

## SUMMARY OF CURRENT DUI RAMIFICATIONS

### I. Criminal Penalties for DUI convictions during your life:

- A. First lifetime conviction is a Class B misdemeanor, Up to 6 months jail, fine of \$750 - \$1,000.
- B. Second lifetime conviction is a Class A misdemeanor, 90 days – 1 year jail, fine of \$1,250 - \$1,750.
  - 1. The jail time can be 48 hours jail followed by either Work Release or House Arrest for the remaining jail time, which must include at least 120 hours of confinement.
- C. Third lifetime conviction, 90 days – 1 year jail, fine of \$1,750 - \$2,500.
  - 1. If more than 10 years since last DUI conviction, Class A misdemeanor.
  - 2. If less than 10 years since last DUI conviction, Felony.
  - 3. After serving 48 hours jail, the court may allow Work Release or House Arrest for remaining jail time, which must include at least 2,160 hours confinement. *The 48 hours of jail only count toward confinement time if Work Release is ordered.*
  - 4. Upon completion of jail/Work Release/House Arrest, one year probation with either Adult Probation or Community Corrections Field Services.
- D. Fourth and subsequent lifetime conviction is a Felony, 90 days – 1 year jail, fine of \$2,500.
  - 1. After serving 72 hours jail, the court may allow Work Release or House Arrest for remaining jail time, which must include 2,160 hours of confinement. The 72 hours jail time only counts toward the confinement time if Work Release is ordered.
  - 2. Upon completion of jail/Work Release/House Arrest, one year probation with either Adult Probation or Community Corrections Field Services.

*Note: DUI convictions and Diversions prior to July 1, 2001 are not counted for enhancement.*

### II. Driver's License ramifications:

- A. Test failures/convictions .08 - .149 BAC:

1. First lifetime occurrence, 30 day suspension, followed by a 6 month – 12 month Ignition Interlock Device restriction, depending on the Licensee's driving record.
  2. Second lifetime occurrence, 1 year suspension followed by a 1 year Ignition Interlock Device restriction.
  3. Third lifetime occurrence, 1 year suspension following by a 2 year Ignition Interlock Device restriction.
  4. Fourth lifetime occurrence, 1 year suspension followed by a 3 year Ignition Interlock Device restriction.
  5. Fifth or subsequent lifetime occurrence, 1 year suspension followed by a 10 year Ignition Interlock Device restriction.
- B. Test failures/convictions .150 BAC or greater:
1. First lifetime occurrence, 1 year suspension followed by a 1 year Ignition Interlock Device restriction.
  2. Second lifetime occurrence, 1 year suspension followed by a 2 year Ignition Interlock Device restriction.
  3. Third lifetime occurrence, 1 year suspension following by a 3 year Ignition Interlock Device restriction.
  4. Fourth lifetime occurrence, 1 year suspension followed by a 4 year Ignition Interlock Device restriction.
  5. Fifth or subsequent lifetime occurrence, 1 year suspension followed by a 10 year Ignition Interlock Device restriction.
- C. Test refusals:
1. First lifetime occurrence, 1 year suspension, followed by a 2 year Ignition Interlock Device restriction.
  2. Second lifetime occurrence, 1 year suspension followed by a 3 year Ignition Interlock Device restriction.
  3. Third lifetime occurrence, 1 year suspension following by a 4 year Ignition Interlock Device restriction.
  4. Fourth lifetime occurrence, 1 year suspension followed by a 5 year Ignition

Interlock Device restriction.

5. Fifth or subsequent lifetime occurrence, 1 year suspension followed by a 10 year Ignition Interlock Device restriction.
- D. *Hardship license is available after completing 45 days of any 1 year suspension caused by a test failure and 90 days if caused by a test refusal.*
  1. *If this is a first occurrence, the hardship restrictions will be expanded to include driving within the course of employment, for medical emergencies, and to attend court ordered programs.*
- E. An occurrence is a conviction, diversion, or administrative suspension for any of the following: DUI, Refusal, Boating Under the Influence, or receiving punishment under the military code for acts which would constitute the crime of DUI, Refusal, or Boating Under the Influence.
- F. If you have a CDL, on a first occurrence you will lose the CDL for 12 months. On a second or subsequent occurrence, you will lose your CDL for life.

III. Habitual Violater:

- A. Is a driver who within the immediately preceding 5 years has been convicted in any state of 3 violations from the following list:
  - A. Vehicular Homicide, DUI (including diversions), Driving While Suspended or Revoked, Perjury (violating K.S.A. 8-261a), Fraudulently apply for a vehicle title (K.S.A. 8-142 (Fifth)), Commit a Felony in a vehicle, Failing to stop at the scene of an accident, No Proof of Insurance, or Criminal Test Refusal;
  - B. You lose all driving privileges for 3 years;
  - C. Driving after being declared a Habitual Violater is a Class A Misdemeanor, with up to 12 months jail and a fine up to \$2,500.