

DEFENDANT'S NAME:	CASE NUMBER
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**SUPERIOR COURT OF SAN DIEGO COUNTY DUI ADDENDUM**

**INSTRUCTIONS:** Use this addendum if you are pleading guilty/no contest to VC § 23153a/b, VC § 23152a/b, VC § 23103.5

I understand the possible punishment and consequences of my conviction of the offense to be:

**NOTE:** ALL FINES SHOWN BELOW WILL BE SIGNIFICANTLY INCREASED BY MANDATORY PENALTY ASSESSMENTS.

SENTENCE FOR DUI CONVICTION WITHIN 10 YEARS OF PRIOR (VC 23550.5)	
PRIOR OFFENSE	SENTENCE
A prior violation of VC § 23152 that was punished as a felony under VC § 23550 or § 23550.5, or both; or A prior violation of VC § 23153 that was punished as a felony; or A prior violation of PC § 192(c)(1) that was punished as a felony. Any prior violation of PC §§ 191.5(a) or 192.5(a), or a felony violation of PC § 191.5(b) ( <b>10 year limit not applicable</b> ).	Up to 3 years state prison or not more than one year county jail and \$390 to \$1,000 fine. The DMV will issue a 4-year license revocation. However, if my offense is a violation of VC § 23153 and I have two other DUI-related convictions within 10 years, my license will be revoked for 5 years. If I have violated VC § 23152, I will be designated as a habitual traffic offender for 3 years. I must successfully complete an alcohol/drug program in order to have my driver license reinstated by the DMV, even though I am not ordered to attend such a program by the court.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (INJURY) (VC 23153)		
OFFENSE	MINIMUM AND MAXIMUM SENTENCES WHEN PROBATION IS GRANTED (3 TO 5 YEARS PROBATION TERM)	MINIMUM AND MAXIMUM SENTENCES WITHOUT PROBATION
<b>First offense within 10 years</b>	5 days to 1 year in county jail, a \$390 to \$1,000 fine, and completion of a 3-month alcohol/drug program (or a 9-month program if my blood-alcohol content was .20 percent or more, or if I refused a chemical test at arrest). The DMV will also impose a 1-year driver license suspension.	16 months or 2 or 3 years in state prison (or 90 days to 1 year in county jail), and a \$390 to \$1,000 fine. The DMV will also impose a 1-year driver license suspension.
<b>Second offense within 10 years</b> (prior conviction of section(s) 23152, 23153, or 23103.5)	Two options: (A) 120 days to 1 year in county jail; \$390 to \$5,000 fine; and DMV will impose a 3-year license revocation; or (B) 30 days to 1 year in county jail; \$390 to \$1,000 fine; an 18-month or 30-month alcohol/drug program; and DMV will impose a 3-year license revocation.	16 months or 2 or 3 years in state prison (or 120 days to 1 year in county jail), and a \$390 to \$5,000 fine. The DMV will also impose a 3-year driver license revocation.
<b>Third or subsequent offense within 10 years</b> (prior convictions of section(s) 23152, 23153, or 23103.5)	30 days to at least 1 year in county jail; \$390 to \$5,000 fine; an 18-month or 30-month alcohol/drug program; restitution or reparation to the victim as required by law. The DMV will also impose a 5-year driver license revocation.	2, 3, or 4 years in state prison; \$1,015 to \$5,000 fine; and the DMV will impose a 5-year license revocation. An additional 3 years in state prison if I already have four DUI convictions and the offense caused great bodily injury to any person other than the driver.
<b>NOTE:</b> If I am convicted of violating VC § 23153 and the offense also caused bodily injury or death to more than one victim, upon a felony conviction, my sentence will be enhanced by 1 year in state prison for each additional victim.		

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (VC 23152)		
OFFENSE	MINIMUM AND MAXIMUM SENTENCES WHEN PROBATION IS GRANTED (3 TO 5 YEARS PROBATION TERM)	MINIMUM AND MAXIMUM SENTENCES WITHOUT PROBATION
<b>First offense within 10 years</b>	The court may order me to serve between 48 hours to 6 months in jail. It will impose a fine of \$390 to \$1,000 and order me to complete a 3-month alcohol/drug treatment program (or a 9-month program if my blood-alcohol content was .20 percent or more, or if I refused a chemical test upon my arrest). The DMV will impose a 6-month driver license suspension.	96 hours to 6 months in jail, and a \$390 to \$1,000 fine. The DMV will impose a 6-month driver license suspension.
<b>Second offense within 10 years</b> (prior conviction of section(s) 23152, 23153, or 23103.5)	A jail term of either: (a) 10 days to 1 year, or (b) 96 hours to 1 year, a \$390 to \$1,000 fine, and completion of an 18-month or 30-month alcohol/drug treatment program. The DMV will impose a 2-year driver license suspension.	90 days to 1 year in jail, and a \$390 to \$1,000 fine. The DMV will impose a 2-year license suspension.

