

THE 411 ON MULTIPLE DUIS

DUI or “wet reckless” conviction(s) in the past may increase penalties on a subsequent DUI arrest

You need an attorney to minimize your exposure



THE MISDEMEANOR DUI

The misdemeanor DUI occurs when a person has one or two previous DUI or “wet reckless” conviction(s) within the last ten years, and is arrested for another DUI. Although there are mandatory minimum sentences for the new offense which includes jail time, most offers are not minimum sentences. An experienced attorney, knowing the Judges and District Attorneys in the Court, will know how to negotiate for a “jail alternative”. This could be an alcohol rehabilitation program, a work release program, and the like. First, defenses to the prior and current offense must be investigated and considered.

THE FELONY DUI

A felony DUI is charged if in the last three years one has been convicted of 3 DUIs/”wet recklesses”, 1 felony DUI, or has injured or killed someone in an accident. The possibility of a prison sentence versus a probation with county jail as a sentence will depend, not only the attorney’s negotiating power and DUI knowledge, but also the person’s prior criminal record, the blood alcohol content, the extent of the injury, and the rehabilitative potential. A 15-life prison sentence is not uncommon if a person is killed in the accident so a defense or mitigating factor is a must.

10 Sentencing Facts

1. As the law stands now, if the prior conviction is within 10 years from the current offense, it counts as a “prior”

2. If convicted of a 2nd DUI, 96 hours in jail is the minimum

3. If convicted of a 2nd DUI, and the first was a felony, a prison sentence of 3 years may be ordered

4. If convicted of a 3rd DUI, 120 days in jail is the minimum

5. If convicted of a 4th DUI, a felony is charged and up to 3 years in prison may be the sentence

6. If someone is injured or killed the sentence increases

7. Driver’s license restrictions, suspensions and revocations are common with multiple convictions

8. An 18-month class is required

9. An Ignition Interlock Device may be required

10. The Judges and District Attorneys rarely order the minimum

