

# *Driving Under the Influence*



Enjoy Prom and Graduation season...  
DON'T BECOME A STATISTIC!!!

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## THE LAW\*

### DEFINITION OF IMPAIRMENT

In New Jersey, a person is guilty of drunk driving if he/she operates a motor vehicle with a Blood Alcohol Concentration of 0.08% or higher. BAC refers to the amount of alcohol in your blood. Even though the law states that at a .08% BAC, you can be convicted of driving under the influence of intoxicating liquor, the law also states that you can be convicted of driving under the influence **even if your BAC is less than .08%**.

Consuming even small amounts of alcohol dulls the senses, increases duration of reaction time, and hampers judgment, vision and alertness. If you consume ANY amount of alcohol and your driving is negatively impacted, you can be convicted of drunk driving. It is a violation to operate a motor vehicle while under the influence of a narcotic, hallucinogenic or habit producing drug. In addition, it is also illegal to allow another person to operate a motor vehicle when that person does so in violation of the Driving While Intoxicated (DWI) law.

## THE PENALTIES\*

### FIRST OFFENSE

Under New Jersey Law (N.J.S.A 39:4-50), if an offender's BAC is .08% or greater, but less than .10% or if an offender permits another person with a BAC over .08% but less than .10% to operate a motor vehicle, **the penalties are:**

1. Fine of \$250-400
2. Imprisonment for up to 30 days
3. 3-month license suspension
4. A minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center
5. An automobile insurance surcharge of \$1000 a year for three years

If the offender's BAC is .10% or higher, or the person operates a motor vehicle while under the influence of a narcotic, hallucinogenic or habit-producing drug or permits another person with a BAC of .10% to operate a motor vehicle, **the penalties are:**

1. A fine of \$300-500
2. Imprisonment for up to 30 days
3. License suspension between 7 months and 1 year
4. A minimum of six hours a day for two days in an Intoxicated Driver Resource Center
5. Automobile insurance surcharge of \$1000 a year for 3 years

Offenders with a BAC of .15% or greater must install an ignition interlock device in any vehicle they operate during the license suspension period and for a period of up to 1 year after the license is restored.

## **SECOND OFFENSE**

1. Fine of \$500-\$1000
2. Imprisonment of at least 48 consecutive hours and up to 90 days
3. 2 year license suspension
4. A minimum of six hours a day for two consecutive days in an Intoxicated Driver Resource Center
5. Automobile insurance surcharge of \$1000 a year for 3 years
6. Installation of an ignition interlock device for 1-3 years after license restoration.

## **THIRD OFFENSE**

1. Fine of \$1000
2. Imprisonment of 180 days
3. 10 year license suspension
4. Detainment in an inpatient alcoholism treatment program
5. Fees to be paid to the Intoxicated Driver Resource Center
6. Automobile insurance surcharge of \$1500 a year for 3 years
7. Installation of an ignition interlock device for 1-3 years after license restoration.

## **ADDITIONAL PENALTIES\***

1. \$100 surcharge to be deposited in the Drunk Drivers Enforcement Fund
2. Motor Vehicle Commission restoration fee of \$100 and an Intoxicated Driving Program fee of \$100
3. A Violent Crimes Compensation Fund fee of \$50
4. A Safe and Secure Community Program fee of \$75

\*Source: New Jersey Motor Vehicle Commission & Division of Highway Safety  
[www.njsaferoads.com](http://www.njsaferoads.com)  
1-800-422-3750

## **REGISTRATION REVOCATION/IGNITION INTERLOCK\***

In addition to these penalties, judges may order the revocation of the vehicle registration (N.J.S.A. 39:4-50).

The interlock device, which measures the driver's blood alcohol level, may be required for up to 3 years following license restoration after a DWI conviction. Any person may start a motor vehicle equipped with an interlock device for safety reasons or to repair the device or motor vehicle, but the **convicted offender may not operate the vehicle**. A person who blows into an interlock device to start a motor vehicle for the convicted offender or tampers with the device to evade its operation may be charged with a disorderly persons offense.

