial the correct box below:</b>	
	(a). My attorney is present, and I have discussed the charges and possible defenses with my attorney.	
	(b). I give up my right to an attorney, and I choose to represent myself. <b>(Does not apply if you have an attorney)</b>	
	(c). I hereby give up my right to be personally present at all stages of the proceedings and authorize my attorney to appear on my behalf and enter a plea of guilty or no contest, and to admit any alleged prior convictions,, enhancements, special allegations, and/or aggravating factors. I have previously discussed the charges and possible defenses with my attorney. I waive my right to be personally present when sentence is imposed. I waive my right to personally address the court in mitigation of any sentence which might be imposed. My attorney is further authorized and directed to waive time for sentencing, and to receive the sentence, including probation, on my behalf and in my absence.	
CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS		Initial
3.	<b>Right to a Speedy Jury Trial</b> – I understand that I have the right to a speedy public jury trial on the charge(s) filed against me and on any alleged prior conviction(s). I further understand I have the right to a trial by jury of twelve persons, all of whom must agree to a verdict beyond a reasonable doubt before I may be found guilty. I give up these rights. For a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge. If applicable, I give up this right.	
4.	<b>Right to Produce Evidence</b> – I understand that I have the right to present evidence and to have the court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me. I give up this right.	
5.	<b>Right to Confront and Cross-examine Witnesses</b> – I understand that I have the right to confront and cross-examine all witnesses testifying against me. I give up these rights.	
6.	<b>Right against Self-Incrimination and To Testify</b> – I understand that I have the right against self-incrimination, which means the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, or admitting other convictions(s) or probation violation(s), I am incriminating myself. I give up my right to remain silent and not incriminate myself.	

CONSEQUENCES OF GUILTY PLEA		Initial
7.	<b>DUI Advisement</b> – I understand the following: “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.” [VC § 23593]	
8.	<b>Citizenship</b> – If you are not a citizen of the United States, you are hereby advised that conviction of the offense for which you have been charged may have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. [PC § 1016.5]	
9.	<b>Fees and Restitution</b> – I understand that, in addition to the fines indicated on the above penalty charts, the Court will add assessments that will significantly increase the amount I must pay. In addition, I understand that I will be ordered to pay restitution to the victim and a restitution fine, and probation revocation fine, and potentially a parole revocation fine, each of which is not less than \$100 up to \$1000 (for a misdemeanor) or not less than \$300 up to \$10,000 (for a felony). Restitution imposed will be enforceable as a civil judgment. [PC § 1202.4]	
10.	<b>Probation/Parole Revocation</b> – I understand that my plea of guilty may be grounds for revoking probation, parole, mandatory supervision, or post-release community supervision, previously imposed on me in any other case.	
11.	<b>Multiple Offender Conditions</b> – I understand that multiple convictions for violating any of the above-cited Vehicle Code sections have escalating consequences, as detailed in the penalty charts above.	
12.	<b>Penalties for violation of sections 14601, 14601.1, 14601.2, or 14601.5:</b> I understand that if I am convicted of a violation of Vehicle Code section 14601.2, or if the charge was for a violation of that section but I am pleading to section 14601, 14601.1, or 14601.5, the Court will order me to install an ignition interlock device (IID) on any vehicle that I own or operate for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver’s license.	
13.	<b>No measurable amount of alcohol while driving:</b> I understand that if I am placed on probation after a conviction for violating VC §§ 23152 or 23153, it is unlawful for me to drive with any measurable amount of alcohol in my blood and my license may be suspended by the DMV for one year if the test result is .01 percent or greater.	
14.	<b>Right to appeal</b> - I understand that I have a right to appeal from any judgment of this court. I waive my right of appeal and my right to attack the final judgment by any statutory or non-statutory means, except as to any sentencing error the court may make.	
15.	I understand that my plea of GUILTY or NO CONTEST may be used as evidence against me with respect to any forfeiture of any property that may be seized in connection with the investigation giving rise to these charges against me.	
16.	I have not taken any drugs or consumed any alcoholic beverages within 24 hours prior to entering this plea, except _____, which does not in any way affect my ability to understand the waivers I have given or my knowing and voluntary decision to plead GUILTY or NO CONTEST. I am not impaired at this time by any drug or alcoholic beverage.	
17.	I understand that the matter of probation and sentence is to be determined solely by the court. The court is not bound by this plea agreement. If the court does not agree with any of the promises or representations stated above, I understand that I will be allowed to withdraw my GUILTY or NO CONTEST plea and proceed to preliminary hearing, if not yet held and applicable, and/or trial.	
18.	<b>Harvey waiver</b> - I understand and agree that the sentencing judge may consider facts and circumstances underlying the counts dismissed with a Harvey waiver in determining the appropriate sentence (including the amount and recipients of restitution) for the counts to which I am entering a plea.	
CONSEQUENCES FOR FELONY DUI GUILTY PLEAS		Initial
19.	I understand that the term of imprisonment described in the charts above must be served in the state prison, county jail or a combination of county jail plus mandatory supervision by the probation department, as required by law.	
20.	I understand that if I am sentenced to imprisonment in the county jail pursuant to Penal Code Section 1170(h), the court may suspend a portion of that imprisonment and require me to serve it on mandatory supervision by the probation department under terms imposed by the court. If I receive such a split sentence and violate the terms of the mandatory supervision, I may be ordered to serve the balance of the suspended term of imprisonment in custody	

