

SUPERIOR COURT OF CALIFORNIA		<i>Reserved for Clerk's File Stamp</i>
COUNTY: COUNTY OF SAN FRANCISCO		
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA		
DEFENDANT:		
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Second, Third or Fourth Offense - 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 8**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

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.

NATURE OF THE CHARGES (Initial 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.
3. **23152(b)** - Driving when my blood-alcohol level was .08 percent or higher.
4. **23152(d)** - Driving a commercial vehicle when my blood-alcohol level was .04 percent or higher.
5. **23103, 23103.5** - Reckless driving involving alcohol or drugs, or both.
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.
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.
8. If applicable - I understand that I am also charged with the following **other offense(s)**:

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

9. If applicable - I am also charged with having the following **other conviction(s)**:

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

10. If applicable - I am also charged with violating the **probation order(s)** in the following case(s):

CASE NUMBER(S) AND DATE(S)

11. I understand the charge(s) against me, and the possible pleas and defenses.

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.

INITIALS ↓
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CONSTITUTIONAL RIGHTS (Continued)

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

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.

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.)
18. I give up my right to a jury trial.
19. I give up my right to confront and cross-examine witnesses.
20. I give up my right to remain silent and to not incriminate myself.
21. I give up my right to produce evidence and witnesses on my own behalf.

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 (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization.
23. I understand that a plea of no contest will have 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.
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.
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 suspension or revocation as a result.
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.
27. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder.
28. 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 192.5(a)), or any combination thereof, in the past 7 years.

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CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

B. The Court may also require me to install an ignition interlock device (IID) 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.

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.

INITIALS ↓
28B.
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 10 years See Nos. 29-37	The Court may order a jail term of 48 hours to 6 months in jail. It will impose a fine of \$390 to \$1,000 and order me to complete a 3-month alcohol/drug treatment program. If my blood-alcohol content was .20% or more, or if I refused a chemical test upon my arrest, I must complete a 9-month treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if a 9-month treatment program is required.	96 hours to 6 months in jail, and a \$390 to \$1,000 fine. The DMV will impose a 6-month driver's license suspension.
Second offense within 10 years See Nos. 29-37	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year, a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug treatment program. The DMV will impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a \$390 to \$1,000 fine. The DMV will impose a 2-year driver's license suspension.
Third offense within 10 years See Nos. 29-38	120 days to 1 year in jail, a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation.	120 days to 1 year in jail, and a \$390 to \$1,000 fine. The DMV will impose a 3-year driver's license revocation.
Fourth or subsequent offense within 10 years See Nos. 29-38	180 days to 1 year in jail, a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation.	16 months, or 2 or 3 years in state prison, (or 180 days to 1 year in county jail); and a \$390 to \$1,000 fine. The DMV will impose a 4-year driver's license revocation.

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTION 23152

29. I understand that the DMV may suspend or revoke my driver's license under a civil 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.
30. I understand that if I am convicted of a first or second offense, and the Court determines that I would present a traffic safety or public safety risk if I am authorized to drive during the license suspension or revocation period, I will be unable to obtain a restricted driver's license from the DMV, which would allow me to drive to and from work, and to and from the treatment program.
31. I understand that the DMV will not restore my driving privilege following my driver's license suspension or revocation unless I provide the DMV with proof of insurance for 3 years.
32. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters for my driving privilege to be 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.
33. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a first DUI offense or willful refusal to submit to or complete a chemical test to determine my blood-alcohol level which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a second or subsequent DUI offense or willful refusal to submit to or complete a chemical test in any vehicle.
34. I understand that the DMV will 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 § 192(c)(1), or any conviction within 10 years of Penal Code § 191.5(a), 191.5(b), or 192.5(a)

INITIALS ↓
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Continued on reverse

Page 3 of 8

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTION 23152 (Continued)

35. 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.
36. I understand that if my blood-alcohol level was .15 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.
37. I understand that if I am placed on probation, it is unlawful to drive with a blood-alcohol level of .01 percent or higher and that my license will be suspended by the DMV for up to one year if I do so.
38. I understand that if I am convicted of a **third or subsequent DUI violation**, I will 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. If probation is granted, I may also request to participate in a 30-month treatment program. 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.

INITIALS ↓
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SENTENCES FOR RECKLESS DRIVING (Sections 23103, 23103.5)

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 10 years.
	If probation is not granted:	5 days to 90 days in jail, or \$145 to \$1,000 fine, or both.	

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense: I have one or more prior convictions in the past 5 years of either 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. If I have been designated as an habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a \$2,000 fine.	30 days to 1 year in jail, and a fine of \$500 to \$2,000. 30 days in jail required if probation is imposed.
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 PENALTY FOR A VIOLATION OF SECTIONS 14601, 14601.1, 14601.2 or 14601.5

39. If applicable - I understand that if I am convicted of a violation of Vehicle Code § 14601.2, or if the charge was for a violation of that section but I am pleading to section 14601, 14601.1 or 14601.5, the Court will order me to install an ignition interlock device (IID) on any vehicle that I own or operate 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.

INITIALS ↓
39.

Continued on reverse

Page 4 of 8

40. 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. 41 for the offenses not listed in the charts.)

INITIALS ↓
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INITIALS ↓
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SENTENCE

40A. JAIL: I understand the maximum penalty for a [second] [third] offense is 12 months in county jail and for a fourth offense is 16 months, 2 or 3 years in state prison and a mandatory minimum sentence of 10 days on a second offense, 120 days on third offense or 180 days on a fourth offense, a fine of up to \$1,000.00 plus penalty assessments, and [suspension of my driving privilege for 2 years][revocation of my driving privilege for [3 years][4 years]. I understand that if I plead guilty (or no contest), the execution of the twelve (12) months in the county jail will be suspended, **AND**

40B. PROBATION: I will be placed on FORMAL SUPERVISED PROBATION for ____ years and I will have to pay probation costs of up to \$50.00 per month. These probation costs are not a condition of my probation, but failure to pay may result in a civil liability. My probation will have the following terms and conditions:

(OR)

I will be CONDITIONALLY RELEASED into the community for ____ years on the following terms and conditions:

a. I must serve ____ days/months in the county jail, credit for having served ____ days. [____ days of this sentence apply to the enhancement provisions.]

b. I must pay a fine: Circle corresponding amounts below.

