

DUI – DRIVING UNDER THE INFLUENCE PENALTIES

| 316.193 Mandatory Adjudication | 1 st DUI* <small>*DUI Crash is 1st degree MM</small> | 2 nd DUI within 5 years | 2 nd DUI outside of 5 years | 3 rd DUI within 10 years | 3 rd DUI outside of 10 years | 4 th DUI |
|---|--|---|---|---|--|---|
| | Misdemeanor | Misdemeanor | Misdemeanor | Felony | Misdemeanor | Felony |
| JAIL 316.193(2)(a) | Min: 0 days Max: 6 months BAC > .15 Min: 0 days Max : 9 months | Min: 10 days Max: 1 year BAC > .15 Min. 10 days Max: 1 year | Min: 0 days Max: 9 months BAC > .15 Min: 0 days Max: 1 year | Min: 30 days Max: 5 years | Min: 0 days Max: 1 year | Max: 5 years |
| Driver's License Revocation 322.28(2) | Min: 6 months Max: 12 months | Min: 5 years Max: Lifetime | Min: 6 months Max: 12 months | Min: 10 years Max: Lifetime | Min: 6 months Max: 12 months | Lifetime |
| Fines | Min: \$500 Max: \$1000 BAC > .15 Min: \$1000 Max: \$2000 | Min: \$1000 Max: \$2000 BAC > .15 Min: \$2000 Max: \$4000 | Min: \$1000 Max: \$2000 BAC > .15 Min: \$2000 Max: \$4000 | Min: \$2000 Max: \$5000 BAC > .15 Min: \$4000 | Min: \$2000 Max: \$5000 BAC > .15 Min: \$4000 | Min: \$2000 Max: \$5000 BAC > .15 Min: \$4000 |
| Ignition Interlock | BAC > .15 Min: 6 continuous months | Min: 1 continuous year BAC > .15 2 continuous years | Min: 1 continuous year BAC > .15 2 continuous years | Min: 2 years | Min: 2 years | Min: 2 years |
| Impound | 10 days | 30 days | 10 days | 90 days | 10 days | 90 days |

OTHER PENALTIES

Pleas: 316.656 (effective 10/1/08), Florida Statutes is amended to read:

316.656 Mandatory adjudication; prohibition against accepting plea to lesser included offense. 2(a) No trial judge may accept a plea of guilty to a lesser offense from a person charged under the provisions of this act who has been given a breath or blood test to determine blood or breath alcohol content, the results of which show a blood or breath alcohol content be weight of 0.15 percent or more.

Probation: All offenders must be placed on reporting probation for at least 6 months. However, the Court may order up to 12 months. Some Judges will order 12 months probation and allow for early termination upon successful completion of all terms and conditions for probation.

DUI School: All offenders must be ordered to complete a substance abuse course conducted by a DUI program licensed by the Department of Motor Vehicles, which shall include a psychosocial evaluation of the offender. Any recommended counseling must be completed at the defendant's expense. Level 1 shall be imposed for all first offenders only and Level 2 for all repeat offenders. The Northeast Florida Safety Council (www.nefsc.org) conducts the local DUI School.

Community Service: First time offenders must be ordered to complete a minimum of 50 hours of community service. However, with Court approval, the hours may be bought out at a rate of \$10 per hour.

Court Costs: All offenders must pay court costs.

Victim Awareness Program: The local victim awareness program is run by Mothers Against Drunk Driving (MADD). MADD Northeast 904-388-2455

Cost of Prosecution: \$50 for misdemeanor and \$100 for felonies.

No Alcohol: Although not statutorily required, all offenders may be ordered to refrain from, while on probation, possession alcohol, consuming alcohol or entering commercial establishments whose primary purpose is the sale of alcohol.

Random Testing at Defendant's Expense: Although not statutorily required, all offenders may be ordered to undergo random drug and alcohol testing at the defendant's expense.

FELONY DUI – the following DUI's qualify for felony upgrade

- 3rd offense with at least one prior conviction within 10 years of the current offense date.
- 4th offense, regardless of dates of prior convictions
- Any DUI where defendant's driving causes or contributes to causing a crash which results in death or serious bodily injury to the defendant or any other person involved in the crash.
- Florida Statutes and case law define serious bodily injury as an injury which creates substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.