



Motorcycle Attorney Tip

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Hysteria over "New" DUI Laws

RELAX! Not much has changed. You're now hearing that a first offense, non-extreme DUI carries a mandatory 10 days in jail. It's always been a mandatory 10 days in jail! And, now, just like before, 9 days still get suspended upon completion of alcohol counseling. Extreme DUI with a BAC of .15 or higher, now a mandatory 30 days in jail! It's always been 30 days with 20 suspended upon completion of alcohol counseling. And work furlough is still available during the 10 days someone actually serves.

There are only 3 real changes to the law. Previously, anyone convicted of any DUI OTHER than a non-extreme first offense had to have an ignition interlock device "IID", installed in any car they drive for one year. Note it's tied to cars driven, not owned. (Keep in mind, manufactures have yet to manufacture a reliable IID for motorcycles so the IID provisions do not apply to motorcycle riders.) Under the new law, an IID is required even for that non-extreme first offense. IIDs for every DUI.

A second change was the addition of a new category of DUI where, a BAC of .20 or higher requires the defendant to serve 45 days in jail. It remains up in the air how the courts are going to handle this silly legislative overreaction since it exceeds penalties for a second offense DUI.

The final change adds DUI in a vehicle without a court ordered IID, when the IID was ordered as a result of a prior offense, to the list of what constitutes a felony DUI. The other three ways to get a felony DUI remain DUI on a suspended license, DUI with a child in the car, and third or more DUI with seven years.

Not much has changed with these purely political amendments to the DUI laws which are more related to the political ambitions of our legislators and county attorney than they are to any legitimate enforcement objective. We're obviously reaching the point in society where DUIs are becoming so commonplace it's losing it's stigma and deterrent value. It's becoming commonplace like fudging on your taxes, California rolls through stop signs, etc.

Don't drive drunk. But, if you're stopped, don't assume all is lost. Stay silent, refuse all road-side tests, request to speak with an attorney and know that the more complex DUIs become, the more things can go wrong leading to that special verdict of "NOT GUILTY."

Tell Him Biker Information Guide sent you.