CONSEQUENCES FOR FELONY DUI GUILTY PLEAS (Cont'd)		Initial
21.	I understand that if I am granted probation, as conditions of probation I may be required to serve up to _____ in the county jail plus any other reasonable conditions the court deems appropriate. I understand that if I violate any condition of probation, I may be sentenced up to the maximum term of imprisonment plus fines described in the charts above.	
22.	I understand that I may not be granted probation unless the court finds this to be an unusual case in which the interests of justice would best be served by a grant of probation.	
23.	I understand that if I am sentenced to a term of imprisonment in the state prison, upon release I will be subject to a period of either post release community supervision for up to 3 years (if I am eligible), or state parole for up to _____ years. If I violate the terms of any post release community supervision, or parole, I may be returned to custody as provided by law.	
24.	I understand I have the right to a preliminary hearing. I waive this right.	
25.	I understand that my constitutional rights to (1) a preliminary hearing, (2) a speedy, public, jury trial, (3) not make any statements that tend to incriminate me, (4) testify on my own behalf if I so choose, (5) produce, and use the court's subpoena power to compel the attendance of, witnesses and evidence on my behalf, and (6) confront my accuser(s) and confront and cross-examine any witnesses against me, apply also to any enhancements and special allegations set forth in the Complaint or Information. I also waive these rights with respect to any enhancements or special allegations.	

**I am the defendant in this case and I freely and voluntarily enter a plea of guilty ☐ or no contest ☐ to the charges I have initialed below.**

NATURE OF THE CHARGE(S)		Initial
26.	VC23152(a) Driving a vehicle while under the influence of any alcoholic beverage to the degree that my ability to drive was impaired	
27.	VC23152(b) Driving a vehicle while there was 0.08 % or more of alcohol in my blood	
28.	VC23152(c) Driving while addicted to the use of a drug	
29.	VC23152(d) Driving a commercial vehicle with a .04 percent or higher alcohol content	
30.	VC23152(e) Driving a vehicle with a .04 percent or higher alcohol content when a passenger for hire is a passenger at the time of the offense	
31.	VC23152(f) Driving under the influence of any drug to the degree that ability to drive was impaired	
32.	VC23152(g) Driving a vehicle under the combined influence of alcohol and drugs	
33.	VC23153(a) Driving a vehicle while under the influence of any alcoholic beverage to the degree that my ability to drive was impaired and causing injury to another	
34.	VC23153(b) Driving a vehicle while there was 0.08 % or more of alcohol in my blood and causing injury to another	
35.	VC23153(d) Driving a commercial vehicle with a .04 percent or higher alcohol content and causing injury to another	
36.	VC23153(e) Driving with a .04 percent or higher alcohol content when a passenger for hire is a passenger at the time of the offense and causing injury to another	
37.	VC23153(f) Driving under the influence of any drug to the degree that ability to drive was impaired and causing injury to another	
38.	VC23153(g) Driving a vehicle under the combined influence of any alcoholic beverage and drug and causing injury to another	
39.	VC23103, 23103.5 Reckless driving involving alcohol, drugs or both	
40.	<input type="checkbox"/> VC14601 <input type="checkbox"/> VC14601.1 <input type="checkbox"/> VC14601.2 <input type="checkbox"/> VC14601.4 <input type="checkbox"/> VC14601.5 Driving in knowing violation of a driver's license restriction, suspension, or revocation	
41.	14601.3 (Habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation	
42.	I also freely and voluntarily enter a <input type="checkbox"/> guilty plea or <input type="checkbox"/> no contest plea to the following additional offenses(s) and/or admit the following probation violations, and I understand these pleas and/or admissions may increase the penalties imposed on me: _____ _____	

