

**Arizona DUI Penalties Matrix\*** By Jay F. Brown (as of 09/21/2006)

Possible Penalties and Conditions*	1 <sup>ST</sup> OFFENSE	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	1 <sup>ST</sup> FELONY DUI	FELONY DUI WITH A CHILD UNDER 15 YEARS OLD IN THE VEHICLE
	IMPAIRED or BAC OF 0.08 OR GREATER §28-1381(A)(1) [0.08 before 09/01/2001]	EXTREME (BAC OF 0.15 OR GREATER) §28-1382(A) [0.18 before 04/01/2001]	IMPAIRED or BAC OF 0.08 OR GREATER §28-1381(K) [7 yrs as of 09/21/2006]	EXTREME (BAC OF 0.15 OR GREATER) §28-1382(F) [7 yrs as of 09/21/2006]	(3 <sup>rd</sup> DUI within 7 years, or DUI while License Suspended or Restricted or Ignition Interlock) §28-1383(A)	§28-1383(A)(3)
<b>Driver's License Suspension or Revocation**</b>	Suspension for 90 days to 1 year. 60 days restricted to and from work. NOTE: 28-3304 – 1 year revoke for an A3 charge.	Suspension for 90 days to 1 year.	Revocation for 1 year	Revocation for 1 year	Revocation for 3 years	Can have Ignition Interlock after 09/21/2006
<b>Jail or Prison Time (Courts can require you to pay for jail costs)***</b>	<b>MANDATORY</b> 10 consecutive to 180 days jail time	<b>MANDATORY</b> 30 consecutive to 180 days jail time	<b>MANDATORY</b> 90 of which 30 is consecutive to 180 days jail time	<b>MANDATORY</b> 120 of which 60 is consecutive to 180 days jail time	<b>MANDATORY</b> 4 months to 3.74 years prison time  Any jail time imposed as a condition of probation does not count toward prison time if revoked.	<b>MANDATORY</b>  The minimum jail time for the misdemeanor offense you would have committed had a child not been in the vehicle to 2 years prison time
<b>Fines and Costs</b> [§28-3319 Prison] [§28-1304 Abatement] [General Assessment as of 03/16/2005] [DPS Assessment as of 08/12/2005] [Surcharges are as of 08/22/2002 – 80% 09/01/1999 – 77% 02/17/1999 – 67% Prior – 60%]	<b>MANDATORY</b> Fine of \$250 to \$2,500. Plus 80% surcharge. (\$450)  Plus \$500 fee to the Prison Construction and Operations Fund  Plus \$500 fee to the General Operations Fund.  [Total: \$1,450]	<b>MANDATORY</b> Fine of \$250 to \$2,500. Plus 80% surcharge. (\$450)  Plus \$250 assessment to the Arizona DUI Abatement Fund.  Plus \$1000 fee to the Prison Construction and Operations Fund  Plus \$1000 fee to the General Operations Fund.  [Total: \$2,700]	<b>MANDATORY</b> Fine of \$250 /\$500 to \$2500. Plus 80% surcharge. (\$450/\$900)  Plus \$1250 fee to the Prison Construction and Operations Fund.  Plus \$1250 fee to the General Operations Fund.  [Total: \$3,400]	<b>MANDATORY</b> Fine of \$250 /\$500 to \$2500. Plus 80% surcharge. (\$450/\$900)  Plus \$250 assessment to the Arizona DUI Abatement Fund.  Plus \$1250 fee to the Prison Construction and Operations Fund.  Plus \$1250 fee to the General Operations Fund.  [Total: \$3,650]	<b>MANDATORY</b> Fines of \$750 up to \$150,000. Plus 80% surcharge. (\$1350)  Plus \$250 assessment to the Arizona DUI Abatement Fund.  Plus \$1500 fee to the Prison Construction and Operations Fund.  Plus \$1500 fee to the General Operations Fund.  [Total: \$4,600]	<b>MANDATORY</b> Fines \$750 up to \$150,000. Plus 80% surcharge. (\$1350)  Plus \$250 assessment to the Arizona DUI Abatement Fund.  Plus \$1500 fee to the Prison Construction and Operations Fund.  Plus \$1500 fee to the General Operations Fund.  [Total: \$4,600]
<b>Probation</b>	<b>POSSIBLE</b> For up to 5 years	<b>POSSIBLE</b> For up to 5 years	<b>POSSIBLE</b> For up to 5 years	<b>POSSIBLE</b> For up to 5 years	<b>POSSIBLE</b> For up to 10 years	<b>POSSIBLE</b> For up to 10 years
<b>Alcohol / Drug Evaluation</b>	<b>POSSIBLE</b>  If recommended in your evaluation and you want the judge to suspend all but 1 day in jail	<b>POSSIBLE</b>  If recommended in your evaluation and you want the judge to suspend all but 10 days in jail	<b>POSSIBLE</b>  If recommended in your evaluation and you want the judge to suspend all but 30 days in jail	<b>POSSIBLE</b>  If recommended in your evaluation and you want the judge to suspend all but 60 to 120 days in jail	<b>REQUIRED</b>  If you are placed on probation	<b>REQUIRED</b>  If you are placed on probation
<b>Ignition Interlock Device**** §28-3319 [Required as of 09/30/2001]</b>	<b>POSSIBLE</b>  but not mandatory  Refusals can have Ignition Interlock after 02/01/2006.	<b>MANDATORY</b>  Refusals can have Ignition Interlock after 02/01/2006.	<b>MANDATORY</b>	<b>MANDATORY</b>	<b>MANDATORY</b>	<b>MANDATORY</b>
<b>Vehicle Forfeiture [§28-1384]</b>					<b>POSSIBLE</b>	<b>POSSIBLE</b>
<b>Community Service [As of 09/21/2006]</b>			<b>30 hours</b>	<b>30 hours</b>		

\* This chart displays projections of the possible penalties you could face. Because each person's situation is different and courts and judges within the State of Arizona differ in how they treat DUI, your outcome could be different.

\*\* What is the difference between a suspension and a revocation? [Also, see §28-3304 & §28-3306] – A suspension has a specific start and end date; when the suspension period ends, you pay the reinstatement fee and any reapplication fees to restore your driving privileges. Revocations are indefinite; there is a minimum length of time, usually one to three years, but the action does not automatically end on that date. You must go through an investigation process to determine whether it would be safe to restore your driving privileges. If approved for reinstatement, there are reinstatement and reapplication fees.

\*\*\* Jail Costs: These costs can range from \$80.00 to \$200.00 for the first day of incarceration and from \$40.00 to \$90.00 for remaining days. The final cost depends on the facility and the court may waive these costs.

\*\*\*\* Ignition Interlock/Deep Lung Air Device: An ignition interlock device is a breath test machine that is connected to the ignition of your vehicle. In order to start your car, you must provide a breath sample that is free of alcohol. Once your vehicle is running, you will periodically have to blow into the device to keep your vehicle running. If the machine reads alcohol on your breath, it will disable your vehicle, flash your lights and honk your horn to draw the attention of law-enforcement. Many of these devices are programmed to work only if the convicted driver blows into the machine.