

SUPERIOR COURT OF CALIFORNIA, COUNTY OF NAPA	FOR COURT USE ONLY
PEOPLE OF THE STATE OF CALIFORNIA v. DEFENDANT:	
PLEA FORM - ATTACHMENT TWO (DUI & WET RECKLESS CONSEQUENCES)	CASE NUMBER:

INSTRUCTIONS: Read, date, and sign this form. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge. Prior convictions include Vehicle Code §§ 23103.5, 23152, and 23153.

PENALTIES FOR VEHICLE CODE § 23103.5

1. PROBATION GRANTED (up to 3 years)
 - Fine of \$145 to \$1,000.
 - Up to 90 days in jail.
 - A 6 week alcohol/drug program which costs \$355. Payment plan available.
2. PROBATION DENIED
 - Fine of \$145 to \$1000.
 - 5 days to 90 days in jail.

PENALTIES FOR FIRST VEHICLE CODE § 23152 WITHIN 10 YEARS

3. PROBATION GRANTED (3 to 5 years)
 - Fine of \$390 to \$1,000.
 - May be ordered to serve from 48 hours to 6 months in jail.
 - 6-month driver's license suspension (it may be possible to get a restricted license from DMV instead).
 - Either: (1) a 3 month alcohol/drug program which costs \$628, or (2) a 9 month alcohol/drug program which costs \$1,347 if your blood alcohol level was .20% or more, or you refused a chemical test when arrested. Payment plan available. Your driving privilege will not be restored until you have completed one of these programs.
4. PROBATION DENIED
 - Fine of \$390 to \$1,000.
 - 96 hours to 6 months in jail (at least 48 hours must be continuous).
 - 6-month driver's license suspension (it may be possible to get a restricted license from DMV instead).

PENALTIES FOR SECOND VEHICLE CODE § 23152 WITHIN 10 YEARS

5. PROBATION GRANTED (3 to 5 years)
 - Fine of \$390 to \$1,000.
 - Either: (1) 10 days to 1 year in jail or (2) 96 hours to 1 year in jail . the 96 hours must be served in two increments of 48 continuous hours.
 - 2 year driver's license suspension (restricted license from DMV possible after 12 months).
 - An 18-month alcohol/drug program which costs \$1,737 (payment plan available). Your driving privilege will not be restored until you have completed this program.
6. PROBATION DENIED
 - Fine of \$390 to \$1,000.
 - 90 days to 1 year in jail.
 - 2 year driver's license suspension (restricted license from DMV possible after 12 months).

PENALTIES FOR THIRD VEHICLE CODE § 23152 WITHIN 10 YEARS

7. PROBATION GRANTED (3 to 5 years)
 - Fine of \$390 to \$1,000.
 - 120 days to 1 year in jail.
 - 3-year driver's license revocation (restricted license from DMV possible after 12 months).
 - An 18-month alcohol/drug program which costs \$1,737 (payment plan available), if you have not completed this program before. If this program is required, your driving privilege will not be restored until you have completed this program.
8. PROBATION DENIED
 - Fine of \$390 to \$1,000.
 - 120 days to 1 year in jail.
 - 3-year driver's license revocation (restricted license from DMV possible after 12 months).
 - Classified as a habitual traffic offender for 3 years.

PENALTIES FOR FOURTH OR SUBSEQUENT VEHICLE CODE § 23152 WITHIN 10 YEARS

9. PROBATION GRANTED (3 to 5 years)
 - Fine of \$390 to \$1,000.
 - 180 days to 1 year in jail.
 - A 4-year driver's license revocation (restricted license from DMV possible after 12 months).
 - An 18-month alcohol/drug program which costs \$1,737 (payment plan available), if you have not completed this program before. If this program is required, your driving privilege will not be restored until you have completed this program.
10. PROBATION DENIED (FELONY)
 - Fine of \$390 to \$1,000.
 - 16 months, 2 years, or 3 years in state prison.
 - 4-year driver's license revocation (restricted license from DMV possible after 12 months).
 - Classified as a habitual traffic offender for 3 years.
11. PROBATION DENIED (MISDEMEANOR)
 - Fine of \$390 to \$1,000.
 - 180 days to 1 year in jail.
 - 4-year driver's license revocation (restricted license from DMV possible after 12 months).
 - Classified as a habitual traffic offender for 3 years.

