SUPERIOR COURT OF CALIFORNIA	Reserved for Clerk's File Stamp	
COUNTY: COUNTY OF KINGS		
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA		
DEFENDANT:		
DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code § 23153)	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 5**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

	INITIALS ↓
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.....	1.
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	2.
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.	3.
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.	4.
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.....	5.
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	6.
7. **If applicable** - I understand that I am also charged with the following **other offense(s)**: _____ TYPE OF OFFENSE(S) AND SECTION NUMBER(S)	7.
8. **If applicable** - I am also charged with having the following **other conviction(s)**: _____ LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)	8.

Continued on reverse

NATURE OF THE CHARGES (Continued)

INITIALS ↓

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

_____
CASE NUMBER(S) AND DATE(S)

9.

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

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 ..... 11.

12. **RIGHT TO CONFRONT WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me ..... 12.

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 ... 13.

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 ..... 14.

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 ..... 15.

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.) 16.

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

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

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

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

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 ..... 21.

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 ..... 22.

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 ..... 23.

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 $120 to $1,000 (or $240 to $10,000 if the offense is a felony) unless the Court finds compelling and extraordinary reasons not to do so. 24.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

	INITIALS ↓
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.....	25.
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....	26.
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	27A.
B. The Court may also require me to install an ignition interlock device 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	27B.
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.....	27C.
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	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. The Court may impose a 10-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. The Court may impose a 10-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

	INITIALS ↓
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.....	28.
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.	29.
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, 23153, or Penal Code § 191.5(b), 192(c)(1), or any conviction within 10 years of Penal Code § 191.5(a) or 192.5(a).....	30.

Continued on reverse

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTION 23153 (Continued)

	INITIALS ↓
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.....	31.
32. I understand that the DMV will notify me that I am required to install an ignition interlock device in all vehicles that I own or operate, and it will issue a restricted license if I comply	32.
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...	33.
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...	34.
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	35.
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.....	36.

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.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 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.	
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

	INITIALS ↓
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.	37.

	INITIALS ↓
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.)	38.
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:	39.

- _____ 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 _____ (GUILTY OR NO CONTEST) to the following:

_____
LIST CHARGE(S)

	40.
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	41.
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)	42.
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	43.
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	44.

**** DEFENDANT'S SIGNATURE:** _____ **DATE:** _____

Continued on reverse

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