CHARGES	BASE FINE	COUNTY GC76000	STATE PC1464	STATE SUR. PC1465.7	STATE PENALTY GC70372	DNA PEN. GC76104.6	DNA PEN. GC76104.7	EMS Maddy GC76000.5	SUBTOTAL (Penalties & assessments)	TOTAL (base fine + subtotal)
23152VC 2nd	\$460	\$322	\$460	\$92	\$230	\$46	\$138	\$92	\$1380	\$1840
23152VC 3rd	\$525	\$371	\$530	\$105	\$265	\$53	\$159	\$106	\$1589	\$2114
23152VC 4th	\$595	\$420	\$600	\$119	\$300	\$60	\$180	\$120	\$1799	\$2394

INITIALS ↓
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In addition:

- c. I must pay a \$40 Court Operations Assessment per convicted charge pursuant to PC 1465.8a1 \$40 X ____ convictions = \$ ____.
- d. I must pay a \$30 Criminal Conviction Assessment per convicted charge pursuant to GC 70373(a)(1). \$30 X ____ convictions = \$ ____.
- e. I must pay (choose one):
- ☐ a Citation Processing Fee of \$10 **OR**
- ☐ an Own Recognizance Administrative Screening Fee of \$25 pursuant to PC 1463.07.

INITIALS ↓
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SENTENCE (Continued)

- f. I must pay a \$135 Booking Fee pursuant to GC 29550.2
- g. I must pay a \$100 minimum Restitution Fine for each misdemeanor count and/or a \$200 minimum Restitution Fine for each felony count pursuant to PC 1202.4(b).
- h. [I must pay a processing fee of \$30.00 to establish a monthly payment plan.] pursuant to PC 1205(d).
- i. For alcohol related Vehicle Code § 23152 (DUI) offenses only:
I must pay a \$50 Alcohol Lab Fee pursuant to PC 1463.14(b)
- j. I must pay \$4 per convicted vehicle code violation pursuant to GC 76000.10
- k. My total fines, fees, and assessments are \$_____.
[This amount is the total of the FINE (BASE FINE + SUBTOTAL), the RESTITUTION FINE, Court Operations Assessment(S) (per charge/count), Criminal Conviction Assessment (per charge/count), CITATION PROCESSING FEE OR OWN RECOGNIZANCE ADMIN SCREENING FEE, BOOKING FEE, ALCOHOL LAB FEE pursuant to PC 1463.14(b), GC76000.10, and PROCESSING/PAYMENT PLAN FEE.]
- l. I must complete a [18 month][30 month] treatment program licensed under Health and Safety Code section 11836.
- m. I must pay full restitution to any victim(s) in an amount determined by [D.A.] [APD] [Pre-Trial Diversion] payable in a manner as determined by the [CCU] [Pre-Trial Diversion Office]. If there is a disagreement as to the amount of restitution, the matter will be resolved by the Court at a hearing.
- n. [I must complete a live-in/residential treatment program for a period of _____ days/months in lieu of my jail sentence; however if I fail to complete the residential treatment program I will receive no credits towards my jail sentence.]
- o. [My vehicle will be impounded and stored at my expense for _____ days.]
- p. My driving license will be [suspended for two (2) years] [revoked for three (3) years] [revoked for four (4) years]. I must surrender my license to the Court. I must successfully complete an alcohol/drug program licensed by the Calif. DMV, and file proof of that completion with the DMV in order to have my driving privilege reinstated, even if I am not ordered to attend such a program by the Court. I have been informed today that my license [suspension][revocation] is effective today.
- q. My commercial driving privilege (Class A, B, C-Taxi) is revoked forever.
- r. I cannot drive without a valid California driver's license in my possession.
- s. I cannot refuse to take a chemical test to determine my blood alcohol level if requested by a peace officer after a DUI arrest.
- t. I cannot drive with any measurable amount of alcohol in my blood.
- u. I must pay a probation revocation restitution fine of [\$100] [\$_____], which is stayed unless I am found to have violated my probation

v.
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v. I must obey all laws.

w. I understand that my fine is due now and that I must go the Collections Unit in Room 101, Window 7 at 850 Bryant St, SF CA 94103 to make arrangements to pay my fines and other Court ordered debt.

x. _____

41. 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:

INITIALS ↓

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

OTHER CONSEQUENCES : _____

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

OTHER CONSEQUENCES : _____

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

OTHER CONSEQUENCES : _____

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

OTHER CONSEQUENCES : _____

41.

PLEA(S)

42. I hereby freely and voluntarily plead _____ to the following:

GUILTY OR NO CONTEST

LIST CHARGE(S)

42.

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

43.

44. 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).

44.

45. 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.

45.

46. 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

46.

**** 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 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

SUPERIOR COURT OF CALIFORNIA		<i>Reserved for Clerk's File Stamp</i>
COUNTY:		
COUNTY OF SAN FRANCISCO		
PLAINTIFF:		
PEOPLE OF THE STATE OF CALIFORNIA		DEFENDANT:
ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code § 14601 et seq.; Vehicle Code § 12500(a))		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 6**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

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.

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. 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.
3. Check if applicable - ☐ **14601.3** (Habitual traffic offender) - Accumulating a driving record history in knowing violation of a driver's license suspension or revocation.
4. Check if applicable - ☐ **12500(a)** – Driving without a valid driver's license.
5. If applicable - I understand that I am also charged with the following **other offense(s)**:

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

6. If applicable - I am also charged with the following **prior conviction(s)**:

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

7. If applicable - I am also charged with violating the **probation order(s)** in the following case(s):

CASE NUMBER(S) AND DATE(S)

8. I understand the charge(s) against me, and the possible pleas and defenses.

CONSTITUTIONAL 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.

INITIALS ↓

CONSTITUTIONAL RIGHTS (Continued)

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

11. **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 prior conviction(s) or probation violation(s), I am incriminating myself.

12. **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.

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

13. **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 of the charges against me, including any alleged prior conviction(s) or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, although I do have the right to a hearing before a judge.

