

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN MATEO Southern Division Northern Division 400 County Center 1050 Mission Road Redwood City, CA 94063 So. San Francisco, CA 94080	Reserved for Clerk's Office Stamp
Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA	
Defendant:	
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code §§ 23103, 23152 & 23153)	CASE NUMBER:

INSTRUCTIONS

1. Fill out this form only if you wish to plead guilty or no contest to the charges against you.
2. Read this form carefully. Check the boxes that are applicable and only if you understand and agree with what you read.
3. Sign and date the form on page 7 where "Defendant's Signature" is indicated (two places).
4. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

DEFENDANT'S RIGHTS

RIGHT TO AN ATTORNEY (check one):

My attorney is present and I have discussed the charges and possible defenses with my attorney. I hereby give up my right to be personally present at all stages of the proceedings and authorize my attorney to appear on my behalf and enter a plea of guilty or no contest and to admit any alleged prior convictions. I have previously discussed the charges and possible defenses with my attorney.

I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint an attorney for me if I cannot afford to hire one, but at the end of the case, I may be required to pay all or part of the cost of that attorney if it is determined that I can afford to reimburse the cost of representation. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.

I hereby give up my right to be represented by an attorney and I choose to represent myself.

CONSTITUTIONAL RIGHTS:

I understand the following rights and hereby agree to give up these rights.

- **Right to a Speedy Jury Trial** – The right to a speedy public jury trial on the charge(s) filed against me and any alleged prior conviction(s) and specifically the right to a trial by jury of twelve persons, all of who must agree to a verdict beyond a reasonable doubt before I may be found guilty. For a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge.
- **Right to Produce Evidence** – The right to present evidence and to have the court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me.
- **Right to Confront Witnesses** – The right to confront and cross-examine all witnesses testifying against me.
- **Right against Self-Incrimination** – The right against self-incrimination, which means the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, or admitting other convictions(s) or probation violation(s), I am incriminating myself.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

Note that all alcohol or drug treatment programs in which the defendant is ordered to participate must be approved pursuant to Chapter 9, Part 2, of Division 10.5 of the Health and Safety Code.

I understand that the following describes the sentencing consequences of the offense(s) with which I am charged:

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS (VC § 23152)		
Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term, VC § 23600)	Minimum and Maximum Sentences without Probation
<p>First Offense within 10 years of another conviction for VC §§ 23103 under 23103.5, 23152, or 23153</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments AND attendance at a 3-month alcohol/drug program (9-month program if blood-alcohol content was 0.20 percent or more or chemical test was refused) AND 48 hours to 6 months in jail AND a 6-month driver's license suspension (10-month suspension if a 9-month program is ordered).</p> <p><i>Note that a restricted license may be available under VC § 13352.4.</i></p> <p>[VC §§ 13352(a)(1), 13352.1(a), 13352.4, 23538]</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments AND 96 hours (48 hours of which must served continuously) to 6 months in jail AND a 6-month driver's license suspension.</p> <p><i>Note that a restricted license may be available under VC § 13352.5 if not a traffic or public safety risk.</i></p> <p>[VC § 23536]</p>
<p>Second Offense within 10 years of another conviction for VC §§ 23103 under 23103.5, 23152, or 23153</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments AND an 18- or 30-month alcohol/drug program AND a 2-year driver's license suspension restored only after successful completion of alcohol/drug program PLUS EITHER:</p> <p>10 days to 1 year in jail OR</p> <p>96 hours to 1 year in jail (the 96 hours served in two increments of 48-continuous hours each).</p> <p><i>Note that a restricted license may be available under VC § 13352.5.</i></p> <p>[VC §§ 13352(a)(3), 23542]</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments AND 90 days to 1 year in jail AND a 2-year driver's license suspension.</p> <p><i>Note that a restricted license may be available under VC § 13352.5 if not a traffic or public safety risk.</i></p> <p>[VC § 23540]</p>
<p>Third Offense within 10 years of other convictions for VC §§ 23103 under 23103.5, 23152, or 23153</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments AND 120 days to 1 year in jail AND an 18- or 30-month alcohol/drug program (30 days to 1 year in jail if a 30-month program is ordered) AND a 3-year driver's license revocation restored only after successful completion of alcohol/drug program AND designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked.</p> <p>[VC §§ 14601.3, 23546, 23548]</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments AND 120 days to 1 year in jail AND a 3-year driver's license revocation AND designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked. [VC §§ 14601.3, 23546]</p>
<p>Fourth or Subsequent Offense within 10 years of other convictions for VC §§ 23103 under 23103.5, 23152, or 23153</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments AND 180 days to 1 year in jail AND an 18- or 30 month alcohol/drug program (30 days to 1 year in jail if a 30-month treatment program is ordered) AND a 4-year driver's license revocation restored only after successful completion of alcohol/drug program AND designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked.</p> <p>[VC §§ 14601.3, 23550, 23552]</p>	<p>Fine of \$390 to \$1,000 plus penalty assessments AND 16 months, 2 years, or 3 years in prison (felony) or 180 days to 1 year in jail (misdemeanor) AND a 4-year driver's license revocation AND designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked.</p> <p>[VC §§ 14601.3, 23550]</p>