## DRIVING WITH A MINOR\*

A parent or guardian who is convicted of driving while intoxicated and had a passenger in the motor vehicle 17 years of age or younger, is also guilty of a disorderly persons offense. In addition, a person forfeits the right to operate a motor vehicle for a maximum of six months and must perform community service for up to five days.

## POSSESSING AN OPEN CONTAINER IN THE PASSENGER COMPARTMENT\*

1. *First Offense* - \$200
2. *Second Offense* - \$250 or 10 days of community service

## DRIVING WITH A SUSPENDED LICENSE DUE TO DWI

1. A fine of \$500
2. 10-90 days imprisonment
3. 1 to 2 years additional license suspension
4. Revocation of motor vehicle registration
5. If you are involved in a crash while driving with a suspended license and someone is injured, there is a **mandatory** 45 day jail sentence.

## CONSEQUENCES OF UNDERAGE DRINKING AND DRIVING\*

In the United States, you **MUST** be at least 21 years old to purchase, possess or consume alcoholic beverages. Underage drinking is **ILLEGAL** and can have severe consequences for young people who drink and for the adults who supply alcoholic beverages to those under 21.

If you are under 21 and buy or drink alcohol in a place with an alcohol beverage license, you may be fined \$500 and lose your driver license for 6 months. If you do not have your driver license, the suspension starts when you are first eligible to receive a license. Also you may be required to participate in an alcohol education or treatment program.

If you are under 21 and drive with any detectable amount of alcohol in your system, (.01 BAC or above) and are convicted for violating New Jersey's Zero Tolerance Law, **the penalties are:**

1. Loss or postponement of license for 30 to 90 days
2. 15-30 days of community service
3. Participation in an alcohol and traffic safety education program

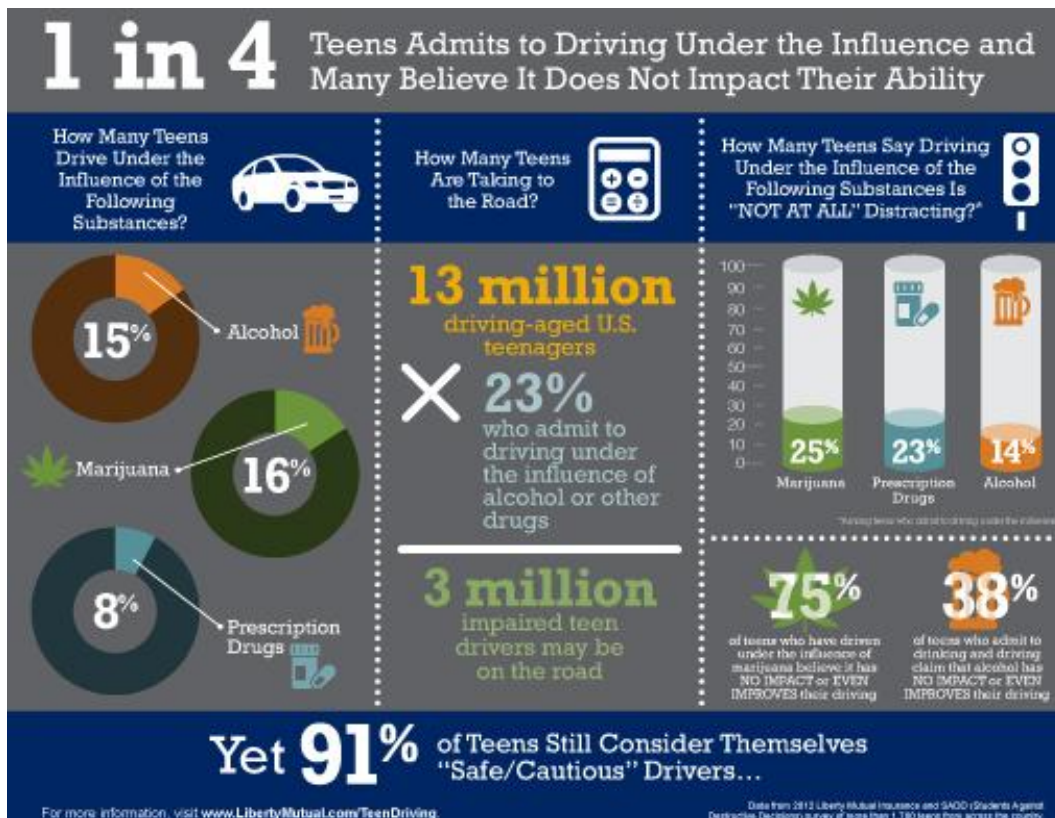
### WHAT IS A STANDARD DRINK?