WAIVER OF RIGHTS

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

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

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

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

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

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

INITIALS ↓
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SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION		
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. 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.	30 days to 1 year in jail, and a fine of \$500 to \$2,000. 30 days in jail required if probation is imposed.
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 (Ignition Interlock Device)

19. I understand that if I am convicted of a violation of section 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 for a period of 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.

INITIALS ↓
19.

SENTENCE FOR DRIVING WITHOUT A VALID LICENSE

Vehicle Code
Section 12500(a)

Up to 6 months in jail, or a fine of up to \$1,000, or both.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

20. I have read and understood the penalty charts which list the minimum and maximum penalties for the offense(s) I am charged with. (See item No. 27 for the offenses not listed in the charts.).
21. 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.
22. I understand that in addition to any other penalty, the Court may impound my vehicle for an additional 6 months for a first conviction of section 14601 *et seq.*, or up to 12 months for a second or subsequent conviction.
23. I understand that my vehicle will be subject to forfeiture as a nuisance if I drive in violation of a license suspension or revocation (V.C. § 14601 *et seq.*) or without a license (V.C. § 12500(a)) and I am the registered owner of the vehicle.
24. 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.
25. 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.
26. 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.

INITIALS ↓
20.
21.
22.
23.
24.
25.
26.
27.

PENALTIES FOR OTHER CHARGES

27. **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 : _____			

INITIALS ↓

SENTENCE

See over

27A. JAIL: I understand the maximum penalty for a first offense is six (6) months and for a second offense twelve (12) months in the county jail and that there is a mandatory minimum sentence of (Circle one of the following)

MANDATORY MINIMUM SENTENCE

5	days for a first offense of	VC 14601
10	days for a second offense of	VC 14601
5	days for a second offense of	VC 14601.1
10	days for a first offense of	VC 14601.2
30	days for a second offense of	VC 14601.2
10	days for a second offense of	VC 14601.5

MANDATORY MINIMUM FINE

And/or a minimum fine of [\$300.00 for first offenses][\$500.00 for second offenses] up to a maximum fine of [\$1000.00 for first offenses] [\$2,000.00 for second offenses] plus penalty assessments. I understand that if I plead guilty (or no contest), the imposition of sentence will be suspended, **AND**

27A.

27B. PROBATION: I will be placed on FORMAL SUPERVISED PROBATION for ____ years and I will have to pay probation costs of up to \$50.00 per month. These probation costs are not a condition of my probation, but failure to pay may result in a civil liability. My probation will have the following terms and conditions:

(OR)

I will be CONDITIONALLY RELEASED into the community for ____ years on the following terms and conditions:

27B.

a. I must serve ____ days/months in the county jail, credit for having served ____ days.
[____ days of this sentence apply to the enhancement provisions.]

a.

b. I must pay a fine: Circle corresponding amounts below.

b.

CHARGES	BASE FINE	COUNTY GC76000	STATE PC1464	STATE SUR. PC1465.7	STATE PENALTY GC70372	DNA PEN. GC76104.6	DNA PEN. GC76104.7	EMS Maddy GC76104.5	SUBTOTAL (Penalties & assessments)	TOTAL (base fine + subtotal)
14601, 14601.1, 14601.2, 14601.5 1 st Offense	\$300	\$210	\$300	\$60	\$150	\$30	\$90	\$60	\$900	\$1200
14601, 14601.1, 14601.2, 14601.5 2 nd + Offense	\$500	\$350	\$500	\$100	\$250	\$50	\$150	\$100	\$1500	\$2000
14603.3 1 st Offense	\$1000	\$700	\$1000	\$200	\$500	\$100	\$300	\$200	\$3000	\$4000
14603.3 2 nd + Offense	\$2000	\$1400	\$2000	\$400	\$1000	\$200	\$600	\$400	\$6000	\$8000

INITIALS ↓

SENTENCE (Continued)

See over

In addition:

- c. I must pay a \$40 Court Security Fee per convicted charge pursuant to PC 1465.8a1.
\$40 X _____ convictions = \$ _____.
- d. I must pay a \$30 Criminal Conviction Assessment per convicted charge pursuant to GC 70373(a)(1). \$30 X _____ convictions = \$ _____.
- e. I must pay (choose one):
☐ a Citation Processing Fee of \$10 **OR**
☐ an Own Recognizance Administrative Screening Fee of \$25 pursuant to PC 1463.07.
- f. I must pay a \$100 minimum Restitution Fine for each convicted misdemeanor count and/or a \$200 minimum Restitution Fine for each convicted felony count pursuant to PC 1202.4(b).
- g. [I must pay a processing fee of \$30.00 to establish a monthly payment plan.] pursuant to PC 1205(d).
- h. I must pay \$4 per convicted vehicle code violation pursuant to GC 76000.10
- i. My total fines, fees, and assessments are \$ _____.
 [This amount is the total of the FINE (BASE FINE + SUBTOTAL), the RESTITUTION FINE, SECURITY FEE(S) (per charge/count), Criminal Conviction Assessment (per charge/count), CITATION PROCESSING FEE OR OWN RECOGNIZANCE ADMIN SCREENING FEE, GC76000.10, and PROCESSING/PAYMENT PLAN FEE.]
- j. I must pay full restitution to any victim(s) in an amount determined by [D.A.] [APD] [Pre-Trial Diversion] payable in a manner as determined by the [CCU] [Pre-Trial Diversion Office]. If there is a disagreement as to the amount of restitution, the matter will be resolved by the Court at a hearing.
- k. I must pay a probation revocation restitution fine of [\$100] [\$_____], which is stayed unless I am found to have violated my probation.
- l. I understand that my fine is due now and that I must go the Collections Unit in Room 101, Window 7 at 850 Bryant St, SF CA 94103 to make arrangements to pay my fines and other Court ordered debt.
- m. I cannot drive without a valid California driver's license in my possession.

PLEA(S)

28. I hereby freely and voluntarily plead _____ to the following:

GUILTY OR NO CONTEST

LIST CHARGE(S)

29. **If applicable** - I freely and voluntarily admit the prior conviction(s) that I listed on this form. I understand that this admission will increase the penalties which are imposed on me.
30. **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).
31. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced. I give up my right and agree to be sentenced at this time.
32. **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

INITIALS ↓

28.

29.

30.

31.

32.