**In addition, I admit the special allegation(s) and/or prior conviction(s) I have initialed below.**

ALLEGATION(S)/PRIOR(S)		Initial
43.	I refused a chemical test in this case.	
44.	The prior conviction(s), indicated below, as alleged in the complaint is/are true. Date: _____ County and Case number: _____ Date: _____ County and Case number: _____ Date: _____ County and Case number: _____	
45.	I was driving with a blood alcohol content of 0.15 % or higher.	
46.	I was driving with a blood alcohol content of 0.20 % or higher.	
47.	A minor under the age of 14 was a passenger in the vehicle at the time of the offense.	
48.	I was driving the vehicle 30 or more miles per hour over the maximum, prima facie, or posted speed limit on a freeway and recklessly at the time of the offense.	
49.	I was driving the vehicle 20 or more miles per hour over the maximum, prima facie, or posted speed limit on a street or highway and recklessly at the time of the offense.	
50.	Other special allegations: _____	
SENTENCING RIGHTS – INITIAL IF APPLICABLE		Initial
51.	<b>Right to Sentencing Time</b> – I understand I have the right to a 6-hour to 5-day delay before sentencing for a misdemeanor, and the right to a delay of no more than 20 court days for a felony. I give up any applicable time limitations regarding my sentencing.	
52.	<b>Arbuckle Waiver</b> – I understand I have the right to be sentenced by the same judge who took the plea, if my case is continued for sentencing. I give up this right and agree to be sentenced by a different judge than the one who took my plea.	
53.	<b>Right to be Sentenced by a Superior Court Judge</b> – I understand I have the right to enter my plea before and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced by: _____, a Judge Pro Tempore (Temporary Judge)	

There have been no promises to me of rewards, immunity, probation, or anything else to induce my plea of guilty and admission of prior convictions or probation violations other than those promises listed below:

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### DEFENDANT'S DECLARATION

I declare under penalty of perjury I have read (or have read to me) and fully understand this form and all the rights set forth above. I have initialed each of the items that applies to my case. By putting my initials next to the items in this form, I am indicating that I understand and agree with what is stated in each item I have initialed. If I have an attorney, I have discussed each item with my attorney. The nature of the charge(s), possible defense(s), and the effects of any prior conviction(s), enhancement(s), and special allegation(s), have been explained to me.

I freely and voluntarily waive (give up) all rights set forth above. I have read and understand the charges and special allegations made against me. I have read pages 6 – 10 and understand the sentences, penalties, and consequences of a conviction, outlined for those offenses. I freely and voluntarily enter this plea with these sentences, penalties, consequences in mind.

My decision to plead guilty, and to admit any special allegation(s) and/or allegations of any prior conviction(s) and/or any probation violations, has been made freely and voluntarily, without threat to or coercion of me or anyone closely related to or associated with me. If I will be on supervised probation, I shall notify the Probation Department within 48 hours of any change of my mailing or residence address or telephone number.

