SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA

MISDEMEANOR PLEA ATTACHMENT: DUI PENALTIES

PEOPLE v.: _____ CASE NO.: _____

INSTRUCTIONS: Read this form if you are pleading guilty or no contest to 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 23152 (a) and (b)		
Offense	**Sentence With No Probation**	**Sentence With 3 to 5 Years Probation**
First DUI Offense within 10 years	Jail: 96 hours to 6 months. Fine: $390 to $1,000 plus penalty assessments. DMV suspends license 6-10 months; surrender license to court.	Jail: 48 hours (optional) to 6 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 3 or 9 months. DMV suspends license 6-10 months; surrender license to court.
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.
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. Declared a habitual traffic offender for 36 months.	Jail: 120 days to 12 months. Fine: $390 to $1,000 plus penalty assessments. Probation revocation fine ($100 to $1,000) suspended. DMV revokes license 36 months; surrender license to court. Declared a habitual traffic offender for 36 months. Mandatory completion of alcohol/drug program for minimum 18 to 30 months (if not already completed).
Fourth DUI Offense within 10 years	Prison (16, 24 or 36 months) or jail (6-12 months). Fine: $390 to $1,000 plus penalty assessments. DMV revokes license 48 months; surrender license to Court. Declared a habitual traffic offender for 36 months.	Jail: 6-12 months. Fine: $390 to $1,000 plus penalty assessments. Probation Revocation fine ($100 to $1,000) suspended. DMV revokes license 48 months; surrender license to Court. Optional alcohol/drug program for minimum 18 or 30 months with jail term of 30 days to 12 months. Declared a habitual traffic offender for 36 months.
BASIC CONSEQUENCES FOR CONVICTION OF VEHICLE CODE SECTION 23153 (a) and (b)		
Offense	**Sentence With No Probation**	**Sentence With 3 to 5 Years Probation**
First Offense within 10 years	Jail: 90 days to 12 months. Fine: $390 to $1,000 plus penalty assessments. DMV suspends license 12 months; surrender license to court.	Jail: 5 days to 12 months. Fine: $390 to $1,000 plus penalty assessments. Probation revocation fine ($100 to $1,000) suspended. Mandatory completion of minimum 3-9 month alcohol/drug program. DMV suspends license 12 months; surrender license to Court.
Second DUI Offense within 10 years	Prison (16, 24 or 36 months) or jail (120 days to 12 months). Fine: $390 to $5,000 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: DUI PENALTIES

1. **Commercial Licenses:** I understand that special provisions of the Vehicle Code apply if I held a commercial driver's license when the offense was committed.

2. **Impound:** I understand that if I am the registered owner of the vehicle used in this offense, the court may impound the vehicle at my own expense for up to 30 days on my first conviction; unless good cause is otherwise shown, I understand that the court must impound the vehicle at my own expense for up to 30 days if this is my second offense within 5 years, and must impound the vehicle for up to 90 days at my own expense if this is my third offense within 5 years. (VC 23592)

3. **Vehicle Sale:** I understand that the court may declare the vehicle I drove in committing this offense to be a nuisance and order that it be sold if I committed any of the following violations: Penal Code sections 191.5 or 192(c)(3); Vehicle Code section 23152 that occurred within 7 years of two or more separate offenses of Vehicle Code sections 23152 or 23153 or Penal Code sections 191.5 or 192(c)(3); Vehicle Code section 23153 that occurred within 7 years of one or more separate offenses of Vehicle Code sections 23152 or 23153 or Penal Code sections 191.5 or 192(c)(3). (VC 23596)

4. **Ignition Interlock:** I understand that the DMV will require that I install an ignition interlock device on any vehicle I own or operate for up to 4 years, that such a device will prevent the vehicle from starting if I have alcohol in my body, and that I am responsible for the expense of properly maintaining that device. I also understand that installation of this device does not authorize me to drive without a valid license. (VC 23700)

5. **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)

6. **Refusal Or High Blood Alcohol:** I understand that if my blood alcohol was .15 percent or above, or if I refused to submit to a chemical test, the court will consider this in determining whether to increase the penalties, grant probation, or impose additional terms of probation. (VC 23577, 23578)

7. **Passenger Under 14:** I understand that if I had a passenger under 14 years of age at the time I committed the offense the court must add 48 continuous hours in jail to a first conviction for Vehicle Code section 23152. I also understand that the court must add 10 days jail if I have one prior conviction within 10 years for violating Vehicle Code sections 23152 or 23153; 30 days jail for two prior convictions; and 90 days jail for three prior convictions. (VC 23572)

8. **Speeding:** I understand that if I was driving recklessly 30 or more miles per hour above the speed limit on a freeway (or 20 or more miles per hour above the speed limit on any other street or highway) while committing a violation of Vehicle Code section 23152 or 23153, the court will add 60 days jail to my sentence. If this is my first offense, the court will require me to complete an alcohol/drug program even if I am not given probation. (VC 23582)

9. **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.

10. **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. If I continue 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)

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

Date: _____ ▶ _____

(SIGNATURE OF DEFENDANT)