**** 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 and the defendant's admission of prior 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 prior 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

DATE

☐ Temporary Judge of the Superior Court

See over

SUPERIOR COURT OF CALIFORNIA		<i>Reserved for Clerk's File Stamp</i>
COUNTY: <div style="text-align: center; padding: 5px;">COUNTY OF SAN FRANCISCO</div>		
PLAINTIFF: <div style="text-align: center; padding: 5px;">PEOPLE OF THE STATE OF CALIFORNIA</div>		
DEFENDANT:		
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (First Offense Only - Vehicle Code § 23152 (DUI) or Vehicle Code § 23103/23103.5 (Wet/Dry Reckless))		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 6**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

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.

2. I give up my right to an attorney, and I choose to represent myself.

(Does not apply if you have an attorney.)

NATURE OF THE CHARGES (Initial 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.

4. **23152(b)** - Driving when my blood-alcohol level was .08 percent or higher.

5. **23152(d)** - Driving a commercial vehicle when my blood-alcohol level was .04 percent or higher.

6. **23103, 23103.5** - Reckless driving involving alcohol or drugs, or both.

7. **If applicable** - I understand that I am also charged with the following **other offense(s)**:

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

8. I understand the charge(s) against me, and the possible pleas and defenses.

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.

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

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

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

INITIALS ↓
1.
2.
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4.
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11.
12.

CONSTITUTIONAL RIGHTS/WAIVER OF RIGHTS (Continued)

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.
14. I give up my right to remain silent and to not incriminate myself.
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.
16. I give up my right to produce evidence and witnesses on my own behalf.

INITIALS ↓
13.
14.
15.
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 10 years	The Court may order a jail term of 48 hours to 6 months. It will impose a fine of \$390 to \$1,000 and order me to complete a 3-month alcohol/drug treatment program. If my blood-alcohol content was .20 % or more, or if I refused a chemical test upon my arrest, I must complete a 9-month treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if the 9-month program is required.	96 hours to 6 months in jail, and a \$390 to \$1,000 fine. The DMV will also impose a 6-month driver's license suspension.
Second offense within 10 years	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year; a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a \$390 to \$1,000 fine. The DMV will also impose 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)	<p>If probation is granted: A maximum of 90 days in jail, or \$1,000 fine, or both, plus attendance at treatment program.</p> <p>If probation is not granted: 5 days to 90 days in jail, or \$145 to \$1,000 fine, or both.</p>	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

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. 34 for the offenses not listed in the charts.) . . .
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. . .
19. 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.
20. I understand that if my blood-alcohol level was .15 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.
21. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder.
22. 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. 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.

INITIALS ↓
17.
18.
19.
20.
21.
22.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

23. I understand that if the Court determines that I would present a traffic safety or public safety risk if I am authorized to drive during the license suspension period, I will be unable to obtain a restricted driver's license from the DMV, which would allow me to drive to and from work, and to and from the alcohol/drug treatment program.
24. I understand that the DMV may suspend my driver's license under a civil 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.
25. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a first DUI violation, or willfully refused to submit to or complete a chemical test to determine my blood-alcohol level, which occurred in **any** vehicle.
26. I understand that the DMV will 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 § 192(c)(1), or any conviction within 10 years of Penal Code § 191.5(a), 191.5(b), or 192.5(a).
27. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me 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.
28. I understand that the DMV will not restore my driving privilege following a driver's license suspension unless I provide the DMV with proof of insurance for 3 years.
29. 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 suspension, or revocation as a result.
30. I understand that if I am not a citizen, a plea of guilty or no contest (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization.
31. I understand that a plea of no contest 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.
32. 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.
33. I understand that if I am placed on probation, it is unlawful to drive with a blood-alcohol level of .01 percent or greater and my license will be suspended by the DMV for up to one year if I do so.

PENALTIES FOR OTHER CHARGES

34. 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:

•	SECTION NUMBER	JAIL - MIN.	MAX.	FINE - MIN.	MAX.
	OTHER CONSEQUENCES :				
•	SECTION NUMBER	JAIL - MIN.	MAX.	FINE - MIN.	MAX.
	OTHER CONSEQUENCES :				
•	SECTION NUMBER	JAIL - MIN.	MAX.	FINE - MIN.	MAX.
	OTHER CONSEQUENCES :				

INITIALS ↓

23.

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34.

INITIALS ↓
35A.
35B.
a.
b.

SENTENCE

35A. JAIL: I understand the maximum penalty for a first offense is six (6) months in the county jail and a mandatory minimum sentence of 96 hours on a first offense, a fine of up to \$1,000.00 plus penalty assessments, and [suspension of my driving privilege for [6 months] [2 years][revocation of my driving privilege for [3 years][4 years]. I understand that if I plead guilty (or no contest), the imposition of the six (6) months in the county jail will be suspended, **AND**

35B. PROBATION: I will be placed on FORMAL SUPERVISED PROBATION for ____ years and I will have to pay probation costs of up to \$50.00 per month. These probation costs are not a condition of my probation, but failure to pay may result in a civil liability. My probation will have the following terms and conditions:

(OR)

I will be CONDITIONALLY RELEASED into the community for ____ years on the following terms and conditions:

- a. I must serve ____ days/months in the county jail; credit for having served ____ days. [____ days of this sentence apply to the enhancement provisions.]
- b. I must pay a fine: Circle the corresponding amounts below.

CHARGES	BASE FINE	COUNTY GC76000	STATE PC1464	STATE SUR. PC1465.7	STATE PENALTY GC70372	DNA PEN. GC76104.6	DNA PEN. GC76104.7	EMS Maddy GC76000.5	SUBTOTAL (Penalties & assessments)	TOTAL (base fine + subtotal)
23103VC Or 23103.5VC	\$145	\$105	\$150	\$29	\$75	\$15	\$45	\$30	\$449	\$594
23152VC FOP	\$390	\$273	\$390	\$78	\$195	\$39	\$117	\$78	\$1170	\$1560

INITIALS ↓
c.
d.
e.
f.

