

Of the 900,000 arrested each year for Driving under the Influence (DUI), a full one third are repeat offenders (with one or more prior offenses within the previous ten years). In 2007, of the DUI arrests, 73.6% were first-time offenders and 26.4% were repeat offenders. A second-time offense for DUI is usually treated as a misdemeanor offense, but you can be charged with a felony if your Blood Alcohol content is found to be exceptionally high (such as 0.15% or higher). A misdemeanor offense for DUI is a very serious crime and should not be treated as if it is a simple traffic ticket since it can include license suspension and revocation, drug abuse rehab, fines, and even county jail time.

As a DUI offender you are in direct violation of California Vehicle Code Section 23152 which states that it is illegal for a person to operate a motor vehicle while intoxicated or under the influence of drugs (or addicted to drugs). If you are found with a BAC of 0.08% or above then you will be arrested for DUI (Driving Under the Influence) or DWI (Driving While Intoxicated). Both DUI and DWI's are punishable by the same standards laid out by the California Vehicle Code Section 23152.

Your DUI arrest triggers two separate cases, one with the California Department of Motor Vehicles and the other with the California court. For a second-time offense you can expect the DMV to suspend your license for up to 2 years. If you do not protest your suspension within 10 days of your arrest then your driving privileges will be automatically suspended, and in order to re-instate your driving license you will have to show proof of CA SR22 insurance and will be required to use an Ignition Interlock Device. In some cases you can be granted a restricted license to drive between work and home.

If you are facing first-time DUI conviction then along with your driver's license suspension you could face a fine of \$390 to \$1,000 and/or imprisonment in county jail for 90 days to 1 year. It is possible that you will be granted probation instead of a conviction. If that is the case then your probation period is typically three to five years and you must consent to never operate a motor vehicle any amount of alcohol in your blood. Under probation, you could face a fine of \$390 to \$1,000 and confinement in county jail for 10 days to 1 year. You may also be ordered to complete a state-licensed and approved driving-under-the-influence program for 18 to 30 months. Also, the DMV can suspend your license for 2 years.

This article was created by your [Orange County DUI lawyers](#), MacGregor and Collins, LLP.