

**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.

<b>BASIC CONSEQUENCES FOR CONVICTION OF VEHICLE CODE SECTION 23152 (a) and (b)</b>		
<b>Offense</b>	<b>Sentence With No Probation</b>	<b>Sentence With 3 to 5 Years Probation</b>
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.

<b>BASIC CONSEQUENCES FOR CONVICTION OF VEHICLE CODE SECTION 23153 (a) and (b)</b>		
<b>Offense</b>	<b>Sentence With No Probation</b>	<b>Sentence With 3 to 5 Years Probation</b>
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.