In addition:

- c. I must pay a \$40 Court Security Fee per convicted charge pursuant to PC 1465.8a1. \$40 X _____ convictions = \$ _____.
- d. I must pay a \$30 Criminal Conviction Assessment per convicted charge pursuant to GC 70373(a)(1). \$30 X _____ convictions = \$ _____.
- e. I must pay (choose one):
☐ a Citation Processing Fee of \$10 **OR**
☐ an Own Recognizance Administrative Screening Fee of \$25 pursuant to PC 1463.07.
- f. I must pay a \$135 Booking Fee pursuant to GC 29550.2

INITIALS ↓
g.
h.
i.
j.
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r.
s.
t.
u.
v.

SENTENCE (Continued)

- g. I must pay a \$100 minimum Restitution Fine per misdemeanor count and/or a \$200 minimum Restitution Fine per felony count pursuant to PC 1202.4(b).
- h. [I must pay a processing fee of \$30.00 to establish a monthly payment plan.] pursuant to PC 1205(d).
- i. **For alcohol related Vehicle Code § 23152 (DUI) offenses only:**
I must pay a \$50 Alcohol Lab Fee pursuant to PC 1463.14(b)
- j. I must pay \$4 per convicted vehicle code violation pursuant to GC 76000.10
- k. My total fines, fees, and assessments are \$_____.
[This amount is the total of the FINE (BASE FINE + SUBTOTAL), the RESTITUTION FINE, SECURITY FEE(S) (per charge/count), Criminal Conviction Assessment (per charge/count), CITATION PROCESSING FEE OR OWN RECOGNIZANCE ADMIN SCREENING FEE, BOOKING FEE, ALCOHOL LAB FEE pursuant to PC 1463.14(b), GC76000.10, and PROCESSING/PAYMENT PLAN FEE.]
- l. I must complete a [3 month] [9 month] licensed first offender alcohol/drug education and counseling program in my county of residence or employment.
- m. I must pay full restitution to any victim(s) in an amount determined by [D.A.] [APD] [Pre-Trial Diversion] payable in a manner as determined by the [CCU] [Pre-Trial Diversion Office]. If there is a disagreement as to the amount of restitution, the matter will be resolved by the Court at a hearing.
- n. [I must complete a live-in/residential treatment program for a period of _____ days/months in lieu of my jail sentence; however if I fail to complete the residential treatment program I will receive no credits towards my jail sentence.]
- o. [My vehicle will be impounded and stored at my expense for _____ days.]
- p. My driving license will be [suspended for six (6) months]
[suspended for 10 months if my BAC was .15% or more or if I refused the test]. I must surrender my license to the court. I must successfully complete an alcohol/drug program licensed by the Calif. DMV, and file proof of that completion with the DMV in order to have my driving privilege reinstated, even if I am not ordered to attend such a program by the Court. I have been informed today that my license [suspension][revocation] is effective today.
- q. [My commercial driving privilege (Class A,B,C-Taxi)is suspended for [1 year for a 1st offense or refusal] [a lifetime ban]. I have been informed today that my license [suspension][lifetime ban] is effective today.]
- r. I cannot drive without a valid California driver's license in my possession.
- s. I cannot refuse to take a chemical test to determine my blood alcohol level if requested by a peace officer after a DUI arrest.
- t. I cannot drive with any measurable amount of alcohol in my blood.
- u. I must pay a probation revocation restitution fine of [\$100] [\$_____], which is stayed unless I am found to have violated my probation.
- v. I must obey all laws.

w.
x.

w. I understand that my fine is due now and that I must go the Collections Unit in Room 101, Window 7 at 850 Bryant St, SF CA 94103 to make arrangements to pay my fines and other court ordered debt.

x. _____

IN ADDITION: This court must inform you that being under the influence of alcohol or drugs, or both, impairs a person's ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of your driving, someone is killed, you can be charged with murder.

PLEA(S)

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

LIST CHARGE(S)

37. 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.

38. **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

INITIALS ↓
36.
37.
38.

** 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

DATE

<p align="center">SUPERIOR COURT OF CALIFORNIA</p>		<p align="center"><i>Reserved for Clerk's File Stamp</i></p>	
<p>COUNTY:</p> <p align="center">COUNTY OF SAN FRANCISCO</p>			
<p>PLAINTIFF:</p> <p>PEOPLE OF THE STATE OF CALIFORNIA</p>			
<p>DEFENDANT:</p>			
<p align="center">DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code § 23153 – DUI with Injuries)</p>		<p>CASE NUMBER:</p>	<p>DEPARTMENT:</p>

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 7**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

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.

NATURE OF THE CHARGES (Initial all items you are charged with.)

I understand that I am charged with a violation of Vehicle Code section(s):

2. **23153(a)** - Driving under the influence of alcohol or drugs, or both, and when driving, committing an act forbidden by law or neglecting a duty imposed by law, which causes injury to another person.
3. **23153(b)** - Driving when my blood-alcohol level was .08 percent or higher, and when driving, committing an act forbidden by law or neglecting a duty imposed by law, which causes injury to another person.
4. **23153(d)** - Driving a commercial vehicle when my blood-alcohol level was .04 percent or higher, and when driving, committing an act forbidden by law or neglecting a duty imposed by law, which causes injury to another person.
5. **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. **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. **If applicable** - I understand that I am also charged with the following **other offense(s)**:

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

8. **If applicable** - I am also charged with having the following **other conviction(s)**:

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

INITIALS ↓
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NATURE OF THE CHARGES (Continued)

9. If applicable – I am also charged with violating the probation order(s) in the following case(s):

CASE NUMBER(S) AND DATE(S)

10. I understand the charge(s) against me, and the possible pleas and defenses.

CONSTITUTIONAL RIGHTS

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

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

14. **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.

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

15. 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 of the 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, although I do have the right to a hearing before a judge.

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):

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

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

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

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

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

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

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

22. I understand that a plea of no contest will have the same effect in this case as a plea of guilty, and it can be used against me in a civil lawsuit unless the offense is punishable only as a misdemeanor.

23. 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. I understand that in addition to the fine indicated on the penalty charts on pages 3 and 4, **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 (or \$200 to \$10,000 if the offense is a felony) unless the Court finds compelling and extraordinary reasons not to do so.