PENALTIES FOR FIRST VEHICLE CODE § 23153 WITHIN 10 YEARS

12. PROBATION GRANTED (3 to 5 years)
 - Fine of \$390 to \$1,000.
 - 5 days to 1 year in county jail.
 - 1-year driver's license suspension.
 - Either: (1) a 3 month alcohol/drug program which costs \$628, or (2) a 9 month alcohol/drug program which costs \$1,347 if your blood alcohol level was .20% or more, or you refused a chemical test when arrested. Payment plan available. Your driving privilege will not be restored until you have completed one of these programs.
13. PROBATION DENIED (FELONY)
 - Fine of \$390 to \$1,000.
 - 16 months, 2 years, or 3 years in state prison.
 - 1-year driver's license suspension.
14. PROBATION DENIED (MISDEMEANOR)
 - Fine of \$390 to \$1,000.
 - 90 days to 1 year in county jail.
 - 1-year driver's license suspension.

PENALTIES FOR SECOND VEHICLE CODE § 23153 WITHIN 10 YEARS

15. PROBATION GRANTED (3 to 5 years)
 - A fine of \$390 to \$5,000.

- Either: (1) 120 days to 1 year in jail, or (2) 30 days to 1 year in jail and an 18-month alcohol/drug program which costs \$1,737 (payment plan available). Your driving privilege will not be restored until you have completed this program.
 - 3-year driver's license revocation (restricted license from DMV possible after 12 months).
16. PROBATION DENIED (FELONY)
- Fine of \$390 to \$5,000.
 - 16 months, 2 years, or 3 years in state prison.
 - 3-year driver's license revocation (restricted license from DMV possible after 12 months).
17. PROBATION DENIED (MISDEMEANOR)
- Fine of \$390 to \$5,000.
 - 120 days to 1 year in county jail.
 - 3-year driver's license revocation (restricted license from DMV possible after 12 months).

PENALTIES FOR THIRD OR SUBSEQUENT VEHICLE CODE § 23153 WITHIN 10 YEARS

18. PROBATION GRANTED (3 to 5 years)
- Fine of \$390 to \$5,000.
 - Either: (1) 1 year in jail, or (2) 30 days to 1 year in jail and an 18-month alcohol/drug program which costs \$1,737 (payment plan available). Your driving privilege will not be restored until you have completed this program.
 - A 5-year driver's license revocation (restricted license from DMV possible after 12 months).
19. PROBATION DENIED
- Fine of \$1,015 to \$5,000.
 - 2 years, 3 years, or 4 years in state prison (plus 3 years if you have 4 or more other DUI convictions within 7 years and the offense caused great bodily injury to another person).
 - 5-year driver's license revocation (restricted license from DMV possible after 12 months).
 - Classified as a habitual traffic offender for 3 years.

PENALTIES FOR VEHICLE CODE §§ 23152 OR 23153 WITH A PRIOR FELONY §§ 23175, 23175.5, 23550, 23550.5, 23153, PENAL CODE §§ 191.5, 192I(1), OR 192I(3) CONVICTION WITHIN 10 YEARS

20. PROBATION DENIED (FELONY)
- Fine of \$390 to \$1,000.
 - 16 months, 2 years, or 3 years in state prison.
 - 4-year driver's license revocation (restricted license from DMV possible after 12 months).
 - Classified as a habitual traffic offender for 3 years.
21. PROBATION DENIED (MISDEMEANOR)
- Fine of \$390 to \$1,000.
 - Up to 1 year in jail.
 - 4-year driver's license revocation (restricted license from DMV possible after 12 months).
 - Classified as a habitual traffic offender for 3 years.

