

DEFENDANT'S NAME	CASE NUMBER
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DRIVING UNDER THE INFLUENCE (DUI) ADDENDUM TO CHANGE OF PLEA

INSTRUCTIONS: Use this addendum if you are pleading guilty/no contest to VC23153, 23152, or 23103.5

I, the defendant in the above-entitled case, understand the possible punishment and consequences of my conviction of the offense to be:

1. _____ SENTENCE FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS CONVICTION WITHIN 10 YEARS OF FELONY DUI OR VEHICULAR MANSLAUGHTER PRIOR (VC23550.5):

PRIOR OFFENSE	SENTENCE
<ul style="list-style-type: none"> VC23152 that was punished as a felony under VC23550 or 23550.5, or both VC23153 that was punished as a felony PC192(c)(1) that was punished as a felony PC191.5(a) or 192.5(a), or a felony violation of PC191.5(b) (10-year limit not applicable). 	<ul style="list-style-type: none"> 16 months or 2 or 3 years in state prison (or not more than 364 days in county jail). \$390 to \$1,000 fine. 4-year driver license revocation. However, if offense is a violation of VC23153 with two prior DUI-related convictions within 10 years, then 5-year revocation. Designated a habitual traffic offender for 3 years. Must successfully complete an alcohol/drug education program before DMV will reinstate license, even though not ordered to attend such a program by the court.

2. _____ SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS WITH INJURY (VC23153):

OFFENSE	SENTENCE WHEN PROBATION IS GRANTED (3 TO 5 YEAR PROBATION TERM)	SENTENCE <i>WITHOUT</i> PROBATION
First offense within 10 years	<ul style="list-style-type: none"> 5 days to 364 days in county jail. \$390 to \$1,000 fine. 3-month alcohol/drug education program (or a 9-month program if blood-alcohol content was .20 percent or more, or if refused a chemical test at arrest). 1-year driver license suspension. Install an ignition interlock device for 12 months. 	<ul style="list-style-type: none"> 16 months or 2 or 3 years in state prison (or 90 days to 364 days in county jail). \$390 to \$1,000 fine. 1-year driver license suspension. Install an ignition interlock device for 12 months.
Second offense within 10 years (prior conviction of VC23152, 23153, or 23103.5)	<ul style="list-style-type: none"> Two options: (a) 120 days to 364 days in county jail and \$390 to \$5,000 fine; or (b) 30 days to 364 days in county jail; \$390 to \$1,000 fine; and an 18-month or 30-month alcohol/drug education program. 3-year driver license revocation. Install an ignition interlock device for 24 months. 	<ul style="list-style-type: none"> 16 months or 2 or 3 years in state prison (or 120 days to 364 days in county jail). \$390 to \$5,000 fine. 3-year driver license revocation. Install an ignition interlock device for 24 months.
Third or subsequent offense within 10 years (prior convictions of VC23152, 23153, or 23103.5)	<ul style="list-style-type: none"> 30 days to at least 364 days in county jail. \$390 to \$5,000 fine. 18-month or 30-month alcohol/drug education program. Restitution or reparation to the victim as required by law. 5-year driver license revocation. Install an ignition interlock device for 36 months. Designated a habitual traffic offender for 3 years. 	<ul style="list-style-type: none"> 2, 3, or 4 years in state prison. \$1,015 to \$5,000 fine. 5-year driver license revocation. An additional 3 years in state prison with four prior DUI convictions and the offense caused great bodily injury to any person other than the driver. Install an ignition interlock device for 36 months. Designated a habitual traffic offender for 3 years.

NOTE: When convicted of a felony VC23153 and the offense caused bodily injury or death to more than one victim, the sentence will be enhanced by 1 year in state prison for each additional victim (VC23558).

3. _____ SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (VC23152):

OFFENSE	SENTENCE WHEN PROBATION IS GRANTED (3 TO 5 YEAR PROBATION TERM)	SENTENCE <i>WITHOUT</i> PROBATION
First offense within 10 years	<ul style="list-style-type: none"> 48 hours to 6 months in jail. \$390 to \$1,000 fine. 3-month alcohol/drug education program (or a 9-month program if blood-alcohol content was .20 percent or more, or if a chemical test was refused upon arrest). 6-month driver license suspension (or 10-month suspension when a 9-month program ordered). 	<ul style="list-style-type: none"> 96 hours to 6 months in jail. \$390 to \$1,000 fine. 6-month driver license suspension.

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Second offense within 10 years (prior conviction of VC23152, 23153, or 23103.5)	<ul style="list-style-type: none"> A jail term of either: (a) 10 days to 364 days, or (b) 96 hours to 364 days. \$390 to \$1,000 fine. 18-month or 30-month alcohol/drug education program. 2-year driver license suspension. Install an ignition interlock device for 12 months. 	<ul style="list-style-type: none"> 90 days to 364 days in jail. \$390 to \$1,000 fine. 2-year driver license suspension. Install an ignition interlock device for 12 months.
Third offense within 10 years (prior convictions of VC23152, 23153, or 23103.5)	<ul style="list-style-type: none"> 120 days to 364 days in jail. \$390 to \$1,000 fine. 18-month alcohol/drug education program if one not previously completed. 3-year driver license revocation. Install an ignition interlock device for 24 months. 	<ul style="list-style-type: none"> 120 days to 364 days in jail. \$390 to \$1,000 fine. 3-year driver license revocation. Install an ignition interlock device for 24 months.
Fourth or subsequent offense within 10 years (prior convictions of VC23152, 23153, or 23103.5)	<ul style="list-style-type: none"> 180 days to 364 days in jail. \$390 to \$1,000 fine. 18-month alcohol/drug education program if one not previously completed. 4-year driver license revocation. Install an ignition interlock device for 36 months. Designated a habitual traffic offender for three years. 	<ul style="list-style-type: none"> 16 months, or 2 or 3 years imprisonment (or 180 days to 364 days in county jail). \$390 to \$1,000 fine. 4-year driver license revocation. Install an ignition interlock device for 36 months. Designated a habitual traffic offender for three years.