Date: \_\_\_\_\_ Defendant's signature: \_\_\_\_\_

Defendant's address: \_\_\_\_\_

Defendant's Driver's License: \_\_\_\_\_

### ATTORNEY ACKNOWLEDGEMENT

I certify that I have explained all the above-mentioned rights to the above-named defendant and have answered all the defendant's questions regarding this plea. I have also discussed the facts of the case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I am satisfied that the defendant has knowingly and intelligently waived all of the rights enumerated above and has a full understanding of the nature and the consequences of the charge(s).

Date: \_\_\_\_\_ Attorney's signature: \_\_\_\_\_

### DISTRICT ATTORNEY'S STATEMENT

The People of the State of California, Plaintiff in the above-entitled action, by and through its attorney, the Marin County District Attorney, concur in the defendant's plea of GUILTY as set forth by the defendant in the above declaration. The People stipulate there is a factual basis for the plea(s) [and admission(s)].

Date: \_\_\_\_\_ Attorney's signature: \_\_\_\_\_

### INTERPRETER'S STATEMENT (IF APPLICABLE)

I certify that I have been sworn or having a written oath on file, certify that I well and truly translated the entire contents of this form to the defendant in the language indicated below. The defendant stated to me that they understood the contents of this form, and then the defendant initialed and signed the form.

The form was translated for the defendant into ☐ Spanish ☐ Other (specify): \_\_\_\_\_

Date: \_\_\_\_\_ Interpreter's signature: \_\_\_\_\_ printed name: \_\_\_\_\_

### COURT FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant and/or defendant's attorney concerning the defendant's waiver of their constitutional rights and the defendant's admission of other convictions(s), special allegations and probation violation(s), if any, finds that:

- 1) there is a factual basis to support the charge(s) to which the defendant is pleading;
- 2) the defendant understands their constitutional rights, the nature of the crime(s) and special allegations charged, the consequences of this plea; and
- 3) the defendant is knowingly and voluntarily entering this plea and waiving the rights listed above and the right to have the charges read.

**IT IS HEREBY ORDERED** that the defendant's plea(s) of Guilty, the admission of special allegations including any prior conviction(s), the admission of probation violations, if any, and the waiver of constitutional rights is expressly, intelligently, knowingly, and voluntarily entered by defendant and that the court accepts the plea and admissions and finds the defendant guilty of the charge(s) and that they be entered in the minutes of this court, and that the defendant's preceding declaration be filed.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Judge of the Superior Court/Temporary Judge of the Superior Court

