

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA</b>		<i>For Court Use Only</i>	
Plaintiff: <b>PEOPLE OF THE STATE OF CALIFORNIA</b>			
Defendant: Date of Birth:			
<b>ADDENDUM TO MISDEMEANOR ADVISEMENT – DUI CAUSING INJURY OFFENSE (Vehicle Code section 23153)</b>		Case Number(s)	Department
		BAC: _____ <input type="checkbox"/> Breath <input type="checkbox"/> Blood	
<b>INSTRUCTIONS</b>			
<i>Initial the box for each applicable item only if you understand it, and sign and date the form on page #2. If you have questions about your case, the possible sentences, or the information on this form, ask your attorney or the judge. Be aware the judge may not give you legal advice.</i>			

As the defendant in the above entitled case, I personally declare the following:

- 1. My name and date of birth as listed above are complete, true, and correct.
- 2. I understand that 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.
- 3. I understand that if the Court grants me probation, it must be for a period not less than 36 months
- 4. I understand the Court must impose a fine, and that in addition to the fine, the Court will add assessments which will significantly increase the amount I pay. I will also be ordered to make any restitution and to pay a restitution fine of \$150.00 to \$1000.00 unless the Court finds compelling and extraordinary reasons not to do so.
- 5. I understand that the Department of Motor Vehicles (DMV) may consider any of my other convictions for DUI or reckless driving, even those that are not charged in this proceeding, and may impose a more severe license suspension or revocation as a result.
- 6. I understand the Court may require me to install an ignition interlock device (IID) 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.
- 7. I understand that if I am the registered owner of the vehicle used in the offense, the Court may impound my vehicle at my expense for up to 90 days. The Court may also declare my vehicle to be a nuisance and order it sold if I have two or more DUI convictions, or vehicular manslaughter convictions, or any combination thereof in the past seven years. I further understand that if I am convicted of a second or subsequent violation of driving with a suspended or revoked license (V.C. § 14601 et. seq.) or driving without a license (V.C. § 12500(a)), my vehicle will be subject to forfeiture as a nuisance.
- 8. I understand that the DMV may suspend or revoke my driver's license under a civil 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.
- 9. I understand that if I am convicted of a first or second offense, and the Court determines that I would present a traffic safety or public safety risk if I am authorized to drive during the license suspension or revocation period, I will be unable to obtain a restricted driver's license from the DMV, which would allow me to drive to, from, and during the course of employment, and to and from the Drinking Driver Program.
- 10. I understand the DMV will not restore my driving privilege following my driver's license suspension or revocation unless I provide the DMV with proof of insurance, commonly referred to as a SR22, for three years.
- 11. I understand that proof of my successful completion of a Drinking Driver Program must be received by DMV in order for my driving privilege to be fully reinstated, even if I am not ordered to attend such a program by the Court.

- 12.** I understand that the DMV may impose restrictions, suspensions and/or revocations not delineated in this plea form and that I am obligated to follow the restrictions, suspensions, and/or revocations imposed by the DMV.
- 13.** I understand that a DUI is a two point offense on my driving record. Furthermore, causing the accident itself may cause a third point on my record.
- 14.** I understand that if I am convicted of a third or subsequent DUI violation: I will be designated as an habitual traffic offender for three years after my conviction, and I will receive an enhanced sentence if I drive in violation of my license revocation.
- 15. IF APPLICABLE.** I understand that if I was under the age of 21 at the time of my arrest my license will be suspended for one year. If I do not have a driver's license and am under 21 at the time of my arrest, the Court will order the DMV to delay issuing a license to me for one year after I become eligible to drive.
- 16. IF APPLICABLE.** I understand that if I am convicted of a second or subsequent DUI causing injury violation and probation is granted, I may request to participate in a 30-month treatment program if one is available. This program includes between 120 and 300 hours of community service. If the Court grants my request, I will still be sentenced to county jail for at least 30 days as a condition of probation, instead of the jail term specified in the chart below.

<b>SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (Section 23153)</b>		
<b>Offense</b>	<b>Minimum and Maximum Sentences when Probation is Granted ( 3 to 5 Years Probation Term)</b>	<b>Minimum and Maximum Sentences without Probation</b>
<b>First offense</b> within 10 years	5 days to 1 year in county jail, a \$390.00 to \$1,000.00 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 \$390.00 to \$1,000.00 fine. The DMV will also impose a 1-year driver's license suspension.
<b>Second offense</b> within 10 years (other conviction of section 23152, 23153, or 23103 under 23103.5)	Either: (A) at least 120 days in county jail, and a \$390.00 to \$5,000.00 fine; or (B) at least thirty days in county jail, a \$390.00 to \$1,000.00 fine, and completion of an 18-month (or 30-month) alcohol/drug program. Note - Under either option, the DMV will also impose a 3-year driver's license revocation.	16 months or 2 or 3 years in state prison (or 120 days to 1 year in county jail), and a \$390.00 to \$5,000.00 fine. The DMV will also impose a 3-year driver's license revocation.
<b>Third or subsequent offense</b> within 10 years  Note: non-wobbler felony (other convictions of section 23152, 23153, or 23103 under 23103.5)	Either: (A) 1 year in county jail, and completion of an 18-month alcohol/drug program or (B) at least thirty days in jail and completion of 30-month alcohol/drug program, a \$390.00 to \$5,000.00 fine, and 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, and a \$1,015.00 to \$5,000.00 fine. The DMV will impose a 5-year driver's license revocation. (Additional prison may be mandated if I already have 4 or more DUI convictions, caused great bodily injury to another person, and/or I injured more than one other person.)

- 17.** I have read and understand the applicable chart above, which lists the minimum and maximum penalties for the offense(s) for which I am charged. I further understand that if I am convicted of a subsequent offense, I am subject to the increased penalties referenced in the chart above.

**I declare that the initials that appear above are my own and that I have read this form in its entirety and understand each statement that I have initialed.**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Certificate of Interpreter**

I declare that I translated the entire contents of this form and on any addendums from English to \_\_\_\_\_ in the presence of and directly to the defendant in this case and that the defendant wrote on this document in my presence.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_