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CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

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 driver's license suspension or revocation as a result.
26. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder.
27. 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 determined that it is in the interest of justice not to do so.
- B. The Court may also require me to install an ignition interlock device (IID) 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.
- C. The Court may declare my vehicle to be a nuisance and order it sold following a hearing if I have one or more other convictions for driving under the influence (DUI), vehicular manslaughter (Penal Code § 191.5 or 192.5(a)), or any combination thereof, in the past 7 years.
- D. 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.

INITIALS ↓
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27C.
27D.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (Section 23153)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years See Nos. 28-35.	5 days to 1 year in county jail, a \$390 to \$1,000 fine, and completion of a 3-month alcohol/drug program (or a 9-month program if my blood-alcohol content was .20 percent or more, or if I refused a chemical test at arrest). The DMV will also impose a 1-year driver's license suspension.	16 months or 2 or 3 years in state prison (or 90 days to 1 year in county jail), and a \$390 to \$1,000 fine. The DMV will also impose a 1-year driver's license suspension.
Second offense within 10 years (other conviction of section 23152, 23153, or 23103 under 23103.5) See Nos. 28-35	Either: (A) at least 120 days in county jail, and a \$390 to \$5,000 fine; or (B) 30 days to 1 year in county jail, a \$390 to \$1,000 fine, and completion of an 18-month alcohol/drug program. Note - Under either option, the DMV will also impose a 3-year driver's license revocation.	16 months or 2 or 3 years in state prison (or 120 days to 1 year in county jail), and a \$390 to \$5,000 fine. The DMV will also impose a 3-year driver's license revocation.
Third or subsequent offense within 10 years (other convictions of section 23152, 23153, or 23103 under 23103.5) See Nos. 28-36.	30 days to at least 1 year in county jail, a \$390 to \$5,000 fine, completion of an 18-month alcohol/drug program, and restitution or reparation to the victim as required by law. The DMV will also impose a 5-year driver's license revocation.	2, 3, or 4 years in state prison, and a \$1,015 to \$5,000 fine. The DMV will impose a 5-year driver's license revocation. (An additional 3 years in state prison will be ordered if I already have 4 or more DUI convictions and the offense caused great bodily injury to another person.)

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTION 23153

28. I understand that if my alleged offense also caused **bodily injury or death to more than 1 victim**, upon a felony conviction, my sentence will be enhanced by 1 year in state prison for each additional victim, up to a maximum of 3 additional years.
29. I understand that the DMV may suspend or revoke my driver's license under a civil 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.
30. I understand that the DMV will revoke my driver's license for 4 years if I have a prior felony conviction in the past 10 years of Vehicle Code § 23152 or 23153 or Penal Code § 192(c)(1), or any conviction within 10 years of Penal Code § 191.5(a), 191.5(b), or 192.5(a).

INITIALS ↓
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Continued on reverse

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTION 23153 (Continued)

31. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a **first** DUI offense or willful refusal to submit to or complete a chemical test to determine my blood-alcohol level which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a **second or subsequent** DUI offense or willful refusal to submit to or complete a chemical test in any vehicle.
32. I understand that the DMV will not restore my driving privilege following my driver's license suspension or revocation unless I provide the DMV with **proof of insurance** for 3 years.
33. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the Court**, and that I must surrender my license to the Court.
34. I understand that if I am placed on probation, it is unlawful to drive with a blood-alcohol level of .01 percent or higher and that my license will be suspended by the DMV for up to one year if I do so.
35. I understand that if my blood-alcohol level was .15 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.
36. **If applicable** - I understand that if I am convicted of a **third or subsequent** DUI violation, I will 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.

INITIALS ↓
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SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION		
Vehicle Code Section	First Offense	Second or Subsequent Offense: I have one or more prior convictions in the past 5 years of either 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. If I have been designated as an habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will also be sentenced to serve 180 days in jail and to pay a \$2,000 fine.	30 days to 1 year in jail, and a fine of \$500 to \$2,000. 30 days in jail required if probation is imposed.
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 PENALTY FOR A VIOLATION OF SECTION 14601, 14601.1, 14601.2 and 14601.5

37. **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 order me to install an ignition interlock device (IID) on any vehicle that I own or operate 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.

INITIALS ↓
37.

Continued on reverse

38. 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. 39 for the offenses not listed in the charts.)

INITIALS ↓
38.

INITIALS ↓
38A.
38B.
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SENTENCE

- 38A. JAIL: I understand the maximum penalty [for a first offense is twelve (12) months in the county jail][for a second offense is 16 months, 2 or 3 years in state prison], [for a third offense is 2,3 or 4 years in state prison] a mandatory minimum sentence of [5 days on a first offense][120 days on a second offense][12 months on a third offense], a fine of [for a first offense \$390 up to \$1,000.00 plus penalty assessments] [for a second offense \$390 up to \$5000 plus penalty assessments][for a third offense \$1015 up to \$5000 plus penalty assessments], and [for a first offense, suspension of my driving privilege for 12months]for a [second][third] offense, revocation of my driving privilege for [3 years][5 years]. I understand that if I plead guilty (or no contest), the execution of the twelve (12) months in the county jail or state prison sentence will be suspended, **AND**
- 38B. PROBATION: I will be placed on FORMAL SUPERVISED PROBATION for ____ years and I will have to pay probation costs of up to \$50.00 per month. These probation costs are not a condition of my probation, but failure to pay may result in a civil liability. My probation will have the following terms and conditions:
- (OR)**
- I will be CONDITIONALLY RELEASED into the community for ____ years on the following terms and conditions:
- h. I must serve ____ days/months in the county jail, credit for having served ____ days.
[____ days of this sentence apply to the enhancement provisions.]
- h. I must pay a fine: Circle corresponding amounts below.