SENTENCES FOR DUI WITH INJURY (VC § 23153)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term, VC § 23600)	Minimum and Maximum Sentences without Probation
First Offense within 10 years of another conviction for VC §§ 23103 under 23103.5, 23152, or 23153	Fine of \$390 to \$1,000 plus penalty assessments AND attendance at a 3-month alcohol/drug program (9-month program if blood-alcohol content was 0.20 percent or more or chemical test was refused) AND 5 days to 1 year in jail AND a 6-month driver's license suspension. [VC §§ 13352(a)(1), 23556]	Fine of \$390 to \$1,000 plus penalty assessments AND 90 days to 1 year in county jail (misdemeanor) or 16 months or 2 or 3 years in state prison (felony) PLUS an additional 1-year term for each additional injured victim (felony) AND a 1-year driver's license suspension. [VC §§ 13352(a)(2), 23554, 23558]
Second Offense within 10 years of another conviction for VC §§ 23103 under 23103.5, 23152, or 23153	3-year driver's license suspension restored only after successful completion of alcohol/drug program PLUS EITHER : Fine of \$390 to \$5,000 plus penalty assessments AND 120 days to 1 year in jail OR Fine of \$390 to \$1,000 plus penalty assessments AND 30 days to 1 year in jail AND attendance at an 18- or 30-month alcohol/drug program. [VC §§ 13352(a)(3), 23562]	Fine of \$390 to \$5,000 plus penalty assessments AND 120 days to 1 year in county jail (misdemeanor) or 16 months or 2 or 3 years in state prison (felony) PLUS an additional 1-year term for each additional injured victim (felony) AND a 3-year driver's license suspension. [VC §§ 13352(a)(4), 23558, 23560]
Third or Subsequent Offense within 10 years of other convictions for VC §§ 23103 under 23103.5, 23152, or 23153	Fine of \$390 to \$5,000 plus penalty assessments AND 1 year in jail (or at least 30 days if 30-day program is ordered) AND an 18- or 30-month alcohol/drug program (30 days to 1 year in jail if a 30-month program is ordered) AND a 5-year driver's license revocation restored only after successful completion of alcohol/drug program. [VC §§ 13352(a)(6), 23568]	Fine of \$1,015 to \$5,000 plus penalty assessments AND a 5-year driver's license revocation AND designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked AND 2, 3, or 4 years in state prison PLUS an additional 1-year term for each additional injured victim PLUS an additional 3-year term if great bodily injury. [VC §§ 23558, 23566]

SENTENCES FOR DUI WITH PRIOR FELONY CONVICTION (VC §§ 23152, 23153)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term)	Minimum and Maximum Sentences without Probation
Second Offense within 10 years of felony conviction for VC §§ 23152 or 23153 or PC §§ 191.5, 192(d)(1), or 192(c)(3)	Same penalty as in above tables PLUS 4-year driver's license revocation AND designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked. [VC § 23550.5]	Same penalty as in above tables PLUS 4-year driver's license revocation AND designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked. [VC § 23550.5]
Third or Subsequent Offense within 10 years of felony conviction for VC §§ 23152 or 23153 or PC §§ 191.5, 192(d)(1), or 192(c)(3)	Same penalty as in above tables PLUS 5-year driver's license revocation AND designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked. [VC § 23550.5]	Same penalty as in above tables PLUS 5-year driver's license revocation AND designation as a "habitual traffic offender" for 3 years with enhanced sentence for driving while license revoked. [VC § 23550.5]