# SENTENCE AND PENALTIES FOR GUILTY OR NO CONTEST PLEA

Note that all alcohol or drug treatment programs in which the defendant is ordered to participate must be approved pursuant to Chapter 9, Part 2, of Division 10.5 of the Health and Safety Code.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS (VC § 23152)		
Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term, VC § 23600)	Minimum and Maximum Sentences without Probation
<b>First Offense</b>	<p>Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> attendance at a 3-month alcohol/drug program (9-month program if blood-alcohol content was 0.20 percent or more or chemical test was refused) <b>AND</b> court may impose a jail sanction of at least 48 hours, but not more than 6 months, in jail <b>AND</b> a 6-month driver's license suspension (10-month suspension if a 9-month program is ordered).</p> <p><i>Note that a restricted license may be available under VC § 13352.4.</i></p> <p>[VC §§ 13352(a)(1), 13352.1(a), 13352.4, 23538]</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> 96 hours (48 hours of which must be served continuously) to 6 months in jail <b>AND</b> a 6-month driver's license suspension.</p> <p><i>Note that a restricted license may be available under VC § 13352.5 if not a traffic or public safety risk.</i></p> <p>[VC § 23536]</p>
<b>Second Offense</b> within 10 years of another conviction for VC §§ 23103 under 23103.5, 23152, or 23153	<p>Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> an 18- or 30-month alcohol/drug program <b>AND</b> a 2-year driver's license suspension restored only after successful completion of alcohol/drug program, <b>AND</b> mandatory Ignition Interlock Device (IID), <b>AND</b> 48 hours in continuous custody or 10 days community service pursuant to VC 23580, <b>PLUS EITHER:</b></p> <p>10 days to 1 year in jail <b>OR</b></p> <p>96 hours to 1 year in jail (the 96 hours served in two increments of 48-continuous hours each).</p> <p><i>An IID-restricted license may be available under VC § 13352(a)(3) except for a VC § 23152(f) conviction and unless the Court excludes eligibility based on a traffic or public safety risk determination.</i></p> <p>[VC §§ 13352(a)(3), 23542]</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> 90 days to 1 year in jail <b>AND</b> a 2-year driver's license suspension <b>AND</b> mandatory Ignition Interlock Device (IID) <b>AND</b> 48 hours in continuous custody or 10 days community service pursuant to VC 23580.</p> <p><i>Note that a restricted license may be available under VC § 13352.5 if not a traffic or public safety risk.</i></p> <p><i>An IID-restricted license may be available under VC § 13352(a)(3) except for a VC § 23152(f) conviction and unless the Court excludes eligibility based on a traffic or public safety risk determination.</i></p> <p>[VC §§ 13352(a)(3), VC § 23540]</p>
<b>Third Offense</b> within 10 years of other convictions for VC §§ 23103 under 23103.5, 23152, or 23153	<p>Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> 120 days to 1 year in jail <b>AND</b> an 18- or 30-month alcohol/drug program (30 days to 1 year in jail if a 30-month program is ordered) <b>AND</b> a 3-year driver's license revocation restored only after successful completion of alcohol/drug program <b>AND</b> designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked, <b>AND</b> mandatory Ignition Interlock Device (IID), <b>AND</b> 48 hours in continuous custody or 10 days community service pursuant to VC 23580.</p> <p><i>An IID-restricted license may be available under VC § 13352(a)(5) except for a VC § 23152(f) conviction and unless the Court excludes eligibility based on a traffic or public safety risk determination..</i></p> <p>[VC §§ 14601.3, 23546, 23548]</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> 120 days to 1 year in jail <b>AND</b> a 3-year driver's license revocation <b>AND</b> designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked, <b>AND</b> mandatory Ignition Interlock Device (IID), <b>AND</b> 48 hours in continuous custody or 10 days community service pursuant to VC 23580.</p> <p><i>An IID-restricted license may be available under VC § 13352(a)(5) except for a VC § 23152(f) conviction and unless the Court excludes eligibility based on a traffic or public safety risk determination</i></p> <p>[VC §§ 1352(a)(5), 14601.3, 23546]</p>

