SUPERIOR COURT OF CALIFORNIA	Reserved for Clerk's File Stamp	
COUNTY:		
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA		
DEFENDANT:		
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (First Offense Only - Vehicle Code § 23152)	CASE NUMBER:	DEPARTMENT:

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 4**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

	INITIALS ↓
RIGHT TO AN ATTORNEY	
1. I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. 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.	1.
2. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.)	2.
NATURE OF THE CHARGES (Complete all items you are charged with.)	
I understand that I am charged with a violation of Vehicle Code section(s):	
3. **23152(a)** - Driving under the influence of alcohol or drugs, or both.	3.
4. **23152(b)** - Driving when my blood-alcohol level was .08 percent or higher.	4.
5. **23152(d)** - Driving a commercial vehicle when my blood-alcohol level was .04 percent or higher. .	5.
6. **23103, 23103.5** - Reckless driving involving alcohol or drugs, or both.	6.
7. **If applicable** - I understand that I am also charged with the following **other offense(s)**: _____ TYPE OF OFFENSE(S) AND SECTION NUMBER(S)	7.
8. I understand the charge(s) against me, and the possible pleas and defenses.	8.
CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS	
9. **RIGHT TO A JURY TRIAL -** I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.	9.
10. I give up my right to a jury trial.	10.
11. **RIGHT TO CONFRONT WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me.	11.
12. I give up my right to confront and cross-examine witnesses.	12.

Continued on reverse

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS (Continued)

	INITIALS ↓
13. **RIGHT AGAINST SELF-INCRIMINATION** - I understand that I have 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, I am incriminating myself.	13.
14. I give up my right to remain silent and to not incriminate myself.	14.
15. **RIGHT TO PRODUCE EVIDENCE** - I understand that I have 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.	15.
16. I give up my right to produce evidence and witnesses on my own behalf.	16.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (Section 23152)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 7 years	Two options, both requiring a fine of $390 to $1,000, attendance at a 3-month alcohol/drug program (or a 6-month program if my blood-alcohol content was .20 percent or more, or if I refused a chemical test at arrest), plus either: **(A)** 48 hours to 6 months in jail, and a 6-month driver's license suspension; **or** **(B)** A 90-day driver's license restriction allowing driving for work and alcohol/drug program attendance only. However, my license shall be suspended for 6 months if the offense occurred in a vehicle which requires a **class A or B driver's license**.	96 hours to 6 months in jail, $390 to $1,000 fine, and a 6-month driver's license suspension.
Second offense within 7 years	Two options, both carrying a fine of $390 to $1,000, plus either: **(A)** 10 days to 1 year in jail and a 2-year driver's license suspension; **or** **(B)** 96 hours to 1 year in jail, an 18-month (or 30-month) alcohol/drug program, and a driver's license restriction allowing driving only for work and alcohol/drug program attendance for the duration of the program.	90 days to 1 year in jail, $390 to $1,000 fine, and a 2-year driver's license suspension.

SENTENCES FOR RECKLESS DRIVING (Sections 23103, 23103.5)

Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence (DUI)	If probation **is** granted:	A maximum of 90 days in jail, or $1,000 fine, or both, plus attendance at treatment program.	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 7 years.
	If probation is **not** granted:	5 days to 90 days in jail, or $145 to $1,000 fine, or both.	

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

	INITIALS ↓
17. I have read and understood the above charts which list the minimum and maximum penalties for the offense(s) I am charged with. (See item No. **30** for the offenses not listed in the charts.) . .	17.
18. I understand that in addition to the fine, **the Court will add assessments which will significantly increase the amount I must pay**. I will also be ordered to make restitution and to pay a restitution fine of $100 to $1,000 unless the Court finds compelling and extraordinary reasons not to do so. .	18.
19. **If applicable** - I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the Court. If I do not have a valid driver's license, the Court will order the Department of Motor Vehicles (DMV) to delay issuing a license to me for 1 year after I become eligible to drive.	19.
20. **If applicable** - I understand that if my blood-alcohol level was .20 percent or above, or if I refused to submit to a chemical test, the Court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation.	20.
21. I understand that the Court may order my vehicle impounded at my expense for up to 30 days. It may also require me to install an ignition interlock device (IID) for up to three years. Heightened consideration will be given to required IID installation if the factors in No. **20** (above) exist, or if I have two or more prior moving violations. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid license. .	21.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

INITIALS ↓

22. I understand that the DMV may restrict or suspend my driver's license under a procedure which is separate from this criminal action. If the Court orders my driver's license restricted, the restriction will begin only upon reinstatement of my driving privilege following completion of the DMV's action, unless the DMV's action is set aside. . . . . 22.

23. I understand that the DMV will prevent me from operating a **commercial vehicle** for one year if I was operating a commercial vehicle at the time of the offense. The DMV will also revoke my driver's license for a period of 4 years if I have a prior **felony conviction** in the past 10 years of Vehicle Code §§ 23152 or 23153, or Penal Code §§ 191.5, 192(c)(1) or 192(c)(3). . . . . 23.

24. I understand that I must provide the DMV with proof of my successful completion of an alcohol/drug program in order to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the Court**. I also understand that I must surrender my license to the Court if my license is suspended. . . . . 24.

25. I understand that the DMV will not issue a restricted driver's license or restore my driving privilege following a restriction or suspension unless I have proof of insurance for 3 years. The DMV will suspend my license: (1) until proof of insurance is provided to the DMV and (2) upon my failure to maintain such proof during the 3-year period. . . . . 25.

26. I understand that the DMV may consider any of my other convictions for DUI or reckless driving, **even those that are not charged in this proceeding**, and may impose a more severe driver's license restriction, suspension, or revocation as a result. . . . . 26.

27. I understand that if I am not a citizen, a plea of guilty or no contest could result in my deportation, exclusion from admission to this country, or denial of naturalization. 27

28. I understand that a plea of no contest (*nolo contendere*) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit. . . . . 28.

29. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case. . . . . 29.

PENALTIES FOR OTHER CHARGES

30. **If applicable -** I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on page 2, include the following:

o _____ _____ _____
SECTION NUMBER JAIL - MIN. MAX. FINE - MIN. MAX.

OTHER CONSEQUENCES : _____

o _____ _____ _____
SECTION NUMBER JAIL - MIN. MAX. FINE - MIN. MAX.

OTHER CONSEQUENCES : _____

o _____ _____ _____
SECTION NUMBER JAIL - MIN. MAX. FINE - MIN. MAX.

OTHER CONSEQUENCES : _____

o _____ _____ _____
SECTION NUMBER JAIL - MIN. MAX. FINE - MIN. MAX.

OTHER CONSEQUENCES : _____

30.

Continued on reverse

PLEA(S)

INITIALS ↓
31.
32.
33.

31. I hereby freely and voluntarily plead _____ to:
GUILTY OR NO CONTEST

_____
LIST CHARGE(S)

32. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up this right and agree to be sentenced at this time. . . . . .

33. **If applicable -** I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

_____
TEMPORARY JUDGE'S NAME

**** DEFENDANT'S SIGNATURE:** _____ **DATE:** _____

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

_____ SIGNATURE OF DEFENDANT'S ATTORNEY

_____ DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form. Language: ☐ Spanish ☐ Other (specify): _____

_____ COURT INTERPRETER'S SIGNATURE

_____ TYPE OR PRINT NAME

_____ DATE

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea is freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea. The Court accepts the defendant's plea and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

_____

☐ Judge of the Superior Court

☐ Temporary Judge of the Superior Court

_____ DATE