SUPERIOR COURT OF CALIFORNIA	Reserved for Clerk's File Stamp	
COUNTY: COUNTY OF INYO		
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA		
DEFENDANT:		
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (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 5.** 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.
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):	
2. **23152(a)** - Driving under the influence of alcohol or drugs, or both.	2.
3. **23152(b)** - Driving when my blood-alcohol level was .08 percent or higher.	3.
4. **23152(d)** - Driving a commercial vehicle when my blood-alcohol level was .04 percent or higher. .	4.
5. **23103, 23103.5** - Reckless driving involving alcohol or drugs, or both.	5.
6. **Check if applicable -** ☐ **14601** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5** Driving in knowing violation of a driver's license restriction, suspension, or revocation.	6.
7. **Check if applicable -** ☐ **14601.3** (Habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation.	7.
8. **If applicable** - I understand that I am also charged with the following **other offense(s):** _____ TYPE OF OFFENSE(S) AND SECTION NUMBER(S)	8.
9. **If applicable** - I am also charged with having the following **other conviction(s):** _____ LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)	9.
10. **If applicable** - I am also charged with violating the **probation order(s)** in the following case(s): _____ CASE NUMBER(S) AND DATE(S)	10.
11. I understand the charge(s) against me, and the possible pleas and defenses.	11.
CONSTITUTIONAL RIGHTS	
12. **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.	12.

Continued on reverse

CONSTITUTIONAL RIGHTS (Continued)

INITIALS ↓

13. **RIGHT TO CONFRONT WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me. . . . . 13.

14. **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, or admitting other conviction(s) or probation violation(s), I am incriminating 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.

RIGHTS ON CHARGES OF OTHER CONVICTION(S) AND PROBATION VIOLATION(S)

16. **If applicable** - I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** charges against me, including other alleged conviction(s) or probation violation(s). However, 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. . . . . 16.

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges against me, including any other alleged conviction(s) or probation violation(s):

17. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.) 17.

18. I give up my right to a jury trial. . . . . 18.

19. I give up my right to confront and cross-examine witnesses. . . . . 19.

20. I give up my right to remain silent and to not incriminate myself. . . . . 20.

21. I give up my right to produce evidence and witnesses on my own behalf. . . . . 21.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

22. 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. . . . . 22.

23. 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 unless the offense is punishable as a felony. . . . . 23.

24. 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. . . . . 24.

25. I understand that the Department of Motor Vehicles (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 license restriction, suspension, or revocation as a result. . . . . 25.

26. 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 $1000 (or $200 to $10,000 if the offense is a felony) unless the Court finds compelling and extraordinary reasons not to do so. . . . . 26.

27. **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. . . . . 27.

28. **If applicable** - I understand that if I am the **registered owner** of the vehicle used in the offense:

    A. The Court will impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The Court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Penal Code §§ 191.5 or 192(c)(3)), or any combination thereof, in the past 7 years. . . . . 28A.

See next page

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

	INITIALS ↓
B. The Court may also require me to install an ignition interlock device (IID) for up to three years. If this is my first offense, heightened consideration will be given to required IID installation if the factors in item No. **27** (page 2) exist, or if I have two or more prior moving traffic 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 driver's license.	28B.
C. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (V.C. § 14601 *et seq.*) or driving without a license (V.C. § 12500(a)), my vehicle will be subject to forfeiture as a nuisance.	28C.

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 See Nos. **29-33**	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 driver's 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 See Nos. **29-33**	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 (the 96 hours will be served in 2 increments of a continuous 48-hours each); an 18-month (or 30-month) alcohol/drug program, and a driver's license restriction allowing driving only for work and program attendance for the duration of the program. My license shall instead be suspended for 2 years if the offense occurred in a vehicle which requires a **class A or B driver's license.**	90 days to 1 year in jail, $390 to $1,000 fine, and a 2-year driver's license suspension.
Third offense within 7 years See Nos. **29-34**	120 days to 1 year in jail, $390 to $1,000 fine, a 3-year driver's license revocation, and an 18-month alcohol/drug program if I have not completed one before.	120 days to 1 year in jail, $390 to $1,000 fine, and a 3-year driver's license revocation.
Fourth or subsequent offense within 7 years See Nos. **29-34**	180 days to 1 year in jail, $390 to $1,000 fine, a 4-year driver's license revocation, and an 18-month alcohol/drug program if I have not completed one before.	16 months, or 2 or 3 years in state prison, (or 180 days to 1 year in county jail); $390 to $1,000 fine, and a 4-year driver's license revocation.