CHARGES	BASE FINE	COUNTY GC76000	STATE PC1464	STATE SUR. PC1465.7	STATE PENALTY GC70372	DNA PEN. GC76104.6	DNA PEN. GC76104.7	EMS MADDY GC76000.5	SUBTOTAL (Penalties & assessments)	TOTAL (base fine + subtotal)
23153VC 1st	\$390	\$273	\$390	\$78	\$195	\$39	\$117	\$78	\$1170	\$1560
23153VC 2nd	\$460	\$322	\$460	\$92	\$230	\$46	\$138	\$92	\$1380	\$1840
23153VC 3 rd	\$525	\$371	\$530	\$105	\$265	\$53	\$159	\$106	\$1589	\$2114

INITIALS ↓
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In addition:

- c. I must pay a \$40 Court Security Fee per convicted charge pursuant to PC 1465.8a1.
\$40 X _____ convictions = \$ _____.
- d. I must pay a \$30 Criminal Conviction Assessment per convicted charge pursuant to GC 70373(a)(1). \$30 X _____ convictions = \$ _____.
- e. I must pay (choose one):
☐ a Citation Processing Fee of \$10 OR
☐ an Own Recognizance Administrative Screening Fee of \$25 pursuant to PC 1463.07.
- f. I must pay a \$100 minimum Restitution Fine for each convicted misdemeanor count and/or a \$200 minimum Restitution Fine for each convicted felony count pursuant to PC 1202.4(b).

INITIALS ↓
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SENTENCE (Continued)

- g. I must pay a processing fee of \$30.00 to establish a monthly payment plan.] pursuant to PC 1205(d).
- h. **For alcohol related Vehicle Code § 23153 (DUI) offenses only:**
I must pay a \$50 Alcohol Lab Fee pursuant to PC 1463.14(b)
- i. I must pay \$4 per convicted vehicle code violation pursuant to GC 76000.10
- j. My total fines, fees, and assessments are \$_____.
[This amount is the total of the FINE (BASE FINE + SUBTOTAL), the RESTITUTION FINE, SECURITY FEE(S) (per charge/count), Criminal Conviction Assessment (per charge/count), CITATION PROCESSING FEE OR OWN RECOGNIZANCE ADMIN SCREENING FEE, ALCOHOL LAB FEE pursuant to PC 1463.14(b), GC76000.10, and PROCESSING/PAYMENT PLAN FEE.]
- k. I must complete a [3 month] [9 month] licensed first offender alcohol/drug education and counseling program in my county of residence or employment.
- l. I must pay full restitution to any victim(s) in an amount determined by [D.A.] [APD] [Pre-Trial Diversion] payable in a manner as determined by the [CCU] [Pre-Trial Diversion Office]. If there is a disagreement as to the amount of restitution, the matter will be resolved by the Court at a hearing.
- m. [I must complete a live-in/residential treatment program for a period of ____days/months in lieu of my jail sentence; however if I fail to complete the residential treatment program I will receive no credits towards my jail sentence.]
- n. [My vehicle will be impounded and stored at my expense for ____ days.]
- o. My driving license will be [suspended for six (6) months]
[suspended for 10 months if my BAC was .15% or more or if I refused the test]. I must surrender my license to the court. I must successfully complete an alcohol/drug program licensed by the Calif. DMV, and file proof of that completion with the DMV in order to have my driving privilege reinstated, even if I am not ordered to attend such a program by the Court. I have been informed today that my license [suspension][revocation] is effective today.
- p. [My commercial driving privilege (Class A,B,C-Taxi)is suspended for [1 year for a 1st offense or refusal] [a lifetime ban]. I have been informed today that my license [suspension][lifetime ban] is effective today.]
- q. I cannot drive without a valid California driver's license in my possession.
- r. I cannot refuse to take a chemical test to determine my blood alcohol level if requested by a peace officer after a DUI arrest.
- s. I cannot drive with any measurable amount of alcohol in my blood.
- t. I must pay a probation revocation restitution fine of [\$100] [\$_____], which is stayed unless I am found to have violated my probation.
- u. I must obey all laws.
- v. I understand that my fine is due now and that I must go the Collections Unit in Room 101, Window 7 at 850 Bryant St, SF CA 94103 to make arrangements to pay my fines and other court ordered debt.

W

W. _____

IN ADDITION: This Court must inform you that being under the influence of alcohol or drugs, or both, impairs a person's ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and as a result of your driving, someone is killed, you can be charged with murder.

39. **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:

INITIALS ↓

•	SECTION NUMBER _____	JAIL - MIN. _____	MAX. _____	FINE - MIN. _____	MAX. _____
	OTHER CONSEQUENCES : _____				
•	SECTION NUMBER _____	JAIL - MIN. _____	MAX. _____	FINE - MIN. _____	MAX. _____
	OTHER CONSEQUENCES : _____				
•	SECTION NUMBER _____	JAIL - MIN. _____	MAX. _____	FINE - MIN. _____	MAX. _____
	OTHER CONSEQUENCES : _____				
•	SECTION NUMBER _____	JAIL - MIN. _____	MAX. _____	FINE - MIN. _____	MAX. _____
	OTHER CONSEQUENCES : _____				

PLEA(S)

40. I hereby freely and voluntarily plead _____ to the following:

GUILTY OR NO CONTEST

LIST CHARGE(S)

41. **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.

42. **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).

43. 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.

44. **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 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

SUPERIOR COURT OF CALIFORNIA		<i>Reserved for Clerk's File Stamp</i>	
COUNTY: COUNTY OF SAN FRANCISCO			
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA			
DEFENDANT:			
ADDENDUM TO DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM		CASE NUMBER:	DEPARTMENT:

INSTRUCTIONS

Fill out this form if, in addition to the DUI charges against you, it is alleged that:

- (A) you willfully refused to submit to, or complete, a chemical test to determine your blood-alcohol level;
- (B) you have committed a prior specified offense within 10 years which resulted in a felony conviction;
- (C) you were convicted more than 10 years ago of a DUI violation, or were previously convicted for a violation of PC § 647(f) (public intoxication); or
- (D) you had one or more passengers under the age of 14 in the vehicle at the time of the offense; or
- (E) you drove with an excessive speed at the time of the offense.

Check the applicable box(es) below. Place your initials after the item only if you understand it, and sign the form on page 3. If you have any questions, ask your attorney or the judge.

<input type="checkbox"/> A. WILLFUL REFUSAL (Vehicle Code § 23577)	INITIALS
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I understand that it is alleged that I willfully refused to submit to, or complete, a breath, blood, or urine test following a peace officer's request to do so and advisement to me of the consequences of refusing to do so.

I understand that I have all of the constitutional rights set forth in the DUI Advisement, Waiver, and Plea form that I completed in this case with regard to my alleged refusal to submit to, or complete, a chemical test. I freely and voluntarily give up each of these constitutional rights with regard to this allegation and admit that I willfully refused to submit to, or complete, a chemical test in this case.