A standard drink contains about 14 grams (about .6 fluid ounces) of pure alcohol. Below are approximate standard drink equivalents.

12 oz. of beer or cooler	8-9 oz. of malt liquor 8.5 oz. shown in a 12-oz glass that, if full, would hold about 1.5 standard drinks of malt liquor	5 oz. of table wine	3-4 oz. of fortified or dessert wine 3.5 oz. shown	2-3 oz. of cordial, liqueur, or aperitif 2.5 oz. shown	1.5 oz. of brandy (a single jigger)	1.5 oz. of spirits (a single jigger of gin, vodka, whiskey, etc.) Shown straight and in a highball glass with ice to show level before adding mixer
12 oz.	8.5 oz.	5 oz.	3.5 oz.	2.5 oz.	1.5 oz.	1.5 oz.

**Note:** Some of these drinks are sold in containers holding multiple standard drinks. For example, malt liquor is often sold in 16-, 22-, and 40-oz. bottles that contain between two and five standard drinks.

<http://pubs.niaaa.nih.gov/publications/niaaa-guide/#appendixb>



## **EFFECTS OF DRIVING WHILE UNDER THE INFLUENCE OF MARIJUANA\*\***

Data from road traffic arrests and fatalities indicate that after alcohol, marijuana is the most frequently detected psychoactive substance among driving populations. Marijuana has been shown to impair performance for up to approximately 3 hours.

The greater the demands placed on the driver, the more critical the likely impairment. Marijuana may particularly impair monotonous and prolonged driving. Decision times to evaluate situations and determine appropriate responses increase. Mixing alcohol and marijuana may dramatically produce effects greater than either drug on its own.

**Effects include: decreased car handling performance, increased reaction times, impaired time and distance estimation, inability to maintain headway, lateral travel, subjective sleepiness, motor in-coordination, and impaired sustained vigilance.**

## **EFFECTS OF DRIVING WHILE UNDER THE INFLUENCE OF MDMA/ECSTASY\*\***

MDMA also known as ecstasy is the derivative of methamphetamine. MDMA is recreationally used as a party, rave or dance drug for its stimulant, mild hallucinogenic, and psychoactive properties.

MDMA can enhance impulsivity and make it difficult for a person to maintain attention during complex tasks (selective attention, divided and sustained attention, and complex attention tasks). Laboratory studies have demonstrated changes in cognitive, perception and mental associations, instability, uncoordinated gait, and poor memory recall.

**Effects include: distortion of perception, thinking, and memory, impaired tracking ability, disorientation to time and place, and slow reactions.**

## **EFFECTS OF DRIVING WHILE UNDER THE INFLUENCE OF COCAINE\*\***

Cocaine hydrochloride also known as coke or blow is a white to light brown crystalline powder, shiny rather than dull in appearance.

Observed signs of impairment in driving performance have included subjects speeding, losing control of their vehicle, causing collisions, turning in front of other vehicles, high-risk behavior, inattentive driving, and poor impulse control. As the effects of cocaine wear off subjects may suffer from fatigue, depression, sleepiness, and inattention.

**\*\*Source: National Highway Safety Administration  
<http://www.nhtsa.gov/>**

## FATAL CRASH INVESTIGATION AND PROSECUTION UNIT

Over 25 years ago, the Middlesex County Prosecutor's Office established a Fatal Crash Investigation Unit. Throughout those years, we have developed and maintained a reputation of aggressive prosecution for those drivers responsible for recklessly causing serious and fatal crashes. Nearly all of our prosecutions have led to significant jail terms, even for first offenders. It is not uncommon for a first offender to receive a minimum of three years in state prison for injuring another while under the influence of drugs or alcohol. For causing the death of another, first offenders have received up to eighteen years in prison. For these violations, the No Early Release Act (NERA) applies, meaning a defendant must remain in custody for 85% of their sentence before being eligible for parole. Below is a brief summary of the most common statutes, a brief explanation and the penalties associated with causing a crash and/or injury to another while driving under the influence of drugs or alcohol.

