

GA - MANDATORY MINIMUM PUNISHMENT FOR DUI CONVICTIONS (ARRESTS MADE 7/1/01 & AFTER)

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DUI OFFENSE ¹ (1 st , 2 nd , 3 rd , etc)	Min. Mandatory Jail	Per Se Level	License Suspension, Revocation, Disqualification ¹⁵	Min. Comm. Service	Minimum Fines ⁶	Maximum Fines ⁶	Other Notes
DUI 1st							
21 & over w/ BAC ≥ .08 21 & over w/ BAC < .08	24 hours NONE ¹³	.08	1 year suspension and limited permit available for 21 & over & early reinstatement ≥ 120 days ⁵	40 hours	\$300	\$1,000	(a) Regardless of whether a limited "work" permit is sought, no license can be obtained until the Risk Reduction Course has been completed.
Under 21 ² w/ BAC ≥ .08 Under 21 ² w/ BAC < .08	24 hours ³ NONE ^{3, 13}	.02 .02	12 month suspension ⁵ 6 month suspension ⁵	40 hours ⁹ or 20 hours ⁹	\$300 \$300	\$1,000 \$1,000	(b) No limited "work" permit available to those under age 21 who are suspended.
Comm Veh w/ BAC ≥ .08 Comm Veh w/ BAC < .08	24 hours NONE ¹³	.04 .04	Suspension, based on age & BAC, plus 1 year total CDL disqualification ¹¹	40 hours	\$300	\$1,000	(c) DUI limited "work" permit not applicable to CDL. ¹¹ (d) CDL disqualification applies to CDL license regardless whether in comm. vehicle when DUI.
DUI 2nd ⁴							
Age 21 & over convictions	72 hours actual incarceration ¹³	.08	3 year suspension; after 12 months, age 21 & over drivers can seek reinstatement with interlock device attached and installed ^{4, 5} ; otherwise, the mandatory "hard" suspension is 18 months.	30 days ¹²	\$600 ⁸	\$1,000 ⁸	(a) Ignition interlock is mandatory for all offenders on 2 nd offense within 5 years. ¹⁰ All license tags confiscated; possible special hardship plate on 1 car for family; tag to reflect it is a "DUI" car. ¹⁴
Under age 21 convictions	72 hours actual incarceration ¹³	.02	3 year suspension; no limited permit for 18 mo., ^{4, 5} then eligible to apply if other conditions met	30 days ^{9, 12}	\$600 ⁸ \$600 ⁸	\$1,000 ⁸ \$1,000 ⁸	(b) Special other "school" conduct and attendance provisions for students under age 18 can revoke.
Commercial Vehicle convictions	72 hours actual incarceration ¹³	.04	3 year suspension, after 12 months, age 21 & over drivers can seek reinstatement with interlock device attached and installed; lifetime CDL disqualification ^{4, 5, 11}	30 days ¹²	\$600 ⁸	\$1,000 ⁸	(c) May be eligible for non-CDL license once suspension period ends. Law bars CDL for any second DUI conviction for driver's lifetime. ¹¹
DUI 3rd (or more) ⁴							
Age 21 & over convictions	15 days HIGH & AGGRAVATED	.08	©1997-2006 William C. Head 5-yr revocation; after 24 months, must attach an interlock on vehicle & probationary license after this time for balance of 5 yrs	30 days ¹²	\$1,000 ^{7, 8}	\$5,000 ^{7, 8}	(a) If eligible, ignition interlock is mandatory for all offenders on 3 rd offense within 5 years. ¹⁰
Under age 21 convictions	15 days HIGH & AGGRAVATED	.02	5-yr year revocation ⁴ ; no probationary license available or driving privileges for 30 months	30 days ^{9, 12}	\$1,000 ^{7, 8} \$1,000 ^{7, 8}	\$5,000 ^{7, 8} \$5,000 ^{7, 8}	(b) All vehicles owned by offender will have license plates confiscated at court and sent to the county tag agent; hardship requests by co-owner or family controlled by the Revenue Commissioner ¹⁴
Commercial Vehicle convictions	15 days HIGH & AGGRAVATED	.04	5-yr revocation + lifetime CDL disqualification ^{4, 5} ; with interlock device installed after 24 months followed by probationary license (for drivers 21 & over) for balance of 5 years ¹¹	30 days ¹²	\$1,000 ^{7, 8}	\$5,000 ^{7, 8}	(c) High & Aggravated sentences require at least 26 of every 30 days in custody. Not "good time". (d) May be eligible for non-CDL license once suspension period ends. Law bars CDL for any second or more DUI convictions for driver's lifetime. ¹¹