ADDITIONAL PENALTIES FOR DUI (VC §§ 23152, 23153)

Category	Conditions	Penalty
Chemical Test Refusal	<p>First offense within ten years. [VC §§ 23577(a)(2), 23612(a)(1)(D)(i)]</p> <p>Second offense within ten years. [VC §§ 23577(a)(3), 23612(a)(1)(D)(ii)]</p> <p>Third offense within ten years. [VC § 23577(a)(4)]</p> <p>Fourth offense within ten years. [VC § 23577(a)(5)]</p>	<p>Additional 48 continuous hours in jail AND a 1-year driver's license suspension.</p> <p>Additional 96 continuous hours in jail AND a 2-year driver's license suspension.</p> <p>Additional 10 days in jail.</p> <p>Additional 18 days in jail.</p>
Excessive Speed [VC § 23582]	Exceeding posted speed limit on freeway by 30 mph or other street or highway by 20 mph.	Additional term of 60 days in jail. For first offense, must complete alcohol/drug program even if no probation.
Under Age 21 [VC § 23502]	<p>Licensed at time of offense.</p> <p>Not licensed at time of offense.</p>	<p>1-year driver's license suspension.</p> <p>Delay issuance of license for 1 year.</p>
Minor Passenger [VC § 23572]	Passenger under age 14 in vehicle at time of offense.	<p>First offense: Additional 48 continuous hours in jail.</p> <p>Second offense: Additional 10 days in jail.</p> <p>Third offense: Additional 30 days in jail.</p> <p>Fourth or subsequent offense: Additional 90 days in jail.</p> <p>No stays.</p>
Commercial Vehicle, Commercial Driving Privilege	<p>First DUI conviction or willful refusal to complete a chemical test. [VC § 15300]</p> <p>Second DUI conviction or willful refusal to complete a chemical test. [VC § 15302]</p>	<p>No operation of commercial vehicle for 1 year.</p> <p>Never operate a commercial vehicle.</p>
Ignition Interlock Device [VC § 23575]	Blood alcohol of 0.15% or more OR two or more prior traffic violations OR chemical test refusal OR violation of VC § 14601.2.	Court may order installation of ignition interlock device for period up to 3 years. Installation of device does not allow driving without valid driver's license.
Loss of Vehicle	<p>First DUI.</p> <p>Second DUI.</p> <p>One or more DUIs or vehicular manslaughter within 10 years.</p>	<p>Impound vehicle for up to 6 months. [VC § 23592]</p> <p>Impound vehicle for up to 1 year. [VC § 23592]</p> <p>Vehicle may be declared nuisance and ordered sold. [VC § 23596]</p>
Prior Alcohol-Related Conviction	DUI conviction more than 10 years ago or PC § 647(f) conviction. [VC § 23646(b)(3)]	Complete alcohol/drug problem assessment and enroll in treatment program if recommended and court ordered.
Other Enhanced Penalties [VC § 23578]	Blood alcohol level exceeding 0.15% OR chemical test refusal.	Court may consider in deciding whether to grant probation and in deciding whether to impose enhanced penalties or additional terms and conditions of probation.
DMV Licensing [VC § 13352]	<p>DMV suspension, revocation, or restriction of license.</p> <p>DMV issuance of restricted license or restoration of driving privilege.</p>	<p>DMV may impose greater restrictions than court based on uncharged prior convictions.</p> <p>Requires proof of insurance and successful completion of alcohol/drug program even if not ordered by court.</p>

SENTENCES FOR RECKLESS DRIVING (VC § 23103 under § 23103.5)

Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence [VC § 23103.5]	If Probation granted:	Up to 90 days in jail OR up to \$1,000 fine plus penalty assessments OR both AND attendance at a treatment program.	Conviction will act as a separate DUI conviction if subsequent DUI offense committed within 10 years.
	If Probation not granted:	5 to 90 days in jail OR \$145 to \$1,000 fine plus penalty assessments OR both.	