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<b>Third offense within 10 years</b> (prior convictions of section(s) 23152, 23153, or 23103.5)	120 days to 1 year in jail, a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver license revocation.	120 days to 1 year in jail, and a \$390 to \$1,000 fine. The DMV will impose a 3-year driver license revocation.	
<b>Fourth or subsequent offense within 10 years</b> (prior convictions of section(s) 23152, 23153, or 23103.5)	180 days to 1 year in jail, a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver license revocation.	16 months, or 2 or 3 years imprisonment (or 180 days to 1 year in county jail); and a \$390 to \$1,000 fine. The DMV will impose a 4-year driver license revocation.	<input type="checkbox"/>

<b>SENTENCE FOR RECKLESS DRIVING (ALCOHOL AND/OR DRUGS) (VC 23103, 23103.5)</b>			
<b>OFFENSE</b>	<b>MINIMUM AND MAXIMUM SENTENCES</b>	<b>OTHER</b>	
Reckless driving reduced from driving under the influence	If probation is not granted, 5 days to 90 days in jail, or \$145 to \$1,000 fine, or both. A drug/alcohol program is required if probation is granted.	Because alcohol or drugs are involved, this conviction will act as a separate conviction for driving under the influence (DUI) if I commit a subsequent DUI offense within 10 years.	<input type="checkbox"/>

**I understand:**

1. Being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and 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 my driving, someone is killed, I can be charged with murder (VC § 23593).  1
2. I may be fined up to \$50 for an alcohol and abuse education and prevention penalty assessment upon a conviction of VC § 23152 or VC § 23153.  2
3. I may be required to report to the Substance Abuse Assessment Unit for evaluation, pay all required fees, and complete any programs assigned by the assessors (VC § 23646).  3
4. I may be required to pay expenses incurred by a public agency which responded to any incident caused by my vehicle at the time of arrest (GC § 53150).  4
5. This violation will count as 2 points on my driving record (VC § 12810(b)).  5
6. The Department of Motor Vehicles (DMV) may consider any of my other convictions for driving under the influence or reckless driving, even those that are not charged in this proceeding, and impose a more severe license restriction, suspension, or revocation as a result of such other conviction(s).  6
7. (If applicable) If my blood-alcohol level was .20 percent or above or I refused to take a chemical test, the court shall consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation. (VC § 23578)  7
8. If I am the registered owner of the vehicle used in the offense:
  - A. Upon my first conviction, the court may impound my vehicle at my expense for up to 30 days;  8A
  - B. Upon my second conviction, the court shall impound my vehicle at my expense for up to 30 days, unless it is determined that it is in the interest of justice not to do so;  8B
  - C. Upon my third conviction, the court shall impound my vehicle at my expense for up to 90 days, unless it is determined that it is in the interest of justice not to do so;  8C
  - D. The court may declare my vehicle to be a nuisance and order it sold following a hearing if I have two or more other convictions for driving under the influence, vehicular manslaughter (PC § 191.5 or 192(c)(3)), or any combination thereof, in the past seven years. My vehicle will also be subject to forfeiture as a nuisance if I am convicted of a second or subsequent violation of driving with a suspended or revoked license (VC § 14601 et seq.) or driving without a license (VC § 12500(a)).  8D
9. The DMV may restrict, suspend, or revoke my license under a procedure which is separate from this criminal action. The DMV's action, if any, will be in addition to the court's sentence and I must obey it.  9

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10. The DMV will suspend my license for an additional six months if my offense involved a controlled substance (drug)  10
11. The court may independently order my license revoked for 10 years if I have been convicted of three or more separate violations of VC §§ 23152 or 23153.  11
12. The DMV will not issue a restricted driver license or restore my driving privilege following a restriction, suspension, or revocation unless I have proof of insurance for 3 years. The DMV will suspend my driver license: (1) until proof of insurance is provided to the DMV and (2) upon my failure to maintain such proof during the 3-year period.  12
13. I understand if the court determines that I would present a traffic safety or public safety risk if I am authorized to drive during the license suspension period, I will be unable to obtain a restricted driver license from the DMV, which would allow me to drive to and from work, and to and from the alcohol/drug treatment program.  13
14. The DMV will prevent me from operating a commercial vehicle for one year upon a first DUI conviction in any vehicle, or if I willfully refuse to submit to or complete a chemical test to determine blood-alcohol content. A second or subsequent DUI conviction in any vehicle or subsequent refusal will result in the DMV issuing a lifetime ban on my right to drive a commercial vehicle.  14
15. If I was under the age of 21 at the time of my arrest, my driver license will be suspended for 1 year, and I must surrender my license to the court. If I do not have a valid driver license, the court will order the DMV to delay issuing a license to me for 1 year after I become eligible to drive (VC § 13202.5).  15
16. I must successfully complete an alcohol/drug program in order to have my driving privilege reinstated following any license restriction, suspension, or revocation which is imposed on me, even if I am not ordered to attend such a program by the court.  16
17. If I am convicted of a first offense of 23152 or 23153, the court may order:
- A. Prohibition from operating any vehicle that I own or operate unless it is equipped with a certified ignition interlock device for one 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 license;  17A
- B. That I prove I installed the device within 30 days of my conviction or my release from jail or prison, or the DMV shall revoke my license for an additional year. Also, the court shall suspend my license and issue an arrest warrant if I fail to comply with any notice to (1) install the device, (2) report on the operation of the device, or (3) maintain or calibrate the device on three or more occasions.  17B
18. (If applicable) If I am convicted of a third or subsequent violation of 23152 or 23153:
- A. I must surrender my license to the court. I will also be designated as a habitual traffic offender for three years after my conviction, and I will receive an enhanced sentence if I drive in violation of my license revocation;  18A
- B. For 23152 only: If probation is granted, I may request to participate in a 30-month treatment program. This program includes between 120 and 300 hours of community service. If the court grants my request, I will be sentenced to the county jail for at least 30 days but not more than one year as a condition of probation instead of the jail term specified in the chart above.  18B

