

Defendant	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

PENALTY FOR 23550.5:

SENTENCE FOR DUI CONVICTION WITHIN 10 YEARS OF PRIOR (SECTION 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 or a felony violation of PC § 192(c)(3) (10 year limit not applicable).	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's license reinstated by the DMV, even though I am not ordered to attend such a program by the court.

PENALTY FOR 23153:

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (INJURY) (SECTION 23153)		
OFFENSE	MINIMUM AND MAXIMUM SENTENCES WHEN PROBATION IS GRANTED (3 TO 5 YEARS PROBATION TERM)	MINIMUM AND MAXIMUM SENTENCES WITHOUT PROBATION
First offense within 10 years	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's 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's license suspension.
Second offense within 10 years (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.	120 days to 1 year in county jail, or 16 months, or 2 or 3 years in state prison; \$390 to \$5,000 fine. The DMV will also impose a 3-year driver's license revocation.
Third or subsequent offense within 10 years (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's 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 another person.

NOTE: If I am convicted of violating VC § 23153 and the offense also caused bodily injury or death to more than 1 victim, upon a felony conviction, my sentence will be enhanced by 1 year in state prison for each additional victim.

PENALTY FOR 23152:

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152)		
OFFENSE	MINIMUM AND MAXIMUM SENTENCES WHEN PROBATION IS GRANTED (3 TO 5 YEARS PROBATION TERM)	MINIMUM AND MAXIMUM SENTENCES WITHOUT PROBATION
First offense within 10 years	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's license suspension.	96 hours to 6 months in jail, and a \$390 to \$1,000 fine. The DMV will impose a 6-month driver's license suspension.
Second offense within 10 years (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's 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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Third offense within 10 years (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's license revocation.	120 days to 1 year in jail, and a \$390 to \$1,000 fine. The DMV will impose a 3-year driver's license revocation.
Fourth or subsequent offense within 10 years (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's license revocation.	16 months, or 2 or 3 years in state prison, (or 180 days to 1 year in county jail); and a \$390 to \$1,000 fine. The DMV will impose a 4-year driver's license revocation.

PENALTY FOR 23103.5:

**SENTENCE FOR RECKLESS DRIVING (ALCOHOL AND/OR DRUGS)
(SECTION 23103, 23103.5)**

OFFENSE	MINIMUM AND MAXIMUM SENTENCES		OTHER
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. If probation is granted (maximum of 3 years), 90 days in jail, or \$1,000 fine, or both, and a drug/alcohol program.		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.

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 will 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
- 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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SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION		
Vehicle Code Section	First Offense	Second or Subsequent Offense:
14601	5 days to 6 months in jail, and a fine of \$300 to \$1,000.	I have prior conviction(s) in past 5 years of sections 14601, 14601.1, 14601.2, or 14601.5. 10 days to 1 year in jail, and a fine of \$500 to \$2,000. 10 days in jail required if probation is imposed.
14601.1	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.
14601.2	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.
14601.5	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.

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

21. **ADDITIONAL PENALTIES FOR A VIOLATION OF SECTIONS 14601, 14601.1, 14601.2 or 14601.5**
 If applicable - I understand that if I am convicted of a violation of VC § 14601.2, or if the original charge was for a violation of that section but I am pleading to section 14601, 14601.1 or 14601.5, the Court will require me to install an ignition interlock device (IID) on any vehicle that I own or operate. This order 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's license. Failure to install the IID shall result in the suspension of my driver's license by the DMV.

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

Dated: _____ _____
Defendant's Signature