

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO  
Plaintiff,

v.

\_\_\_\_\_  
Defendant.

Case No. CR \_\_\_\_\_

Notification of Penalties for Subsequent Violations of  
Operating a Motor Vehicle Under the Influence

Idaho Code section 18-8005  
Idaho Misdemeanor Criminal Rule 9.1(c)

To the Defendant:

You are notified that if you plead guilty to or are found guilty of a violation of operating a motor vehicle under the influence the penalties will be as follows:

1. A first Driving Under the Influence (DUI) violation is a misdemeanor and you:
  - a. May be sentenced up to six (6) months in jail;
  - b. May be fined up to \$1,000;
  - c. Shall have your driving privileges suspended for thirty (30) days during which absolutely no driving privileges may be granted. After the thirty (30) day period driving privileges shall be suspended for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days, during which restricted driving privileges may be requested; and
  - d. Shall, within ten (10) days following the end of the mandatory suspension period, have a state approved ignition interlock system installed at your expense on all motor vehicles operated by you for a period to end one (1) year following the end of the suspension period.
  
2. A first DUI violation where your alcohol concentration is 0.20 or above is a misdemeanor and you:
  - a. Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days, the first forty-eight (48) hours of which must be consecutive, and may be sentenced to not more than one (1) year in jail;
  - b. May be fined an amount not to exceed two thousand dollars (\$2,000);
  - c. Shall surrender your driver's license or permit to the court;

- d. Shall have your driving privileges suspended by the court for an additional mandatory minimum period of one (1) year after release from confinement, during which one (1) year period absolutely no driving privileges of any kind may be granted; and
- e. Following the end of the mandatory suspension period, shall only drive a motor vehicle equipped with a functioning ignition interlock system.

You are notified that if you plead guilty to or are found guilty of another violation of operating a motor vehicle under the influence the penalties will be as follows:

1. A second DUI violation within ten (10) years, including withheld judgments, is a misdemeanor and you:
  - a. Shall be sentenced to jail for at least ten (10) days, and up to one (1) year, the first forty-eight (48) hours of which must be consecutive and five (5) days of which must be served in jail;
  - b. May be fined up to \$2,000.00;
  - c. Shall have your driving privileges suspended for a minimum of one (1) year during which absolutely no driving privileges of any kind may be granted; and
  - d. Following the one (1) year mandatory license suspension period, shall only drive a motor vehicle equipped with a functioning ignition interlock system.
2. A second DUI violation within five (5) years where in both cases there was an alcohol concentration of .20 or more is a felony and you:
  - a. Shall be sentenced to the custody of State Board of Corrections for up to five (5) years, but if the court imposes a jail sentence instead of the state penitentiary it shall be for a minimum period of not less than thirty (30) days; and
  - b. May be fined up to \$5,000.00;
  - c. Shall have your driving privileges suspended for at least one (1) year and not more than five (5) years after release from imprisonment, during which absolutely no driving privileges of any kind may be granted; and
  - d. Following the one (1) year mandatory license suspension period, shall only drive a motor vehicle equipped with a functioning ignition interlock system.
3. A third DUI violation within ten (10) or a subsequent DUI with a previous felony DUI or aggravated DUI within fifteen (15) years is a felony, and you:

- a. Shall be sentenced to the custody of State Board of Corrections for up to ten (10) years, but if the court imposes a jail sentence instead of the state penitentiary it shall be for a minimum period of not less than thirty (30) days the first 48 hours of which must be consecutive and ten (10) days of which must be served in jail; and
- b. May be fined up to \$5,000.00;
- c. Shall have your driving privileges suspended for at least one (1) year and not more than five (5) years after release from imprisonment, during which absolutely no driving privileges of any kind may be granted in the first year; and
- d. Following the one (1) year mandatory license suspension period, shall only drive a motor vehicle equipped with a functioning ignition interlock system.

I have read this entire document; I have had it explained to me, and I have received a copy.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Printed or typed name of Defendant