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS (Cont'd) (VC § 23152)		
Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term, VC § 23600)	Minimum and Maximum Sentences without Probation
<b>Fourth or Subsequent Offense</b> within 10 years of other convictions for VC §§ 23103.5, 23152, or 23153	<p>Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> 180 days to 1 year in jail <b>AND</b> an 18- or 30 month alcohol/drug program (30 days to 1 year in jail if a 30-month treatment program is ordered) <b>AND</b> a 4-year driver's license revocation restored only after successful completion of alcohol/drug program <b>AND</b> designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked <b>AND</b> mandatory Ignition Interlock Device (IID), <b>AND</b> 48 hours in continuous custody or 10 days community service pursuant to VC 23580.</p> <p><i>An IID-restricted license may be available under VC § 13352(a)(7) except for VC § 23152(f) conviction or court ordered exclusion.</i></p> <p>[VC §§ 14601.3, 23550, 23552]</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> 16 months, 2 years, or 3 years in prison (felony) or 180 days to 1 year in jail (misdemeanor) <b>AND</b> a 4-year driver's license revocation <b>AND</b> designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked <b>AND</b> mandatory Ignition Interlock Device (IID), <b>AND</b> 48 hours in continuous custody or 10 days community service pursuant to VC 23580.</p> <p>[VC §§ 14601.3, 23550]</p>
SENTENCES FOR DUI WITH INJURY (VC § 23153)		
Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term, VC § 23600)	Minimum and Maximum Sentences without Probation
<b>First Offense</b>	<p>Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> attendance at a 3-month alcohol/drug program (9-month program if blood-alcohol content was 0.20 percent or more or chemical test was refused) <b>AND</b> 5 days to 1 year in jail <b>AND</b> a 1-year driver's license suspension.</p> <p><i>An IID-restricted license may be available under VC § 13352(a)(2) except for VC § 23152(f) conviction or court ordered exclusion</i></p> <p>[VC §§ 13352(a)(2), 23556]</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> 90 days to 1 year in county jail (misdemeanor) or 16 months or 2 or 3 years in state prison (felony) <b>PLUS</b> an additional 1-year term for each additional injured victim (felony) <b>AND</b> a 1-year driver's license suspension.</p> <p>[VC §§ 13352(a)(2), 23554, 23558]</p>
<b>Second Offense</b> within 10 years of another conviction for VC §§ 23103.5, 23152, or 23153	<p>3-year driver's license suspension restored only after successful completion of alcohol/drug program <b>PLUS EITHER:</b>            Fine of \$390 to \$5,000 plus penalty assessments <b>AND</b> 120 days to 1 year in jail <b>OR</b>            Fine of \$390 to \$1,000 plus penalty assessments <b>AND</b> 30 days to 1 year in jail <b>AND</b> attendance at an 18- or 30-month alcohol/drug program <b>AND</b> 48 hours in continuous custody or 10 days community service pursuant to VC 23580.</p> <p><i>An IID-restricted license may be available under VC § 13352(a)(4) except for VC § 23152(f) conviction or court ordered exclusion.</i></p> <p>[VC §§ 13352(a)(4), 23562]</p>	<p>Fine of \$390 to \$5,000 plus penalty assessments <b>AND</b> 120 days to 1 year in county jail (misdemeanor) or 16 months or 2 or 3 years in state prison (felony) <b>PLUS</b> an additional 1-year term for each additional injured victim (felony) <b>AND</b> a 3-year driver's license suspension <b>AND</b> 48 hours in continuous custody or 10 days community service pursuant to VC 23580.</p> <p>[VC §§ 13352(a)(4), 23558, 23560]</p>

**SENTENCES FOR DUI WITH INJURY (Cont'd)**  
**(VC § 23153)**

<b>Offense</b>	<b>Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term, VC § 23600)</b>	<b>Minimum and Maximum Sentences without Probation</b>
<b>Third or Subsequent Offense</b> within 10 years of other convictions for VC §§ 23103 under 23103.5, 23152, or 23153	<p>Fine of \$390 to \$5,000 plus penalty assessments <b>AND</b> 1 year in jail (or at least 30 days if 30-day program is ordered) <b>AND</b> an 18- or 30-month alcohol/drug program (30 days to 1 year in jail if a 30-month program is ordered) <b>AND</b> a 5-year driver's license revocation restored only after successful completion of alcohol/drug program <b>AND</b> 48 hours in continuous custody or 10 days community service pursuant to VC 23580.</p> <p><i>An IID-restricted license may be available under VC § 13352(a)(6) except for VC § 23152(f) conviction or court ordered exclusion.</i></p> <p>[VC §§ 13352(a)(6), 23568]</p>	<p>Fine of \$1,015 to \$5,000 plus penalty assessments <b>AND</b> a 5-year driver's license revocation <b>AND</b> designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked <b>AND</b> 2, 3, or 4 years in state prison <b>PLUS</b> an additional 1-year term for each additional injured victim <b>PLUS</b> an additional 3-year term if great bodily injury.</p> <p>[VC §§ 23558, 23566]</p>

