

|                                                                        |  |                                        |             |
|------------------------------------------------------------------------|--|----------------------------------------|-------------|
| <b>SUPERIOR COURT OF CALIFORNIA</b>                                    |  | <i>Reserved for Clerk's File Stamp</i> |             |
| COUNTY:                                                                |  |                                        |             |
| PLAINTIFF:<br><b>PEOPLE OF THE STATE OF CALIFORNIA</b>                 |  |                                        |             |
| DEFENDANT:                                                             |  |                                        |             |
| <b>ADDENDUM TO DUI ADVISEMENT OF RIGHTS,<br/>WAIVER, AND PLEA FORM</b> |  | 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"/> <b>A. WILLFUL REFUSAL (Vehicle Code § 23577)</b> | INITIALS |
|---------------------------------------------------------------------------|----------|

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>B. PRIOR DUI-RELATED FELONY CONVICTION WITHIN 10 YEARS</b><br><b>(Vehicle Code § 23550.5)</b> | INITIALS |
|---------------------------------------------------------------------------------------------------------------------------|----------|

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"/> <b>C. DUI CONVICTION MORE THAN 10 YEARS AGO</b><br><b>OR PREVIOUS CONVICTION OF PENAL CODE § 647(f) (Vehicle Code § 23646)</b> | INITIALS |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------|

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.

|                                                                                           |                                 |
|-------------------------------------------------------------------------------------------|---------------------------------|
| <input type="checkbox"/> <b>D. PASSENGER UNDER 14 YEARS OF AGE (Vehicle Code § 23572)</b> | <small>INITIALS</small><br><br> |
|-------------------------------------------------------------------------------------------|---------------------------------|

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.

|                                                                           |                                 |
|---------------------------------------------------------------------------|---------------------------------|
| <input type="checkbox"/> <b>E. EXCESSIVE SPEED (Vehicle Code § 23582)</b> | <small>INITIALS</small><br><br> |
|---------------------------------------------------------------------------|---------------------------------|

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.

|                                     |                    |
|-------------------------------------|--------------------|
| <b>DEFENDANT'S SIGNATURE:</b> _____ | <b>DATE:</b> _____ |
|-------------------------------------|--------------------|

#### 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 |
|-------------------------------|--------------------|------|