

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

1700 K STREET

SACRAMENTO, CA 95814-4037

19161 446-1942

(916) 322-2964



December 15, 1995

DUIPB: 195-18

To: Licensed Driving-Under-the-Influence Program Providers
County Alcohol Program Administrators

Enrollment Prior to Conviction

Based on the number of calls that we have received, there appears to be a great deal of confusion with respect to enrollment of persons arrested for a driving under the influence (DUI) offense but who have not yet been convicted.

There is nothing in statute or regulations prohibiting programs from enrolling participants prior to conviction. In fact, the implementation of Administrative Per Se has created the need for individuals arrested for a DUI offense to enroll in a DUI program. Under Administrative Per Se, the Department of Motor Vehicles (DMV) suspends the driving privilege upon notification of a DUI citation. However, the person cited for a first DUI offense may apply for a restricted driver's license after the 30 day suspension period. Many times this will occur prior to the person having gone to court.

Also, remember that DMV may require a person arrested for a DUI offense to complete a DUI program even if their case is dismissed. Therefore, we urge you to enroll people with documentation from DMV verifying their arrest for a DUI offense.

If you have any questions regarding this issue, please contact your assigned program analyst.

Sincerely,

A handwritten signature in cursive script that reads "Ann Horn".

ANN HORN, Manager
Driving-Under-the-Influence Program Branch