NOTE: For third or subsequent VC23152 conviction: If probation is granted, defendant 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 the request, a condition of probation will be a sentence of at least 30 days but not more than 364 days in county jail instead of the jail term specified in the chart above.

4. **SENTENCE FOR RECKLESS DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (VC23103 per 23103.5):**

OFFENSE	SENTENCE	OTHER
Reckless driving reduced from DUI	<ul style="list-style-type: none"> If probation is not granted - 5 days to 90 days in jail, or \$145 to \$1,000 fine, or both. An alcohol/drug education program is required if probation is granted. 	<ul style="list-style-type: none"> Because alcohol or drugs are involved, this conviction will act as a separate DUI conviction if a subsequent DUI offense is committed within 10 years.

I further understand:

- 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 (VC23593).
- I may be required to pay a \$50 alcohol and drug testing fee (PC1463.14).
- I may be required to pay up to \$50 for an alcohol abuse education and prevention penalty assessment upon a conviction of VC23152 or 23153 (VC23645).
- 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 (VC23646).
- 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 (GC53150).
- All fines will be significantly increased by **mandatory** penalty assessments.
- This violation will count as 2 points on my driving record (VC12810(b)).
- The Department of Motor Vehicles (DMV) may consider my prior conviction(s) for DUI or reckless driving, even if not charged in this proceeding, to impose a more severe license restriction, suspension, or revocation as a result of such other conviction(s).
- (If applicable) If my blood-alcohol level was .15 percent or above or if 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 (VC23578).
- If I am the registered owner of the vehicle used in the offense:
 - Upon my first conviction, the court may impound my vehicle at my expense for up to 30 days;
 - Upon my second conviction within 5 years, 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.
 - Upon my third conviction within 5 years, 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 (VC23594).
 - 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 DUI, vehicular manslaughter (PC191.5 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 (VC14601 et seq.) or driving without a license (VC12500(a) (VC23596)).

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15. ____ 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.
16. ____ The DMV will suspend my license for an additional six months to 1 year if my offense involved the use of a drug (VC13352).
17. ____ The court may independently order my license revoked for 10 years if I have been convicted of three or more separate violations of VC23152 or 23153 (VC23597).
18. ____ I must surrender my driver license to the court (VC13350 and 23548).
19. ____ 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.
20. ____ 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 (VC23538).
21. ____ The DMV will prevent me from operating a commercial vehicle for 1 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 (VC15300 and 15302).
22. ____ 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 (VC13202.5).
23. ____ I must successfully complete an alcohol/drug education program 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.
24. ____ Installation of a certified ignition interlock device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid license. I must 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.
25. ____ **Willful Refusal (VC23577)** (If applicable):
- a. 1st VC23152 Offense: Additional 48 hours to 6 months jail if probation is granted.
 - b. 1st VC23153 Offense: Additional 48 continuous hours jail with or without probation.
 - c. 2nd VC23152 or 23153 Offense: Additional 96 continuous hours jail with or without probation.
 - d. 3rd VC23152 Offense: Additional 10 days jail with or without probation.
 - e. 4th or subsequent VC23152 Offense: Additional 18 days jail with or without probation.
 - f. Test refusals require a minimum 6-month alcohol/drug education program. (HS11837(c)(2))
26. ____ **Passenger Under 14 Years (VC23572)** (If applicable):
- a. 1st VC23152 Offense: Additional 48 continuous hours jail with or without probation.
 - b. 2nd VC23152 Offense: Additional 10 days jail with or without probation.
 - c. 3rd VC23152 Offense: Additional 30 days jail with or without probation.
 - d. 4th VC23152 Offense: Additional 90 days jail with or without probation.
27. ____ **Excessive Speed (VC23582)** (If applicable):
- a. 1st VC23152 or 23153 Offense: Alcohol/drug education program and additional consecutive 60 days jail with or without probation.
 - b. 2nd or subsequent VC23152 or 23153 Offense: Additional consecutive 60 days jail with or without probation.
28. ____ **Consequences for driving in violation of a License Suspension, Revocation, or Restriction:**

Vehicle Code Section	First Offense	Second or Subsequent Offense: Prior conviction(s) in past 5 years of section 14601, 14601.1, 14601.2, or 14601.5
14601	5 days to 6 months in jail, and a fine of \$300 to \$1,000.	10 days to 364 days 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 364 days 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 364 days 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. NOTE: VC14601.3 also constitutes a prior conviction for this offense.	10 days to 364 days in jail, and a fine of \$500 to \$2,000.
14601.3	30 days in jail, and a fine of \$1,000.	180 days in jail, and a fine of \$2,000.

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29. _____ Additional penalties for a violation of VC14601, 14601.1, 14601.2, or 14601.5 (If applicable):
- a. 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 VC14601.2;
 - 2. The original charge was for a violation of VC14601.2 but I am pleading guilty to the lesser offense of VC14601, 14601.1, 14601.4, or 14601.5; or
 - 3. I am convicted of VC14601.4 or 14601.5 and have qualifying prior convictions within the last 10 years.
 - b. 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 (VC23575).

30. _____ Blood, Breath, or Urine Test Results:
- My blood alcohol reading was _____ and/or
 - My toxicology result was positive for _____.

I have read, reviewed, and understand the above-initialed information.

Date: _____

Signature of Defendant