



**Superior Court of California, County of Sacramento
Waiver and Plea to Driving Under the Influence
(Vehicle Code 23152 and 23546) Third Offense**

(For Court Use Only)

Case Number

I, _____, understand that I am charged with driving a vehicle on
(Date) _____ while under the influence of an alcoholic beverage or drugs or both (23152(a) Veh. Code), and/or while having 0.08 percent or more, by weight, of alcohol in my blood (23152(b) Vehicle Code).
I understand that I am also charged with having two separate convictions for violation of any of the offenses specified in 23546 of the Vehicle Code with offense dates of

_____ and _____, and that these convictions shall be prior offenses for the purpose of subsequent sentencing as specified in Sections 23540, 23546, 23550, 23566 or 23622 of the Vehicle Code if I am convicted of a subsequent offense under Sections 23152 or 23153 of the Vehicle Code which occurs within ten year s of this offense. In such a case, this conviction shall not be stricken by the court to avoid imposing the minimum penalties provided in the Vehicle Code for a violation of Sections 23152 or 23153 with prior convictions.

I understand the penalties are:

- A. **Maximum:** Fine of \$1,000.00, plus penalty assessments of \$2,700.00, plus additional fees/assessments up to an amount of \$889.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of \$1,000.00, 1 year in jail, revocation of driving privilege for up to 10 years, and completion of a driving-under-the-influence program, vehicle impoundment at defendant-owner's expense for 90 days pursuant 23594 (unless defendant was driving another's vehicle or is exempted pursuant to Vehicle Code 23594), designation as an habitual traffic offender for a period of 3 years which will result in enhanced penalties if convicted of driving in violation of the license revocation, installation of an Ignition Interlock Device for up to three years, surrender of license to court, and possible court-ordered forfeiture of vehicle.
- B. **Minimum Without Probation:** Fine of \$390.00, plus penalty assessments of \$1,053.00, plus additional fees/assessments up to an amount of \$767.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of \$150.00, 120 days in jail, at least 48 hours of which shall be continuous or at least 10 days of community service in lieu of the 48 continuous hours, revocation of driving privilege for 3 years, installation of an Ignition Interlock Device for 24 months, and designation as an habitual traffic offender for a period of 3 years which will result in enhanced penalties if convicted of driving in violation of the license revocation.
- C. **Minimum With 3 to 5 Years Probation:** Fine of \$390.00, plus penalty assessments of \$1,053.00, plus additional fees/assessments up to an amount of \$767.00, plus restitution to victim(s) in an amount to be determined, if any, or restitution fund assessment of \$150.00 plus an additional \$150.00 suspended pending violation of probation, plus either a) 120 days in jail, or b) 30 days in the county jail and participation in a 30-month driving-under-the-influence program; revocation by DMV of driving privilege for 3 years, and surrender to the court of your license; an 18 month alcohol program if you have not completed one before, installation of an Ignition Interlock Device for 24 months, and designation as an habitual traffic offender for a period of 3 years which will result in enhanced penalties if convicted of driving in violation of the license revocation. Standard probation terms and conditions to include: obey all laws, not drive a motor vehicle with any drugs or measurable amount of alcohol in your system , not refuse to complete a blood alcohol chemical test when offered by any peace officer, not drive without a valid California driver's license or without valid insurance.
- D. **Assessment Program:** I understand that I may be ordered to attend an alcohol and drug problem assessment program, and that I will be required to do so if I have been required to attend a licensed program pursuant to court order and failed at least once to comply with the rules and policies of the licensed program other than a rule related to the payment of fees (23646(b) Vehicle Code).
- E. **Ignition Interlock Device:** I understand that, if convicted of an offense that occurred on or after July 1, 2010, I will be required to install a certified Ignition Interlock Device in any vehicle owned or operated by me, which will prevent the vehicle from starting if I have alcohol in my body, for a specified term of up to 48 months as required by the Department of Motor Vehicles prior to receiving reissuance of license or restricted license. Additionally, the court may also require this device for a term of one to three years. This requirement will be imposed if I am convicted hereafter of driving while my license is suspended or in violation of license restrictions.
- F. **Refusal:** If I refused a chemical test (23577 Vehicle Code) 10 days in jail will be added to the jail term imposed.
- G. **Commercial Vehicle:** I understand that the DMV will prohibit me from operating a commercial vehicle for one year if I am convicted of either of the following that occurred in any vehicle: 1) a first DUI offense or, 2) willful refusal to submit to or complete a chemical test to determine my blood alcohol level. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of either of the following that occurred in any vehicle: 1) a second or subsequent DUI offense or, 2) willful refusal to submit to or complete a chemical test.

I understand that if I am not a citizen of the United States, a plea of guilty or no contest could result in my being deported from the United States, excluded from admission to the United States or denied naturalization as a United States Citizen.

I understand that if I am currently on probation or parole for any other criminal offense, that such probation could be revoked as a result of my plea today.

I understand that my driver's license suspension or revocation from DMV administrative proceedings is independent of court-imposed penalties and that my driving privilege will not be restored until I provide satisfactory proof to the DMV that I successfully completed the required driving-under-the -influence program, whether or not such a program is required by the court.

READ AND COMPLETE THE REVERSE

DEFENDANT TO PERSONALLY WRITE **YES** OR **NO** IN EACH BOX:

I understand
this right

I give up
this right

1. Right to a speedy and public jury trial. At the trial, I would be presumed to be innocent, and I could not be found guilty unless, after hearing all of the evidence, 12 impartial jurors chosen from the community were unanimously convinced beyond a reasonable doubt that I am guilty. I have a right, through my lawyer, to participate in jury selection.		
2. Right to confront and cross examine all witnesses against me.		
3. Right to remain silent and not incriminate myself.		
4. Right to subpoena and produce evidence.		
5. Right to be sentenced by a judge: I understand that by giving up this right I stipulate that I may be sentenced by a temporary judge.		
6. Right to be represented by an attorney at all stages of the proceedings and to have the court appoint one at no charge if I cannot afford my own.		
7. Right to delay sentencing not less than 6 hours nor more than 5 days after the entry of this plea.		

DEFENDANT TO PERSONALLY WRITE **YES** IN ONE OF THE TWO BOXES:

REPRESENTED BY SELF: I give up my right to an attorney	
REPRESENTED BY AN ATTORNEY: I have discussed my case with an attorney, we discussed the rights I am giving up by my plea, the elements of the offense(s) charged, the possible defenses and the consequences of my plea.	

I have read this document or have had it read for me, and I understand it. I have personally and voluntarily placed the answers in the boxes.

I enter a plea of _____ (No Contest or Guilty) to the charge(s) of violation of the Vehicle Code Section

I admit the allegation(s) of _____.

Signed: _____ Date: _____

Vehicle Code Section 23593(a) states: "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."

ATTORNEY'S STATEMENT

I certify that I am the attorney on record for the defendant, that I have fully discussed the matters herein with the defendant and advised the defendant thereon, that the representations of the defendant are the defendant's own, that I believe that the plea and waivers are intelligently and expressly made, that I join the plea and waiver, that I stipulate there is a factual basis for the plea and that the time is waived for judgment and sentencing.

Absentia form attached.

Signed: _____ Date: _____

INTERPRETER'S STATEMENT

I, _____, a certified/registered interpreter, having been sworn, truly translated this form and all the questions therein to the defendant in the language. With the exception of the defendant's signature, I have completed this form at the defendant's direction. The defendant indicated understanding the contents of the form and then signed the form.

Signed: _____ Date: _____