

The sentences, fines, suspensions and other sanctions for DWI, Aggravated DWI, and Driving While Ability Impaired change often. The below information is correct as of February 28, 2008. Please call to discuss your specific case. This information is not to be construed as legal advice.

Penalties for Drunk Driving in New York

AGGRAVATED DWI – [VTL 1192(2-a)]

Can be charged where the defendant's BAC score is .18 and Higher

OFFENSE	FINE	POTENTIAL JAIL TERM	POTENTIAL PERIOD OF PROBATION	LICENSE SANCTIONS	REGISTRATION
1st Offense (Unclassified Misdemeanor)	\$1,000 to \$2,500 *	Up to 1 Year in jail **	If imposed by court, three years. Must install ignition interlock. **	1-Year Minimum Revocation	Ct has discretion to revoke reg for 1 yr.
2nd Offense Within 10 years (Can be charged as a Class E felony)***	\$1,000 to \$5,000 #	Up to 4 years in prison @	If imposed by court, five years. @	18-Month Minimum Revocation	Ct has discretion to revoke reg for 1 yr.
3rd Offense Within 10 years (Can be charged as a Class D felony)***	\$2,000 to \$10,000 #	Up to 7 years in prison.	If imposed by Court, five years.	18-Month Minimum Revocation	Ct has discretion to revoke reg for 1 yr.

DRIVING WHILE INTOXICATED – DWI [VTL 1192(2) & (3)]

Can be charged where the defendant's BAC score is .08 and higher or other evidence of intoxication is present.

OFFENSE	FINE	POTENTIAL JAIL TERM	POTENTIAL PERIOD OF PROBATION	LICENSE SANCTIONS	REGISTRATION
1st Offense (Unclassified Misdemeanor)	\$500.00 to \$1,000.00 *	Up to 1 Year in jail **	If imposed by court, three years. **	6 Month Minimum Revocation	Ct has discretion to revoke reg 6 months.
2nd Offense Within 10 years (Can be	\$1000 to \$5,000 #	Up to 4 years in prison. @	If imposed by court, five years. @	1 yr minimum revocation	Ct has discretion to revoke reg for 1 yr.

charged as a
Class E
felony)***

3rd Offense Within 10 years (Can be charged as a Class D felony)	\$2,000 to \$10,000 #	Up to 7 years in prison. @	If imposed by court, five years. @	1 yr minimum revocation (DMV will extend revocation to 18 months and require proof of rehab)	Ct has discretion to revoke reg for 1 yr.
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* Does not include mandatory \$165 surcharge (\$170 in Town or Village Courts); \$20 Crime Victim Assistance Fee; and a \$250 driver responsibility fee payable for 3 years (\$750 total)

** Judge may impose a split sentence where defendant is sentenced to 60 days in jail and 3 years probation to run concurrently.

*** Simply because you may be charged with a Felony does not necessarily mean the district attorney will in fact charge you with the Felony. The District Attorney may decline to indict the case as a Felony or may offer you the opportunity to plead guilty to Aggravated DWI as a misdemeanor and not have to face the felony charge. If you did plead or were found guilty of Aggravated DWI within 10 years of being convicted of DWI, ADWI, DWAI – Drugs, you would be subject to enhanced penalties but you would not be sentenced as a Felony offender. Call for a free consultation and further details.

Does not include mandatory \$275 surcharge; \$20 crime victim assistance fee; and a \$250 driver responsibility fee payable for 3 years (\$750 total). @ Judge may impose a split sentence where defendant is sentenced to 6 months in jail and 5 years probation to run concurrently

DRIVING WHILE ABILITY IMPAIRED – DWAI

Can be charged where the defendant's BAC is between .05 and .07 or Other Evidence of Impairment

OFFENSE	FINE	POTENTIAL JAIL TERM	POTENTIAL PERIOD OF PROBATION	LICENSE SANCTIONS	REGISTRATION
1st Offense (Traffic Infraction)	\$300 to \$500 *	Up to 15 days in jail	N/A	90 day suspension	Ct has discretion to suspend reg for 90 days.
2nd Offense within 5 years	\$500 to	Upon to 30 days in jail	N/A	Mandatory revocation of at	Ct has discretion to revoke reg 6

(Traffic Infraction)	\$750 *			least 6 months	months.
3rd and subsequent offenses within 10 years (Unclassified misdemeanor)	\$750 to \$1500 *	Up to 180 days in jail	If imposed by court, three years. **	Mandatory revocation of at least 6 months	Ct has discretion to revoke reg 6 months.

* Does not include mandatory \$70 surcharge (\$75 in Town or Village Courts); \$5 Crime Victim Assistance Fee; and a \$250 driver responsibility fee payable for 3 years (\$750 total)

** Judge may impose a split sentence where defendant is sentenced to 60 days in jail and 3 years probation to run concurrently.