

Driving Drunk ?

WHAT GOT ME HERE ?

This arrest for driving under the influence was preceded by a traffic violation.

A law enforcement officer can not stop you in your vehicle because the officer doesn't like the color of your hair or the color of your vehicle. The officer has to have "probable cause" to make the initial traffic stop.

The words "probable cause" mean that the officer had to view a traffic violation. Maybe you were speeding, not staying in your lane of travel, or not coming to a complete stop at a stop sign. Once a traffic violation has been seen by the officer then there is a reason to stop your vehicle or "probable cause".

DISCOVERING IMPAIRED DRIVING

When the officer approaches you and discovers signs of possible impairment of your driving, then the officer can move on to the next step.

The signs of possible impairment are an odor of alcohol on your breath, bloodshot eyes, or slurred speech. The officer now has reason to believe that your driving skills may be impaired.

You will be asked to submit to some tests to see if your coordination has been affected. This may involve the finger to nose test or the heel to toe walk and turn test. It also will probably involve you following the tip of a pen with your eyes.

There is a phenomenon of your eyes not moving smoothly when you have alcohol in your body. You cannot feel your eyes quivering or jerking when you follow the pen but they do. The more alcohol in your body the more your eyes will lack smooth movement while following the pen. This is called horizontal gaze nystagmus.

If you failed any of these tests, were uncooperative or even refused to take the tests, then the officer placed you under arrest. You were taken to a police station to have another test administered to establish a level of alcohol in your system.



If this is the way you were seeing things before you were arrested, you shouldn't have been driving!

INSIDE THIS ISSUE

Probable Cause	1
Impairment	1
Breath Test	2
Penalties	2
Driving For Work	2

SPECIAL POINTS OF INTEREST:

- Breath test above .08 -----
Presumed drunk
- Breath test above .17 -----
Presumed highly drunk
- Penalties for driving highly intoxicated are more severe.



THE BREATH TEST

The officer has taken you to either the Sheriff's Department or a police station to administer a breath test. The officer had to wait and observe you for twenty minutes to make sure that anything you had in your mouth wouldn't interfere with the test. So you were asked to remove any gum, breath mints or other item from your mouth.

The breath test requires that you blow a large and consistent volume of air into the machine. If you stop or inhale the officer may interpret your action as an attempt to beat the test.

Law enforcement officers now have the power to suspend your right to drive a vehicle if you refuse to take a test.

Any lack of co-operation in taking the test or apparent attempt to cause the test to not register your alcohol will result in what is known as a "refusal suspension" of your driving privileges.

This length of time is a minimum of one year to a maximum of five years!

If you test above .08 of alcohol in your system, it is presumed you were driving under an impairment of alcohol.

"Refuse to take an alcohol test and you will lose the right to drive for at least one year to a maximum of five years."

WHAT ABOUT DRIVING FOR WORK?

The driver's license suspension for a drunk driving conviction is mandatory. A Judge has to suspend driving privileges for at least the minimum period of time as set forth in the article to the right.

A Judge may grant the right to drive to and from work, but the Judge does NOT have to give this right. No one convicted of drunk driving has a right to drive for work. It is a privilege that is entirely up to the Judge to decide.

In the Carroll County Municipal Court if you refuse to take a test there will be NO driving privileges for work.

There is a separate pamphlet that deals with limited driving privileges during a license suspension. Refer to that pamphlet.

WHAT'S THIS GOING TO COST ME?

The penalty for a first time drunk driving conviction is a minimum 3 days in a row in jail to a maximum of 6 months. The fine is a minimum of \$375.00 to a maximum of \$1,125. If you refuse to take a breath test or test above a .17 then the minimum jail sentence is 6 days in a row. A driver's license suspension is anywhere from 6 months to 3 years.

If this is a second drunk driving offense within the previous 6 years, then the minimum jail is 10 days in a row to a maximum of 6 months. The fine is a minimum of \$525.00 to a maximum of \$1,675. If you refuse to take a breath test or test above a .17 then the minimum jail sentence is 20 days in a row in jail. A driver's license suspension is anywhere from 1 year to 5 years.

If this is a third drunk driving offense within 6 years, then the minimum jail is 30 days in a row to a maximum of 1 year. The fine is a minimum of \$850.00 to a maximum of \$2,800. If you refuse to take a test or test above a .17 then the minimum jail sentence is 60 days in a row in jail. A driver's license suspension is anywhere from 2 years to 10 years.

There are even penalties to your vehicle. If you are convicted of a second drunk driving charge, the vehicle you were driving must have a club placed on it for 90 days so no one can use the vehicle.

If you are convicted of a third drunk driving offense, the vehicle is taken from you and given to the police department that the officer, who arrested you, works for.

Another mandatory part of a third drunk driving conviction is that the offender **MUST** be sent to a 30 day alcohol treatment program. This facility is a type of jail with counseling sessions throughout the day.