### **Aggravated manslaughter** [N.J.S.A. 2C:11-4](#)

If you operate a vehicle while intoxicated and drive recklessly under circumstances manifesting an extreme indifference to human life, you could be charged with the first degree crime of aggravated manslaughter. Even with no prior record, you could go to jail for 10 to 30 years and pay fines up to \$200,000.00.

### **Vehicular homicide** [N.J.S.A. 2C:11-5](#)

If you drive under the influence of drugs or alcohol and cause someone's death, you could be charged with vehicular homicide, a second degree charge carrying a prison term up to 10 years with a minimum sentence of 3 years.

### **Aggravated assault** [N.J.S.A. 2C:12-1b.](#)

If you drive recklessly under circumstances manifesting an extreme indifference to human life and cause serious bodily injury, you could face a [second degree](#) criminal charge of aggravated assault, which carries 5 to 10 years of imprisonment, up to \$150,000.00 in fines, and loss of license.

### **Assault by auto** [N.J.S.A. 2C:12-1c.](#)

Assault by auto is a crime of the third degree if the person drives a vehicle intoxicated and causes serious bodily injury. Penalties include up to 5 years in state prison and a \$150,000.00 fine. It is a crime of the fourth degree if the person drives a vehicle while intoxicated and bodily injury results.

### **CDS in a motor vehicle** [N.J.S.A. 39:4-49.1](#)

Just having drugs or alcohol in your vehicle could result in jail time, serious fines and shall forthwith forfeit his right to operate a motor vehicle for a period of two years from the date of his conviction.



**Open alcoholic container in a motor vehicle [N.J.S.A. 39:4-51a](#)**

A person shall be presumed to have consumed an alcoholic beverage if an unsealed container of an alcoholic beverage is located in the passenger compartment of the motor vehicle, the contents of the alcoholic beverage have been partially consumed and the physical appearance or conduct of the operator of the motor vehicle or a passenger may be associated with the consumption of an alcoholic beverage. First offense carries a fine of \$200.00. A second offense carries a \$250.00 fine or 10 days of community service.

**PENALTIES FOR PARENTS AND ADULTS SERVING ALCOHOL TO UNDERAGE PERSONS**

**Offering Alcoholic Beverage to Underage Person [N.J.S.A. 2C:33-17a](#)**

Anyone who purposely or knowingly offers, serves, or makes available an alcoholic beverage to a person under the legal drinking age, with certain exceptions for family members and religious ceremonies, is subject to a fine of up to \$1,000 and up to 180 days in jail.

**Endangering the Welfare of Children [N.J.S.A. 2C:24-4](#)**

Anyone who provides alcoholic beverages to an underage person can be charged with Endangering the Welfare of Children (often in cases where the underage person harms him or herself or another person as a result of the consumption of alcohol), and be subject to a fine up to \$7,500 and up to five years in state prison.

**Making Residence Available for Underage Drinking [N.J.S.A. 2C:33-17b](#)**

Anyone who makes a home, apartment, building or other space available so that alcoholic beverages may be served to anyone under 21 years of age is subject to a fine of \$1,000 and up to 180 days in jail.

**Selling Alcoholic Beverage to Underage Person [N.J.S.A. 33:1-77](#)**

If you sell an alcoholic beverage to a person under the legal age, or if you purchase an alcoholic beverage for an underage person you may be charged a disorderly persons offense subjecting you to six months in jail and a \$1,000 fine.

For most of our high school age children, this time of year produces some of the most everlasting memories. The Prom is a celebration with dear friends that your child has met and bonded with over the years. Graduation is the joyous occasion of completing high school and commencing the next stage of a young person's life. The Middlesex County Prosecutor's Office wants you to:

**ENJOY PROM AND GRADUATION SEASON...  
DON'T BECOME A STATISTIC!!!**