SENTENCES FOR DRIVING WHILE LICENSE SUSPENDED, REVOKED, OR RESTRICTED

Vehicle Code Section	First Offense	Second or Subsequent Offenses within 5 years of another conviction for VC §§ 14601, 14601.1, 14601.2, or 14601.5
14601	5 days to 6 months in jail AND \$300 to \$1,000 fine plus penalty assessments PLUS must install ignition interlock device if plea agreement for charge of VC § 14601.2.	10 days to 1 year in jail AND \$500 to \$2,000 fine plus penalty assessments PLUS must install ignition interlock device if plea agreement for charge of VC § 14601.2.
14601.1	Up to 6 months in jail OR \$300 to \$1,000 fine plus penalty assessments OR both PLUS must install ignition interlock device if plea agreement for charge of VC § 14601.2.	5 days to 1 year in jail AND \$500 to \$2,000 fine plus penalty assessments PLUS must install ignition interlock device if plea agreement for charge of VC § 14601.2.
14601.2 & 14601.4	10 days to 6 months in jail AND \$300 to \$1,000 fine plus penalty assessments PLUS must install ignition interlock device. Habitual Traffic Offender: Additional 180 days in jail AND \$2,000 fine. VC § 14601.4: Same but no release program.	30 days to 1 year in jail AND \$500 to \$2,000 fine plus penalty assessments PLUS must install ignition interlock device. Habitual Traffic Offender: Additional 180 days in jail and \$2,000 fine. VC § 14601.4: Same but no release program.
14601.5	Up to 6 months in jail OR \$300 to \$1,000 fine plus penalty assessments OR both PLUS must install ignition interlock device if plea agreement for charge of VC § 14601.2.	10 days to 1 year in jail AND \$500 to \$2,000 fine PLUS must install ignition interlock device if plea agreement for charge of VC § 14601.2. Note: VC § 14601.3 constitutes a prior conviction for this offense.
14601.3	30 days in jail AND \$1,000 fine plus penalty assessments. Habitual Traffic Offender: 180 days in jail AND \$2,000 fine.	(Second offense within 7 years): 180 days in jail AND \$2,000 fine plus penalty assessments. Habitual Traffic Offender: 180 days in jail AND \$2,000 fine.
Other Consequences	Impound vehicle for up to 6 months. [VC § 14602.5]	Impound vehicle for up to 1 year. [VC § 14602.5] Vehicle may be declared nuisance and ordered sold. [VC § 14602.7]

OTHER CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

1. **DUI Advisement** – I understand the following: “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.” [VC § 23593]
2. **Non-US Citizen** – I understand that if I am not a citizen, conviction of the offense with which I have been charged **may** have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization or amnesty, pursuant to the laws of the United States. [PC § 1016.5]
3. **Nolo Contendere** – I understand that the plea of no contest (*nolo contendere*) has the same legal effect as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony.
4. **Fees and Restitution** – I understand that, in addition, the fines indicated on the penalty charts, the Court will add assessments that will significantly increase the amount I must pay. In addition I will be ordered to pay restitution to the victim and a restitution fine of \$100 to \$1000. Restitution imposed will be enforceable as a civil judgment. [PC § 1202.4]
5. **Probation/Parole Revocation** – I understand that my plea of guilty or no contest may be grounds for revoking probation or parole previously imposed on me in any other case.
6. **Multiple Offender Conditions** – I understand that multiple convictions for violating any of the above-cited Vehicle Code sections have escalating consequences, as detailed in the tables above.

ENTRY OF PLEA

I am the defendant in this case and I wish to freely and voluntarily enter a plea of (check one):

GUILTY

NO CONTEST (*NOLO CONTENDERE*)

To violation(s) of the following Vehicle Code section(s):

23152(a) Driving a vehicle while under the influence of any alcoholic beverage to the degree that my ability to drive was impaired

23152(b) Driving a vehicle while there was 0.08 % or more of alcohol in my blood

23152(d) Driving a commercial vehicle while my blood-alcohol level was 0.04 % or higher

23152(e) Driving a vehicle while under the influence of any drug to the degree that my ability to drive was impaired

23152(f) Driving a vehicle while under the combined influence of any alcoholic beverage and drug to the degree that my ability to drive was impaired

23153(a) Driving a vehicle while under the influence of alcoholic beverage to the degree that my ability to drive was impaired and causing injury

23153(b) Driving a vehicle while there was 0.08% or more of alcohol in my blood and causing injury

23153(d) Driving a commercial vehicle while my blood-alcohol level was 0.04 % or higher and causing injury

23153(e) Driving a vehicle while under the influence of any drug to the degree that my ability to drive was impaired and causing injury

23153(f) Driving a vehicle while under the combined influence of any alcoholic beverage and drug to the degree that my ability to drive was impaired and causing injury

23103 under 23103.5 Reckless driving involving alcohol or drugs, or both

14601 or 14601.1 or 14601.2 or 14601.4 or 14601.5

Driving in knowing violation of a driver's license restriction, suspension, or revocation

14601.3 (Habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation

And to the following additional offense(s):

OFFENSE(S) AND CODE SECTION NUMBER(S)

(continued on next page)

ENTRY OF PLEA (continued)

In addition, I **ADMIT** the following special allegation(s) and prior conviction(s):

I refused a chemical test in this case.

