

DUI Court PROBATION TERMS (4.15.09)

Name: _____ Case No: _____

Defendant is to serve **5 years Probation**. Initially and during the term of DUI Court participation, probation will be Formal (supervised). Upon graduation from the DUI Court Probation will revert to informal probation. [initials _____]

PROBATION SHALL BE ON THE FOLLOWING TERMS;

1. **Violate no law.** [initials _____]
2. **Complete _____ days jail**, to be stayd during the successful completion of DUI Court. Except that any statutory mandated minimum term (96 hrs for 2d and 120 days for 3d) shall be served in phase 3 of the DUI Court program. SEC (secured electronic confinement) will be available to most participants, the DUI Court will advise all participants during the “window” period of their eligibility for SEC). [initials _____]
3. **Pay the following fines and fees** (required by law);
 - a. \$390 + penalty assessment
 - b. \$100 State Restitution Fund
 - c. \$50 alcohol abuse education fee
 - d. \$37 testing fee
 - e. \$20 court security fee (per count)
 - f. \$20 criminal conviction assessment fee (GC70373)(per count)
 - g. \$78 state surcharge
 - h. \$1 night court fee
 - i. other mandatory fine or fee imposed at sentencing.

The payment of fines and fees or the serving VAC (community service) shall be supervised by probation. Participants shall create a plan with the assistance of their probation officer to complete payment of service within a 12 month period. [initials _____]

(select one)

- Fines: I elect to pay the fines and fees in monthly payments to be set by Probation.
- VAC: I agree to complete 13 days of VAC in lieu of paying fines and penalty assessments. I understand I will still have to pay all fees.

Page 1

OTHER TERMS OF PROBATION:

4. **Do not drive without a valid California Driver's License and proof of insurance** in your possession. [initials _____]
5. **Do not own, use or possess alcoholic beverages** or empty beverage containers. Do not associate with persons using or under the influence of alcohol. Do not go where alcohol is the primary item for sale (bars & liquor stores). [initials _____]
6. **Do not drive with any measurable amount of alcohol in your system** or any other intoxicating substance in your system. An “intoxicating substance” is any substance which would impair a person's mental or physical ability to any degree. It includes legal, illegal and over the counter drugs and medications. [initials _____]
7. **Submit to a chemical test** (blood or breath) as requested by any peace officer or (blood, breath or urine) as requested by any probation officer. [initials _____]

8. **Submit to Search and Seizure** of your person and property, including residence, premises, container or vehicle under your control, at any time of the day or night, by any peace or probation officer, with or without a warrant, and with or without probable cause.
[initials _____]
9. **Cooperate with your Probation Officer and the DUI Court Team** in any plan for psychological, psychiatric, alcohol and/or drug treatment. [initials _____]
10. **Seek training, schooling or employment**, and maintain a residence and associates as approved by your Probation Officer. [initials _____]
11. **Not own, use or possess any type of deadly or dangerous weapon** (including replicas and non-operational weapons). Not possess any form of explosive or ammunition. [initials _____]
12. **Attend and complete a DMV approved multiple offender program (SB38)**. [initials _____]
13. **Attend and complete a Victim Impact Panel**. [initials _____]
14. **Obey all laws, orders, rules, and regulations** of the Probation Department, The DUI Court, the Orange County Health Care Agency and the jail. [initials _____]
15. **Pay restitution in an amount and manner as required by Probation** (If your arrest included injury to person(s) or property). (If you contest the amount of restitution required by Probation, you must request a hearing within 30 days of notice of the amount of restitution required).
[initials _____]
16. **Pay booking fees**, if any as ordered by the Court at sentencing. [initials _____]

Page 2

17. Be advised that upon a second conviction for DUI within 10 years your driving privilege will be **suspended** by DMV for 2 years. Upon a third conviction for DUI within 10 years your driving privilege will be **revoked** by DMV for 3 years. You may be eligible for a restricted license before the end of this period. If you are in compliance with the DUI Court program the Court will provide information to DMV approving a restricted license (with the installation of a interlock device) at the time DMV is willing to issue a restricted license. The final decision to issue a license or restricted license is with DMV. It is the participant's obligation to provide proof to the Court that DMV is ready and willing to issue a restricted license. [initials _____]
18. **Use your true name** and DOB in dealing with the Court, law enforcement and DMV. Do not apply for a driver's license in any other name or any other state without the Court's permission.
[initials _____]
19. **Comply with the DUI COURT PLEA AGREEMENT** and the reasonable direction of the DUI Court Team. [initials _____]
20. **Complete financial assessments with Probation and Health Care** and pay the reasonable cost of each. In addition, pay the reasonable fees of the Public Defender (if you use its service). All financial assessments will be determined on an ability to pay basis. If you disagree with the amount assessed by any of these agencies you have a right to request a hearing before the Judge. You must apply for a hearing within 30 days of being assessed). [initials _____]

I understand that the Court may modify the conditions of probation (with reasonable notice). I also understand that I have the right to request the Court to modify or strike conditions of probation that I feel are unreasonable. The decision of the judge will be final.

[initials _____]

I have read these conditions of probation and have read the DUI Court Plea Agreement. I agree to these terms.

Dated: _____

Signed : _____
Defendant