ADDITIONAL PENALTIES FOR VEHICLE CODE §§ 23152 AND 23153

22. If I am the registered owner of the vehicle used in this offense, the Court may declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for driving under the influence or vehicular manslaughter in the past 7 years.
23. The DMV may restrict, suspend, or revoke my driver's license under a procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the Court's sentence and that I must obey it.
24. The DMV may consider any of my other convictions for DUI or reckless driving, even if not charged in this proceeding, and impose a more severe driver's license restriction, suspension, or revocation as a result of such other conviction(s).
25. The DMV will not issue a restricted driver's 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's 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.
26. 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.

- 27. The DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of driving under the influence, gross vehicular manslaughter while intoxicated, or vehicular manslaughter, unless a greater license revocation is required.
- 28. If I was under the age of 21 at the time of my offense, my driver's license will also be suspended for 1 year, and I must surrender my license to the Court. If I do not have a valid driver's license, the Court will order the DMV to delay issuing a license to me for 1 year after I become eligible to drive.
- 29. If I am convicted of Vehicle Code §§ 23152 or 23153 and have a prior conviction for Vehicle Code §§ 23152, 23153, or Penal Code § 647(f), then I must pay for, attend, and complete an alcohol and drug problem assessment program.
- 30. If I am the registered owner of the vehicle used in this offense, and this is my first offense, the Court may impound my vehicle for up to six months, at my expense. If this is my second offense, the Court may impound my vehicle for up to one year, at my expense.
- 31. DMV will prohibit me from operating a commercial vehicle for one year if I am convicted of my first DUI or if I refused to submit to a chemical test. DMV will prohibit me from operating a commercial vehicle forever if I am convicted of a second DUI or if I refused to submit to a chemical test a second time.

ADDITIONAL PENALTIES FOR VEHICLE CODE § 23153

- 32. If my offense also caused bodily injury or death to more than 1 victim, then, upon a felony conviction, my sentence will be increased by 1 year in state prison for each additional victim, up to a maximum of 3 additional years.

ADDITIONAL PENALTIES FOR REFUSAL TO COMPLETE A CHEMICAL TEST

- 33. SECOND VEHICLE CODE § 23152 - Extra 96 hours in county jail, whether or not probation is granted.
 THIRD VEHICLE CODE § 23152 - Extra 10 days in county jail, whether or not probation is granted.
 FOURTH OR SUBSEQUENT VEHICLE CODE § 23152 - Extra 18 days in county jail, whether or not probation is granted.
 FIRST VEHICLE CODE § 23153 - Extra 48 continuous hours in county jail, whether or not probation is granted (unless sent to prison).
 SECOND VEHICLE CODE § 23153 - Extra 96 hours in county jail, whether or not probation is granted (unless sent to prison).

ADDITIONAL PENALTIES FOR PASSENGER UNDER 14 (unless also convicted of PENAL CODE § 273a)

- 34. FIRST VEHICLE CODE § 23152 - Extra 48 continuous hours in county jail, whether or not probation is granted.
 SECOND VEHICLE CODE § 23152 - Extra 10 days in county jail, whether or not probation is granted.
 THIRD VEHICLE CODE § 23152 - Extra 30 days in county jail, whether or not probation is granted.
 FOURTH OR SUBSEQUENT VEHICLE CODE § 23152 - Extra 90 days in county jail, whether or not probation is granted (unless sent to prison).

NOTICE

- 35. You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your 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 you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.

DEFENDANT'S STATEMENT

I understand the contents of this form.

_____ Date

_____ Defendant's Signature

INTERPRETER'S STATEMENT

I, having been duly sworn or having a written oath on file, certify that I truly translated this form to the defendant in the following language: Spanish Other (specify) _____

_____ Date

_____ Interpreter's Name

_____ Interpreter's Signature