**SENTENCES FOR DUI WITH PRIOR FELONY CONVICTION**  
**(VC §§ 23152, 23153)**

<b>Offense</b>	<b>Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term)</b>	<b>Minimum and Maximum Sentences without Probation</b>
<b>Second Offense</b> within 10 years of <b>felony</b> conviction for VC §§ 23152 or 23153 or PC §§ 191.5, 192(d)(1), or 192(c)(3)	<p>Same penalty as in above tables <b>PLUS</b> 4-year driver's license revocation <b>AND</b> designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked.</p> <p><i>An IID-restricted license may be available under VC § 13352(a)(6) or (7) except for VC § 23152(f) conviction or court ordered exclusion.</i></p> <p>[VC §§ 13352(a)(6)-(7), 23550.5]</p>	<p>Same penalty as in above tables <b>PLUS</b> 4-year driver's license revocation <b>AND</b> designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked.</p> <p>[VC § 23550.5]</p>
<b>Third or Subsequent Offense</b> within 10 years of <b>felony</b> conviction for VC §§ 23152 or 23153 or PC §§ 191.5, 192(d)(1), or 192(c)(3)	<p>Same penalty as in above tables <b>PLUS</b> 5-year driver's license revocation <b>AND</b> designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked.</p> <p>[VC § 23550.5]</p>	<p>Same penalty as in above tables <b>PLUS</b> 5-year driver's license revocation <b>AND</b> designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked.</p> <p>[VC § 23550.5]</p>



ADDITIONAL PENALTIES FOR DUI (VC §§ 23152, 23153)		
Category	Conditions	Penalty
<b>Chemical Test Refusal</b>  *Not applicable to blood-only refusals	<b>First offense</b> within ten years. [VC §§ 23577(a)(2), 23612(a)(1)(D)(i)]  <b>Second offense</b> within ten years. [VC §§ 23577(a)(3), 23612(a)(1)(D)(ii)]  <b>Third offense</b> within ten years. [VC § 23577(a)(4)]  <b>Fourth offense</b> within ten years. [VC § 23577(a)(5)]	Additional 48 continuous hours in jail <b>AND</b> a 1-year driver's license suspension.  Additional 96 continuous hours in jail <b>AND</b> a 2-year driver's license suspension.  Additional 10 days in jail.  Additional 18 days in jail.
<b>Excessive Speed</b> [VC § 23582]	Exceeding posted speed limit on freeway by 30 mph or other street or highway by 20 mph <b>AND</b> reckless driving.	Additional term of 60 days in jail. For first offense, must complete alcohol/drug program even if no probation.
<b>Under Age 21</b> [VC § 23502]	Licensed at time of offense.	1-year driver's license suspension. Delay issuance of license for 1 year.
<b>Minor Passenger</b> [VC § 23572]	Passenger under age 14 in vehicle at time of offense.	Additional 10 days in jail. Third offense: Additional 30 days in jail. Fourth or subsequent offense: Additional 90 days in jail. No stays.
<b>Commercial Vehicle, Commercial Driving Privilege</b>	First DUI conviction or willful refusal to complete a chemical test. [VC § 15300]  Second DUI conviction or willful refusal to complete a chemical test. [VC § 15302]	1 to 3 year revocation of commercial license.  Lifetime revocation of commercial license.
<b>Ignition Interlock Device</b> [VC § 23575]	Blood alcohol of 0.15% or more <b>OR</b> two or more prior traffic violations <b>OR</b> chemical test refusal <b>OR</b> violation of VC § 14601.2.  VC § 23152  VC § 23153  VC § 14601.2  [VC § 23575 and VC § 23573.3]	Court may order IID for 1 to 3 years on first offense and shall order it on second or more offenses  IID mandatory for 1 to 5 years  IID mandatory for 1 day to 3 years
<b>Loss of Vehicle</b>	First DUI.  Second DUI.  One or more DUIs or vehicular manslaughter within 10 years.	Impound vehicle for up to 6 months. [VC § 23592]  Impound vehicle for up to 1 year. [VC § 23592]  Vehicle may be declared nuisance and ordered sold. [VC § 23596]
<b>Prior Alcohol-Related Conviction</b>	DUI conviction more than 10 years ago or PC § 647(f) conviction. [VC § 23646(b)(3)]	Complete alcohol/drug problem assessment and enroll in treatment program if recommended and court ordered.
<b>Other Enhanced Penalties</b> [VC § 23578]	Blood alcohol level exceeding 0.15% <b>OR</b> chemical test refusal.	Court may consider in deciding whether to grant probation and in deciding whether to impose enhanced penalties or additional terms and conditions of probation.
<b>DMV Licensing</b> [VC § 13352]	DMV suspension, revocation, or restriction of license.  DMV issuance of restricted license or restoration of driving privilege.	DMV may impose greater restrictions than court based on uncharged prior convictions.  Requires proof of insurance and successful completion of alcohol/drug program even if not ordered by court.

