

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF EL DORADO
DUI COURT**

Case No: _____ People v. _____

Supplement to DUI Plea Agreement

1. If the Court accepts this plea, I agree to give up the rights necessary to carry out the agreement set forth herein and in the DUI Advisement of Rights, Waiver, and Plea Form executed along with this Plea Agreement. I have consulted with Counsel and/or feel that I understand the DUI Court Program and feel that it is a program in which I can be successful and will benefit me. I accept the consequences outlined below.

{initials _____}

2. My eligibility to participate in the DUI Court Program will be determined by an assessment given by the Department of Alcohol and Drug or Progress House and if eligible, I would appear on _____ (date) to be sentenced to this alternative sentence. If found to be ineligible, the Court would simply impose judgment and sentencing as previously indicated on Judicial Counsel plea form. I agree that the DUI Court Program begins on the latter of my signature on this form and sentencing by the Court. This includes my agreement to attend and provide proof of two twelve step meetings a week until sentencing.

{initials _____}

3. I further understand that the Court may terminate my participation in the DUI Court Program for reasons of unsuitability or for reasons of non-compliance with the entry requirements of the program. If this happens, the Court will simply impose the STAYED SENTENCE:

{initials _____}

4. If it is learned at any time during my participation with the DUI Court that I have provided false information regarding my identity, or that I have disqualifying convictions or have pending criminal charges in another court which have not been disclosed or are disqualifying, I understand that I can be terminated from the program and sentenced consistent with the new information, including probation terms and a jail sentence consistent with the terms of my plea. I also understand that following a termination for acts constituting a probation violation, the Court can impose an additional sentence up to the maximum sentence.

{initials _____}

5. I agree to follow the rules and regulations of the DUI Court Program and of the Probation Department, Health Care Agency (HCA) and any other organization that provides services to me during the DUI Court Program. I agree to report to Probation and HCA as directed. I agree to abide by any curfew that may be imposed during this program. I agree not to commit any crimes, not to use or possess alcoholic beverages, not to use or possess any controlled substances or other contraband, not to frequent establishments where the primary item for sale is alcoholic beverages and not to associate with persons who are possessing, using or under the influence of controlled substances or are using or under the influence of alcohol.

{initials _____}

6. I understand that during my participation in the DUI Court, if I fail to comply with the rules and regulations of the DUI Court Program (including the items listed in 5 above), I would be subject to sanctions by the Court or termination, depending on the severity of the violation and the number of violations which had come before. The decision of the Court is final on all sanctions to be imposed.

{initials _____}

7. I understand that one sanction, which may be imposed, is to be taken into custody (jail). I also understand that I have a right to a probation violation hearing to verify the violation for which I am being sanctioned. At that hearing, I have a right to an attorney, to confront and cross-examine any witnesses against me, to subpoena witnesses to testify on my behalf, and testify myself or remain silent. **I give up the right to a probation hearing when I am taken into custody for a period of time not to exceed 72 hours. When I am taken into custody for less than 72 hours, this will be considered a SANCTION but NOT a PROBATION VIOLATION.**

{initials _____}

8. I understand at the successful conclusion of the DUI Court, probation will revert to informal and upon proof of successful completion of both the DUI Court and the DMV multiple offender program without any intervening probation violations, I may petition the Court for my probation to be terminated (even if this occurs prior to the time period called for in the plea forms). I understand there will be no dismissal of charges.

{initials _____}

9. I understand that the DUI Court Program requires complete abstinence from illegal drugs, narcotics, and alcoholic beverages. This includes not possessing or using any drugs or alcoholic beverages (including prescription drugs unless possessed/used with the express permission of the DUI Court Team). I understand

I may not have alcoholic beverages within the residence in which I live (even though the alcoholic beverages may belong to another adult with whom I reside).
{initials _____}

10. I understand that I will be drug and/or alcohol tested regularly and randomly. A positive test for any drug, alcohol or “illegal” substance will be a “dirty” test for which I will be sanctioned. A missed test or a failure to test (without permission) will be considered a “dirty” test for which I will be sanctioned. Any evidence of “diluting,” adulteration, flushing, or efforts to mask or change a test result will be considered a “dirty” test for which I will be sanctioned.

{initials _____}

11. I understand that California Law requires a “proof of financial responsibility” or minimum insurance of all drivers. In addition, California Law provides for a mandatory license suspension on all second and third DUI cases. During participation in the DUI Court Program, I will not drive a car unless I have a valid California driver’s license and insurance as required by law.

{initials _____}

12. I understand that one of the requirements of the DUI Court is to enroll in and complete a DMV approved multiple offender program (SB38). I will remain in this program until completion and immediately notify my probation officer and the Court if I am terminated from the program or if I discontinue the program for any reason.

{initials _____}

13. All California driving under the influence cases have minimum mandatory jail time requirements. In the DUI court program a conviction with one prior has a upfront mandatory straight time jail sentence of 4 days. A conviction with two priors has an upfront mandatory straight time jail sentence of 30 days. I will be required to serve this time in jail at the beginning of my case. If I am not accepted or eligible for the DUI court program, the mandatory jail sentence is a minimum of 10 days with 1 prior or 120 days with 2 priors. I will be able to complete the remainder of the mandatory 10 days or 120 days, depending on my conviction, on an jail alternative program. I understand that the Court anticipates that I will serve the minimum sentence on electronic confinement (EMP) during the term of a successful program. I understand that the Court has the ability to require me to do all of my time in custody and not to order me on EMP. If I do EMP, I must qualify for and serve the sentence under the direction of the Probation Department. Upon successful completion of the program, any stayed sentence over and above the mandatory minimum, not previously served, will remain stayed. However, I will not receive custody credits for participating in residential treatment programs or outpatient treatment programs.

{initials _____}

14. The services of the Public Defender, Probation, Healthcare, and any outside companies that may provide services to the DUI Court (such as the SCRAM devise and/or PSA test) cost money. These agencies and/or DUI Court may pass on the cost (of providing these services to the participants of DUI Court) on an ability to pay basis. This determination will be made while I am in the program and prior to graduation. In the event I feel the an assessment is unfair, that issue may be brought to the Court for reconsideration. The decision of the Court will be final. A failure to pay assessment(s) can delay graduation. A failure to pay assessments can be enforced as a probation violation.

{initials _____}

15. Part of DUI Court's treatment process may include (a) the use of an alcohol monitoring devise (SCRAM or similar devises), (b) requirement that a participant live in a sober living home, or (c) require a participant to reside in a residential treatment program. These increased levels of treatment are imposed not as punishment, but in an attempt to better address the addiction issues of individual participants. Since they are not imposed as punishment, time spent in these treatment modalities do not reduce custody time which may be required either by state law or against the stayed time imposed at the time of plea. In signing this agreement and accepting the DUI Court program, I agree to waive any custody time credits which might otherwise exist for a court's imposition of these probation obligations.

{initials _____}

Dated: _____

Defendant's Signature

Defense Attorney's Signature

Dated: _____

Judge of the Superior Court