

DUI Prosecutions in Ventura County



November 2009

DUI Law

- ◆ Driving while impaired
 - By Alcohol
 - By Drugs: Illegal and Legal
 - By Combination
- ◆ Driving with a BA of .08 or greater
 - No per se limit for drugs – no ‘therapeutic range’ defense
- ◆ Felony vs. Misdemeanor
 - Bodily Injury
 - With priors-within 10 years

Prosecution/Filing considerations

- ◆ Blood alcohol level
- ◆ Record of alcohol/substance abuse offenses
- ◆ Level of Impairment
- ◆ Driving patterns and Collisions

Case Filing Statistics-2008

- ◆ Cases submitted for review: 5597
- ◆ Cases filed: 5292 total (172 felony, 5120 misdemeanor)
 - Felonies
 - 191.5: 5
 - 23153: 94
 - 23550: 73
 - Misdemeanors (Approximately)
 - 1st: 4500
 - 2nd: 600
 - 3rd: 80
- ◆ Cases set for trial: 430 as of October 23, 2009

Punishment

- ◆ First offense : 96 hours to 6 months in jail and fine OR probation
 - Probation terms: CDL suspension/restriction, DUI school
- ◆ Second offense: 90 days to one year in jail and fine OR probation
 - Probation terms: 10 days jail or 96 hours, CDL suspension, Extended DUI school, IID
- ◆ Third Offense: 120 days to one year in jail and fine OR probation
 - Probation terms: 120 days and fine and CDL revocation
- ◆ Fourth Offense: Felony – 180 days, 16-2-3