SENTENCES FOR RECKLESS DRIVING (VC § 23103 under § 23103.5)			
Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence [VC § 23103.5]	<b>If Probation granted:</b>	Up to 90 days in jail <b>OR</b> up to \$1,000 fine plus penalty assessments <b>OR</b> both <b>AND</b> attendance at a treatment program.	Conviction will act as a separate DUI conviction if subsequent DUI offense committed within 10 years.
	<b>If Probation not granted:</b>	5 to 90 days in jail <b>OR</b> \$145 to \$1,000 fine plus penalty assessments <b>OR</b> both.	
SENTENCES FOR DRIVING WHILE LICENSE SUSPENDED, REVOKED, OR RESTRICTED			
Vehicle Code Section	First Offense	Second or Subsequent Offenses within 5 years of another conviction for VC §§ 14601, 14601.1, 14601.2, or 14601.5	
<b>14601</b>	5 days to 6 months in jail <b>AND</b> \$300 to \$1,000 fine plus penalty assessments <b>PLUS</b> must install ignition interlock device if plea agreement for charge of VC § 14601.2.	10 days to 1 year in jail <b>AND</b> \$500 to \$2,000 fine plus penalty assessments <b>PLUS</b> must install ignition interlock device if plea agreement for charge of VC § 14601.2.	
<b>14601.1</b>	Up to 6 months in jail <b>OR</b> \$300 to \$1,000 fine plus penalty assessments <b>OR</b> both <b>PLUS</b> must install ignition interlock device if plea agreement for charge of VC § 14601.2.	5 days to 1 year in jail <b>AND</b> \$500 to \$2,000 file plus penalty assessments <b>PLUS</b> must install ignition interlock device if plea agreement for charge of VC § 14601.2.	
<b>14601.2 &amp; 14601.4</b>	10 days to 6 months in jail <b>AND</b> \$300 to \$1,000 fine plus penalty assessments <b>PLUS</b> must install ignition interlock device.	30 days to 1 year in jail <b>AND</b> \$500 to \$2,000 fine plus penalty assessments <b>PLUS</b> must install ignition interlock device.	
	<b>Habitual Traffic Offender:</b> Additional 180 days in jail <b>AND</b> \$2,000 fine.  VC § 14601.4: Same but no release program.	<b>Habitual Traffic Offender:</b> Additional 180 days in jail and \$2,000 fine.  VC § 14601.4: Same but no release program.	
<b>14601.5</b>	Up to 6 months in jail <b>OR</b> \$300 to \$1,000 fine plus penalty assessments <b>OR</b> both <b>PLUS</b> must install ignition interlock device if plea agreement for charge of VC § 14601.2.	10 days to 1 year in jail <b>AND</b> \$500 to \$2,000 fine <b>PLUS</b> must install ignition interlock device if plea agreement for charge of VC § 14601.2.  Note: VC § 14601.3 constitutes a prior conviction for this offense.	
<b>14601.3</b>	30 days in jail <b>AND</b> \$1,000 fine plus penalty assessments.	Second offense within 7 years: 180 days in jail <b>AND</b> \$2,000 fine plus penalty assessments.	
	<b>Habitual Traffic Offender:</b> 180 days in jail <b>AND</b> \$2,000 fine.	<b>Habitual Traffic Offender:</b> 180 days in jail <b>AND</b> \$2,000 fine.	
<b>Other Consequences</b>	Impound vehicle for up to 6 months.	Impound vehicle for up to 1 year. [VC § 14602.5]	
	[VC § 14602.5]	Vehicle may be declared nuisance and ordered sold. [VC § 14602.7]	