▼▼▼ See Footnotes on Reverse Side ▼▼▼

- 1 Offenses within 5 years, counting from date-of-arrest to date-of-arrest, unless otherwise specified. All DUI offenses must carry 12 months probation, less any days of jail actually served. If passenger under age 14 in car when arrested, conviction will result in license suspension for “two DUI offenses”. ©1997-2006 William C. Head
- 2 Juvenile offenders (age 16 and under) convicted of a delinquent offense under sub-§ “k” (i.e., *per se* violations of the 0.02 standard) are required to be segregated from the adult prison population, if in jail, or separated from the main YDC population, if at a youth facility. Additionally, all first-time offenders under age 21 who are convicted of a sub-§“k” offense (but *not* sub-§“a” offenses ≥ 0.08 BAC]) are required to be only housed with other underage DUI offenders.
- 3 Under 17-10-3.1, a judge may permit at least 1st offenders sentenced for a sub-§“k” offense to be served on weekends, or during non-working hours of the defendant. Judge may also allow a partial day to be credited as a full day. These special sentencing alternatives are denied persons sentenced under other subsections of 40-6-391 by virtue of 40-6-391(f). The 2001 Law says “72 hours actual incarceration” for a 2nd offense in 5 yrs, with no exceptions for age.
- 4 Mandatory alcohol & drug (A & D) evaluation that must be completed prior to being eligible for license reinstatement. This must be an approved DHR program with separate A & D evaluation, typically running 17 weeks or longer. *This DHR treatment can be (and often should be) started early, so as to not delay license reinstatement.* A 6-month limited driving permit may be available to drivers who are age 21 & over who get enrolled in treatment after 12 months of “hard” suspension. Drivers who are under age 21 at the time of the plea reaching DMVS are denied the right to get early reinstatement and ignition interlock on any 2nd, 3rd or subsequent offense in 5 years after 12 months or 24 months, respectively. They wait 18 and 30 months, respectively, for reinstatement of any privileges.
- 5 Risk reduction certificate plus the required reinstatement fee (\$210 walk-in/\$200 mail-in) are required in each case. The 2001 Law changes *revocations* to *suspensions* for underage drivers on any 1st or 2nd offenders within 5 years. Under-21 drivers cannot get limited driving privileges until the applicable suspension period is over.
- 6 Plus applicable surcharges/fees (typically 20% to 25% add-on). School bus drivers are fined more harshly if DUI while driving bus: \$1000 to \$5000 under 40-6-391.3.
- 7 Under 40-6-391(g)(2), the judge may suspend up to one-half of the fine conditioned upon the offender undergoing alcohol and drug treatment as approved by the court. The new law makes A & D treatment mandatory for repeat offenders. Fines may be paid in installments, if the judge finds sufficient financial “hardship”.
- 8 Second or subsequent offenders also must pay a \$25 publication fee so that his/her photo and a summary of their case disposition can be printed in the local newspaper (county of their residence, if Georgia licensees). ”
- 9 Community service for all under-21 offenders is to be completed within 60 days of the sentencing date. 40-6-391 (k) (2). With 30 days of community service mandated for any 2nd, 3rd offenders or subsequent, this may be impossible to meet. For underage first offenders, with BAC level $< .08\%$, 40-6-391 (c) (1) (C) says 20 hours or more.
- 10 The installation of (and pre-paid six month “contract” for) a certified ignition interlock device **must** be installed by a repeat offender, per DMVS. The device **must** be in place before early reinstatement of driving privileges is available prior to the mandatory minimum HARD suspension term. Under current law, it is usually a condition of probation. Private (not county) interlock providers are now used. Any third offender in 5 years will have a 5-year revocation, if interlock ordered by court after 2 years (21 & over drivers *only*), upon application by the offender (2nd offense in 5 years = 12 mo). Minimum interlock installation is 6 months; some courts require installation and maintenance for longer than 6 months for 3rd (or subsequent) offenders within 5 years who are seeking a provisional license under 40-5-58.
- 11 A disqualified CDL licensee can surrender the CDL license in order to obtain a regular Class C (or other applicable category) license. If so, the licensee would only be able to have his/her non-CDL driving privileges restored and possibly get a limited permit (*not usable to drive a commercial vehicle*) only if otherwise eligible under applicable laws. A driver with a CDL license will also suffer a suspension/revocation, based on age and which offense has occurred within 5 yrs.
- 12 Any 2nd or subsequent offender in 5 years, regardless of whether under 21, now gets 30 days of community service.
- 13 The 1997 amendments to 40-6-391 (c) (1) (B) require jail time *only* for first offenders taking the test and having a BAC of $\geq .08\%$ or more. Hence, first offense refusals **and** first offenders with BAC tests $< .08\%$ require no jail time. Each judge sets his/her own sentencing guidelines. School bus drivers who are DUI are to serve 1-5 years under 40-6-391.3 on ANY DUI conviction.
- 14 All license plates are confiscated by court. Appeal is possible to Commissioner of Revenue for use of 1 vehicle by co-owner or member of offender’s household (family), with expedited (5 day) decision, if applicant is “completely dependent” on vehicle. If hardship permit granted, “special DUI-marked plate issued for the vehicle ”.
- 15 For any 2nd, 3rd or subsequent offender in 5 years, an adverse Administrative License Suspension decision will trigger loss of license for 12 to 60 months, depending on age of driver. Thus, *no incentive exists* for these drivers to submit to testing after 7/1/01. ©1997-2006 William C. Head