The prior conviction(s) dated _____ as alleged in the complaint is/are true.

I was driving with a blood alcohol content of 0.15 % or higher.

I was driving with a blood alcohol content of 0.20 % or higher.

A minor under the age of 14 was a passenger in the vehicle at the time of the offense.

I was driving the vehicle 30 or more miles per hour over the maximum, prima facie, or posted speed limit on a freeway at the time of the offense.

I was driving the vehicle 20 or more miles per hour over the maximum, prima facie, or posted speed limit on a street or highway at the time of the offense.

Other special allegation(s):

My decision to plead guilty/no contest, and to admit the special allegation(s) and/or the allegation of any prior conviction(s), has been made freely and voluntarily, without threat to or coercion of me or anyone closely related to or associated with me. There have been no promises to me of rewards, immunity, probation, or anything else to induce my plea of guilty/no contest and admission of prior convictions, if any, except that I have entered into the following Plea Agreement:

I have read and fully understand all of the rights set forth above. With that in mind, I freely and voluntarily waive (give up) those rights. I have read and understand the charges and special allegations made against me, and I have read and understand the penalties and other consequences of a conviction for those offenses. I freely and voluntarily enter this plea with these consequences in mind.

DEFENDANT'S SIGNATURE

DATE

SENTENCING RIGHTS (check all the rights that you agree to waive):

Right to Sentencing Time – The right to a 6-hour to 5-day delay before sentencing for a misdemeanor. I give up this right and agree to be sentenced at this time.

Right to be Sentenced by a Judge – The right to enter my plea before, and be sentenced by a judge. I give up this right and agree to enter my plea before, and be sentenced by: _____, a Judge Pro Tempore (Temporary Judge)

Right to Sentencing by the Same Judge – The right to be sentenced by the same judge who took the plea, if my case is continued for sentencing.

DEFENDANT'S SIGNATURE

DATE

ATTORNEY ACKNOWLEDGEMENT:

I certify that I have explained all of the above-mentioned rights to the above-named defendant and have answered all of the defendant’s questions regarding this plea. I have also discussed the facts of the case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I am satisfied that he/she knowingly and intelligently has waived all of the rights enumerated above and has full understanding of the nature and the consequences of the charge(s) against him/her.

SIGNATURE OF DEFENDANT’S ATTORNEY

DATE

INTERPRETER CERTIFICATION (if applicable):

I certify that I have been sworn or having a written oath on file, certify that I well and truly translated the entire contents of this form to the defendant in the language indicated below. The defendant stated to me that he/she understands the contents of this form, and then he/she initialed and signed the form.

The form was translated for the defendant into:

Spanish Other (specify): _____

INTERPRETER’S SIGNATURE

DATE

COURT’S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant and/or defendant’s attorney concerning the defendant’s waiver of his/her constitutional rights and the defendant’s admission of other convictions(s), special allegations and probation violation(s), if any, finds that:

- 1) There is a factual basis to support the charge(s) to which the defendant is pleading;
- 2) The defendant understands his/her constitutional rights, the nature of the crime(s) and special allegations charged, the consequences of this plea; and
- 3) That the defendant is knowingly and voluntarily entering this plea and waiving the rights listed above and the right to have the charges read.

IT IS HEREBY ORDERED that the defendant’s plea(s) of Guilty/No Contest, the admission of special allegations including any prior conviction(s), the admission of probation violations, if any, and the waiver of constitutional rights is expressly, intelligently, knowingly, and voluntarily entered by defendant and that the court accepts the plea and admissions and finds the defendant guilty of the charge(s) and that they be entered in the minutes of this court, and that the defendant’s preceding declaration be filed.

JUDGE OF THE SUPERIOR COURT
TEMPORARY JUDGE OF THE SUPERIOR COURT

DATE