19. (If applicable) <b>Willful Refusal (VC § 23577):</b>	
<b>NOTE: Test refusals require a minimum 6-month drug/alcohol program (HS § 11837(c)(2)).</b>	
1 <sup>st</sup> Offense 23152	Additional 48 hours to 6 months jail if probation is granted.
2 <sup>nd</sup> Offense 23152	Additional 96 hours jail with or without probation.
3 <sup>rd</sup> Offense 23152	Additional 10 days jail with or without probation.
4 <sup>th</sup> or subsequent Offense 23152	Additional 18 days jail with or without probation.
1 <sup>st</sup> Offense 23153	Additional 48 continuous hours jail with or without probation.

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20. (If applicable) <b>Passenger Under 14 Years (VC § 23572)</b>	
1 <sup>st</sup> Offense 23152	Additional 48 continuous hours jail with or without probation.
2 <sup>nd</sup> Offense 23152	Additional 10 days jail with or without probation.
3 <sup>rd</sup> Offense 23152	Additional 30 days jail with or without probation.
4 <sup>th</sup> Offense 23152	Additional 90 days jail with or without probation.

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21. (If applicable) <b>Excessive Speed (VC § 23582)</b>	
1 <sup>st</sup> Offense 23152 or 23153	Alcohol/drug program and additional consecutive 60 days jail with or without probation.
2 <sup>nd</sup> Offense or subsequent 23152 or 23153	Additional consecutive 60 days jail with or without probation.

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**22. SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION**

<b>Vehicle Code Section</b>	<b>First Offense</b>	<b>Second or Subsequent Offense:</b>
		Prior conviction(s) in past 5 years of sections 14601, 14601.1, 14601.2, or 14601.5.
<b>14601</b>	5 days to 6 months in jail, and a fine of \$300 to \$1,000.	10 days to 1 year in jail, and a fine of \$500 to \$2,000. 10 days in jail required if probation is imposed.
<b>14601.1</b>	Up to 6 months in jail, or a fine of \$300 to \$1,000, or both.	5 days to 1 year in jail, and a fine of \$500 to \$2,000.
<b>14601.2</b>	10 days to 6 months in jail, and a fine of \$300 to \$1,000. 10 days in jail required if probation is imposed.	30 days to 1 year in jail, and a fine of \$500 to \$2,000. 30 days in jail required if probation is imposed.
	If I have been designated as an habitual traffic offender within 3 years of this conviction, I will, in addition, be sentenced to serve 180 days in jail and to pay a \$2,000 fine.	
<b>14601.5</b>	Up to 6 months in jail, or a fine of \$300 to \$1,000, or both.	10 days to 1 year in jail, and a fine of \$500 to \$2,000. Note-section 14601.3 also constitutes a prior conviction for this offense.

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**23.**

<b>Vehicle Code Section</b>	<b>First Offense</b>	<b>Second or Subsequent Offense:</b>
		Prior conviction(s) in past 7 years of section 14601.3.
<b>14601.3</b>	30 days in jail, and a fine of \$1,000.	180 days in jail, and a fine of \$2,000.

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**24. ADDITIONAL PENALTIES FOR A VIOLATION OF SECTIONS 14601, 14601.1, 14601.2 or 14601.5**

**If applicable** - I understand that I will be required to install an ignition interlock device (IID) on any vehicle that I own or operate if (1) I am convicted of VC § 14601.2; (2) the original charge was for a violation of VC § 14601.2 but I am pleading guilty to the lesser offense of VC §§ 14601, 14601.1, 14601.4 or 14601.5; or (3) I am convicted of VC §§ 14601.4 or 14601.5 and have qualifying prior convictions within the last 10 years. Installation of the IID will be imposed 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 license. Failure to install the IID may result in the suspension of my driver license or may constitute a separate misdemeanor offense.

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I have read, reviewed, and understand the above-initialed information. My blood alcohol reading was \_\_\_\_\_.

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

\_\_\_\_\_  
Signature of Defendant