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTION 23152

	INITIALS ↓
29. I understand that the DMV may restrict, suspend, or revoke my driver's license under a procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the Court's sentence and that I must obey it.	29.
30. I understand that the DMV will not issue a restricted driver's license or restore my driving privilege following a restriction, suspension, or revocation unless I have **proof of insurance** for 3 years. The DMV will suspend my driver's 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.	30.
31. I understand that I must successfully complete an alcohol/drug program in order to have my driving privilege reinstated following any license restriction, suspension, or revocation which is imposed on me, **even if I am not ordered to attend such a program by the Court**.	31.
32. I understand that the DMV will prevent me from operating a **commercial vehicle** 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, 23153, or Penal Code §§ 191.5, 192(c)(1) or 192(c)(3).	32.

Continued on reverse

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTION 23152 (Continued)

INITIALS ↓
33.
34A.
34B.

33. **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 DMV to delay issuing a license to me for 1 year after I become eligible to drive. . . . . .

34. **If applicable** - I understand that if I am convicted of a third or subsequent DUI violation:

A. I must surrender my driver's license to the Court. I will also be designated as an habitual traffic offender for 3 years after my conviction, and I will receive an enhanced sentence if I drive in violation of my license revocation. . . . . .

B. If probation is granted, I may request to participate in a 30-month treatment program. This program includes between 120 and 300 hours of community service. If the Court grants my request, I will be sentenced to the county jail for **at least 30 days but not more than 1 year** as a condition of probation, instead of the jail term specified in the chart on page 3. . . . . .

Nature of Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence	If probation is granted:	A maximum of 90 days in jail, or $1,000 fine, or both, plus attendance at a 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.	

Vehicle Code Section	First Offense	Second or Subsequent Offense: I have prior conviction(s) in past 5 years of sections 14601, 14601.1, 14601.2, or 14601.5.
14601	5 days to 6 months in jail, and a fine of $300 to $1,000.	10 days to 1 year in jail, and a fine of $500 to $2,000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000.
14601.2	10 days to 6 months in jail, and a fine of $300 to $1,000. 10 days in jail required if probation is imposed.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 days in jail required if probation is imposed.
	If I have been designated as an habitual traffic offender within 3 years of this conviction, I will, in addition, be sentenced to serve 180 days in jail and to pay a $2,000 fine.	
14601.5	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	10 days to 1 year in jail, and a fine of $500 to $2,000. Note-section 14601.3 also constitutes a prior conviction for this offense.

Vehicle Code Section	First Offense	Second or Subsequent Offense: Prior conviction(s) in past 7 years of section 14601.3.
14601.3	30 days in jail, and a fine of $1,000.	180 days in jail, and a fine of $2,000.

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTIONS 14601, 14601.1, 14601.2 or 14601.5

INITIALS ↓
35.

35. **If applicable** - I understand that if I am convicted of a violation of Vehicle Code § 14601.2, or if the original charge was for a violation of that section but I am pleading to section 14601, 14601.1 or 14601.5, the Court will require me to install an ignition interlock device (IID) on any vehicle that I own or operate. This order will be imposed for up to three years. 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 driver's license. Failure to install the IID shall result in the suspension of my driver's license by the DMV. . . . . .

See next page

36. I have read and understood the applicable charts on pages 3 and 4 which list the minimum and maximum penalties for the offense(s) I am charged with. (See No. 37 for the offenses not listed in the charts.) . . . . . .

INITIALS ↓

36.

PENALTIES FOR OTHER OFFENSES

37. **If applicable** - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3 and 4, 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 : _____

37.

PLEA(S)

38. I hereby freely and voluntarily plead _____ to the following:
GUILTY OR NO CONTEST

_____
LIST CHARGE(S)

38.

39. **If applicable** - I freely and voluntarily admit the other conviction(s) that I listed on this form. I understand that this admission will increase the penalties which are imposed on me. . . . . .

39.

40. **If applicable** - I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s). . . . . .

40.

41. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time. . . . . .

41.

42. **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

42.

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

Continued on reverse

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 and the defendant's admission of other conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The Court accepts the defendant's plea(s), the defendant's admission of the other conviction(s) and probation violation(s), if any, 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