

## **DUI/DWI FAQ'S**

### **1. I was arrested for a DUI, but the officer never told me when I have to be in court. Does this mean that I wasn't charged?**

No. Most police agencies in the State of Washington file the DUI charges directly by giving the individuals that they arrest a citation with a court date on it. However, sometimes the police officer doesn't charge the individual by citation but forwards the case on to the prosecuting attorney who may then file DUI charges later. If this happens, then you should receive your court notice (summons) in the mail. The time for receiving this notice varies greatly from jurisdiction to jurisdiction.

### **2. The officer punched a hole in my Washington State license. What does this mean and is my license still valid?**

If you are arrested for DUI and you either provide a breath sample over .08 (.02 if you are under the age of 21) or refuse to take the breath test, the State of Washington will initiate proceedings to suspend and/or revoke your driving privileges and you must request a hearing to contest the action within 30 days or you will lose your right to do so. Your license remains valid for a period of 60 days (unless extended by the DOL), as long as you carry the piece of paper at the bottom of the hearing request form with your license.

### **3. Will the court hold it against me if I hire an attorney to represent me on my DUI and plead not guilty?**

A resounding NO! You have an absolute right under the constitution to challenge the evidence against you. Actually, most Judges are far more comfortable dealing with clients who are represented by counsel due to the fact that many potential conflicts can arise with people trying to represent themselves. And most Judges may actually prefer to have a defendant represented by an attorney.

### **4. My breath/blood alcohol reading was below the legal limit. Do I have anything to worry about?**

Possibly. In the State of Washington, even if your reading is below the legal limit or there are no alcohol results, the police and prosecuting attorney will proceed if they believe that there is sufficient evidence to show that, even though your alcohol concentration was below the legal limit, that your ability to drive was appreciably affected by alcohol, thus charging you with a DUI. This opinion will be based upon the officer's observations and the tests that he/she conducted. Remember, the officer arrested you because he/she felt that your ability to drive was impaired so DUI charges may still be a very real possibility.

### **5. If I hire an attorney, does that mean that the case will go to trial?**

Not necessarily. The vast majority of DUI cases do not go to trial.

Whether or not your case will go to trial depends on far too many factors to list here.

## **6. In Washington State, if my license gets suspended, can I get an occupational license?**

While the answer varies greatly depending on your driving history and whether you submitted to a test of your breath or blood, if you have no prior DUI offenses, you can usually obtain an occupational license at some point during the suspension once you have complied with a number of requirements set out by the Department of Licensing. However, there are many limits on the granting of occupational licenses and it is crucial that an experienced DUI attorney review your personal circumstances.

## **7. What can a good DUI defense attorney do for me?**

Having a good DUI defense attorney can make the experience far less stressful. They can answer your questions, prepare you for the proceedings each step of the way, and ensure that if there is a way to help you, they will find it. Often times, a successful DUI defense may mean a substantial reduction of the charges rather than a dismissal. In this scenario, you are able to accept some responsibility, while at the same time mitigating the long term effects. Most importantly, they will communicate. If you can't communicate with your attorney, there is a good chance that no one else can either and it can make a painful chapter in your life much worse.

## **8. What is Electronic Home Monitoring (EHM)?**

Electronic Home Monitoring allows you to serve your jail time within the confines of YOUR own home rather than in jail. While EHM allows you to attend your regular work schedule and/or alcohol treatment, you are restricted to your home while serving an EHM sentence. An electronic bracelet is placed around your ankle.

## **9. What is an Ignition Interlock Device?**

An Ignition Interlock **Device (IID)** is a breath analyzer that is wired into your vehicle's starting system. It is about the size of a cellular phone. In order to start your vehicle, you must breathe into the IID for several seconds. If your breath alcohol level is over the predetermined limit, usually .02, your car will not start. If your breath alcohol level is below the preset limit, then your car will start. The IID will require you to breathe into the device periodically while you are driving.

## **10. What is Work Release?**

Work Release is a partial confinement program allowing persons sentenced to jail but who are employed to continue working. While serving a work release sentence, you are allowed to go to work, but must return to

the corrections facility when not working.

**11. What if I am under 21 years old?**

If you are a minor and provide a breath test sample of .02 or higher, the Department of Licensing will take action to suspend your license.(SEE FAQ # 2) Also, it is a crime for a minor to drive a car after consumption of alcohol over .02, thus you will face criminal penalties as well. Furthermore, if you are a minor and provide a breath test sample of .08 or higher, not only are you looking at a license suspension from the Department of Licensing, but you will be charged criminally as an adult DUI. Also, as stated in FAQ #4, even if your reading is under .08, they can charge you with an adult DUI.