

Driving Under the Influence



Drunk driving is a serious crime which can have far-reaching consequences in all aspects of your life.

What is DUI?

The consumption of alcohol or certain drugs affects your ability to operate a motor vehicle because those substances are absorbed into your bloodstream. In Pennsylvania, if it is determined that you have been driving a motor vehicle while so influenced by alcohol or drugs that you are unable to do so safely,

you may be arrested for “driving under the influence” or “DUI”. In some other jurisdictions, the offense is known as “driving while intoxicated” or “DWI”, but it is substantially the same. Since most DUIs are alcohol-related, the information provided in this pamphlet will refer primarily to DUI offenses involving alcohol. Nevertheless, most of this information is equally applicable to drug-related DUIs. In any event, DUI is a serious criminal offense, and you should contact an attorney immediately if you have been arrested.

How Does The Police Officer Determine If I Have Been Driving Under The Influence?

If you are stopped by a police officer for a suspected DUI offense, you may be asked to submit to one or more field sobriety tests (e.g., walking a straight line, counting backward, etc.) which are designed to demonstrate whether you are in fact too intoxicated to safely operate a motor vehicle. In addition, you will probably be asked to take a chemical test to determine the level of alcohol in your bloodstream. Most commonly, this will involve either a blood sample test or a breathalyzer test. In general, under Connecticut, if the amount of alcohol by weight in your blood is found to be 0.08% or greater, you are presumed to be too drunk to drive. For

minors and commercial-vehicle drivers, the legal limits are even lower. However, if based on his or her observations, the officer has reason to believe that you are too drunk to drive, you may be arrested for DUI even if your blood alcohol level is less than 0.08%. Nevertheless, neither basis for determination is without its weaknesses, and ultimately, the prosecution has the burden of proving that the results of the test and/or the officer’s observations are reliable. Because blood alcohol tests are designed to measure the level of alcohol in the bloodstream of a person of “average” height and weight, the results of such a test may not be entirely accurate in every case. In addition, many other factors, such as the timing of the test, the effects of any prescription medications, and so on, should be considered. For this reason, it is important that you contact an attorney immediately after a DUI arrest so that he or she can assess the circumstances of your case and prepare an appropriate defense.

If I Am Stopped, Should I Submit To A Blood Sample Test Or Breathalyzer Test?

In most cases, yes. However, because circumstances vary, and because a DUI conviction may have far-reaching consequences on virtually every area of one’s personal and professional life, there is no one right answer for every person or every situation. In Connecticut, the refusal to submit to any type of blood alcohol test will automatically result in a one-year suspension of your driver’s license. Also, contrary to popular belief, you can still be prosecuted and found guilty of a DUI offense even if you refuse to submit to blood alcohol test. In general, unless you have a legitimate medical condition



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which prevents you from submitting to a particular type of test, you should cooperate in the administration of such a test. Nevertheless, if you have questions about the potential legal effects of a blood alcohol test or DUI conviction on your individual circumstances, you should seek the advice of an attorney.



What Will Happen To Me If I Have Been Arrested For DUI?

Again, because circumstances vary, there is no one answer which is applicable to every situation. In Connecticut, a first-time offender may be sentenced to pay a fine and serve 48 hours in jail. If your vehicle is involved in an accident, or if you have been arrested before, additional charges and penalties may apply. In some cases, a person may be eligible for an alternative disposition of their pending DUI charge. The prosecutor has the discretion to offer Accelerated Rehabilitation Disposition, or “ARD”, to persons who are charged with DUI and other nonviolent crimes. Participation in the ARD program is in lieu of the sentence which is otherwise prescribed by law, and may involve counseling and the completion of one or more instructional classes, all at the expense of the participant. Your attorney can explain more about ARD, the costs involved, and your likelihood of eligibility for the program. However, each county has different requirements and guidelines for a person to be admitted into such a program, and as a practical matter, repeat offenders will not be allowed to participate in ARD. Based on your individual circumstances and needs, your attorney will be able to assess your situation and discuss the possible outcome of your case. Even if a jail sentence is mandatory, your attorney may be able to negotiate a modified

Statistically, two out of every five people in the U.S. will be involved in an alcohol-related automobile accident at some time in their lives.

sentence that will permit you to continue to go to

work and attend to other important family needs.