

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA

MISDEMEANOR PLEA ATTACHMENT: VC 23103 / 23103.5

PEOPLE v. _____ CASE NO.: _____

INSTRUCTIONS: Read this form if you are pleading guilty or no contest to a charge of reckless driving, reduced from charges of driving under the influence. Sign the form only if you fully understand it. If you have any questions about this form, ask your lawyer or the judge. Submit this form with the **Misdemeanor Advisement of Rights, Waiver and Plea** form.

| BASIC CONSEQUENCES FOR CONVICTION OF VEHICLE CODE SECTION 23103 / 23103.5 | | |
|--|---|--|
| Offense | Sentence With No Probation | Sentence With Up to 3 Years Probation |
| VC 23103 as lesser offense to any DUI charge | Jail: 5 to 90 days and/or a fine of \$145 to \$1,000 plus penalty assessments. Serves as prior DUI conviction for 10 years. | Jail: up to 90 days and/or a fine of \$145 to \$1,000 plus penalty assessments. Probation revocation fine suspended. Attendance at alcohol/drug program required unless good cause shown. Serves as prior DUI conviction for 10 years. |
| BASIC CONSEQUENCES FOR CONVICTION OF VEHICLE CODE SECTION 23152 (a) and (b) | | |
| Offense | Sentence With No Probation | Sentence With 3 to 5 Years Probation |
| Second DUI offense within 10 years | Jail: 90 days to 12 months. Fine: \$390 to \$1,000 plus penalty assessments. DMV suspends license 24 months; surrender license to court. | Jail: Either 96 hours (in minimum 48-hour blocks) or 10 days, to 12 months jail. Fine: \$390 to \$1,000 plus penalty assessments. Probation revocation fine (\$100 to \$1,000) suspended. Mandatory completion of alcohol/drug program for minimum 18 to 30 months. DMV suspends license 24 months; surrender license to court. |
| BASIC CONSEQUENCES FOR CONVICTION OF VEHICLE CODE SECTION 23152 (a) and (b) | | |
| Offense | Sentence With No Probation | Sentence With 3 to 5 Years Probation |
| Third DUI offense within 10 years | Jail (120 days to 12 months). Fine: \$390 to \$1,000 plus penalty assessments. DMV revokes license 36 months; surrender license to court. | Option A: Same jail term and fine as no probation, plus Probation revocation fine (\$100 to \$1,000) suspended. Option B: Jail: 30 days to 12 months. Fine: \$390 to \$1,000 plus penalty assessments. Probation revocation fine (\$100 to \$1,000) suspended. Mandatory completion of alcohol/drug program for minimum 18 to 30 months. DMV revokes license 36 months; surrender license to court. |

MISDEMEANOR PLEA ADDENDUM: VC 23103 / 23103.5

PROSECUTING ATTORNEY'S STATEMENT ON REDUCTION OF CHARGES

The following facts show that the consumption of an alcoholic beverage and/or ingestion or administration of drugs was involved in the offense(s) charged in this case: _____

The reason(s) for the reduction of the charges involved in this case are as follows:

Problems of Proof Another Offense is More Properly Charged Interest of Justice

The facts which lead to this conclusion are these: _____

Date: _____



(SIGNATURE OF PROSECUTING ATTORNEY)

1. **DMV Actions Separate:** I understand that the DMV may restrict, suspend, or revoke my license, require completion of a drinking driver program and the installation of an ignition interlock device as a result of my arrest or conviction, even if the court does not require it. I understand that these actions are additional to and separate from actions taken by the court. I understand that, if suspended or revoked, my driving privilege will not be restored unless I have provided proof satisfactory to the DMV that I have successfully completed the required drinking driver program and proof of financial responsibility.
2. **DUI Danger:** I understand that being under the influence of alcohol or drugs or both impairs my 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, and, as a result of that driving, someone is killed, I can be charged with murder. (VC 23593)
3. **If I Was Under 21:** I understand that if I was under 21 at the time of my arrest, the DMV will suspend my license (or delay its issuance) for 1 year, and I must surrender my license to the court. (VC 13202.5)

I have read and I understand all of the information on these two pages.

Date: _____



(SIGNATURE OF DEFENDANT)