I understand that as a result of my admission, the sentences set forth in the penalty chart on the DUI Advisement, Waiver, and Plea form will be enhanced as follows (see next page as well):

1. VIOLATION OF VEHICLE CODE § 23152

- a. **First Offense (applies only if probation is granted)** - I shall be ordered to serve a jail term of between 48 hours and six months (this otherwise discretionary jail term becomes mandatory).
- b. **Second Offense** - My sentence will be increased by 96 hours in the county jail.
- c. **Third Offense** - My sentence will be increased by 10 days in the county jail.
- d. **Fourth or Subsequent Offense** - My sentence will be increased by 18 days in the county jail.

2. VIOLATION OF VEHICLE CODE § 23153

- a. **First Offense** - My sentence will be increased by **48 continuous hours** in the county jail.
- b. **Second Offense** - My sentence will be increased by **96 hours** in the county jail.

3. OPERATOR OF COMMERCIAL VEHICLE (VEHICLE CODE §§ 23152 and 23153)

I understand that the DMV will prevent me from operating a commercial vehicle for one year if I willfully refused to submit to, or failed to complete a chemical test to determine my blood-alcohol level in any vehicle, in violation of section 23612. (Implied consent law.) I also understand that the DMV will prevent me from ever operating a commercial vehicle if I willfully refused to submit to, or failed to complete such a test on more than one occasion in any vehicle.

<input type="checkbox"/> B. PRIOR DUI-RELATED FELONY CONVICTION WITHIN 10 YEARS (Vehicle Code § 23550.5)	INITIALS
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I understand that it is alleged that I committed a violation of Vehicle Code § 23152 (DUI) or § 23153 (DUI with injury) within 10 years of one of the following:

- 1. A prior violation of Vehicle Code § 23152 which resulted in a felony conviction; or
- 2. A prior violation of Vehicle Code § 23153 which resulted in a felony conviction; or
- 3. A prior violation of Penal Code § 191.5 (gross vehicular manslaughter while intoxicated), or Penal Code § 192(c)(1) or 192(c)(3) (vehicular manslaughter), which resulted in a felony conviction.

I understand that I have all of the constitutional rights set forth in the DUI Advisement, Waiver, and Plea form that I completed in this case with regard to the allegation that the DUI offense occurred within 10 years of one of the felony convictions described above. I freely and voluntarily give up each of these constitutional rights with regard to this allegation and admit that the DUI offense occurred within 10 years of one or more of the felony convictions described above.

I understand that as a result of my admission, the penalties on the penalty chart in the DUI Advisement, Waiver, and Plea form will not apply in my case. Instead, the Court will sentence me to imprisonment for either: (a) 16 months, or 2 or 3 years in state prison, or (b) not more than one year in the county jail. The Court will also impose a fine of \$390 to \$1,000, plus assessments.

In addition, my driver's license will be revoked by the DMV for 4 years. However, if my offense is a violation of section 23153 and I have two other DUI-related convictions within 10 years, my driver's license will be revoked for 5 years. Furthermore, if I have committed a violation of Vehicle Code § 23152 or 23153, I will be designated as an "habitual traffic offender" which will result in enhanced penalties if I drive in violation of my license revocation.

I also understand that I must successfully complete an alcohol/drug program in order to have my driver's license reinstated by the DMV, even if I am not ordered to attend such a program by the Court.

<input type="checkbox"/> C. DUI CONVICTION MORE THAN 10 YEARS AGO OR PREVIOUS CONVICTION OF PENAL CODE § 647(f) (Vehicle Code § 23646)	INITIALS
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I understand that if I am convicted of a violation of Vehicle Code § 23152 or 23153 that occurred more than 10 years ago, or if I have previously been convicted of a violation of Penal Code § 647(f) (public intoxication), I will be ordered to complete an alcohol and drug problem assessment program. If the program assessment recommends additional treatment, the court may order me to enroll, participate and complete an 18-month or a 30-month treatment program, even if I am convicted of a first offense.

☐**D. PASSENGER UNDER 14 YEARS OF AGE (Vehicle Code § 23572)**

INITIALS

I understand that it is alleged that I committed a violation of Vehicle Code § 23152 and that there were one or more minor passengers under the age of 14 in the vehicle at the time of the alleged offense.

I understand that I have all of the constitutional rights set forth in the DUI Advisement, Waiver, and Plea form that I completed in this case with regard to the allegation that there were one or more minor passengers in the vehicle at the time of the alleged offense.

I freely and voluntarily give up each of these constitutional rights with regard to this allegation and admit that there were one or more passengers under the age of 14 in the vehicle at the time of the alleged offense. I understand that as a result of my admission, the sentences for my offense in the penalty chart in the DUI Advisement, Waiver, and Plea form will be enhanced as follows:

1. **First Offense** - My sentence shall be enhanced by **48 continuous hours** in the county jail.
2. **Second Offense** - My sentence shall be enhanced by **10 days** in the county jail.
3. **Third Offense** - My sentence shall be enhanced by **30 days** in the county jail.
4. **Fourth or Subsequent Offense** - My sentence shall be enhanced by **90 days** in the county jail.

☐**E. EXCESSIVE SPEED (Vehicle Code § 23582)**

INITIALS

I understand that it is alleged that I was recklessly driving 30 or more miles per hour above the speed limit on a freeway, or 20 or more miles per hour above the speed limit on any other street or highway, during the commission of a violation of Vehicle Code § 23152 or 23153.

I understand that I have all of the constitutional rights set forth in the DUI Advisement, Waiver, and Plea form that I completed in this case with regard to this allegation of excessive speed at the time of my alleged offense. I freely and voluntarily give up each of these constitutional rights with regard to this allegation and admit that I was driving at an excessive speed as alleged.

I understand that as a result of my admission, my sentence shall be enhanced by an **additional consecutive term of 60 days** in the county jail, in addition to the sentence which is indicated on the penalty chart in the DUI Advisement, Waiver, and Plea form. If this is my first offense, the Court shall also order me to complete an alcohol/drug program, even if probation is not imposed.

DEFENDANT'S SIGNATURE: _____**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