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TITLE: Final Report to the Legislature of the State of California. The Relationship Between Blood Alcohol Concentration Level and Court Sanction Severity in Drunk Driving Cases

DATE: September 1986

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PROTECT OBTECTIVE:

To provide the legislature with tabulations of sanction severity by blood alcohol concentration (BAC) level and license status for first and second DUI offenders, prior and subsequent to the enactment of Assembly Bill (AB) 144 (Naylor, 1985).

SUMMARY:

AB 144 (Naylor, 1985) required that the court regard a BAC of .20% or more as a special factor to consider in enhancing penalties when sentencing drunk drivers. This final report summarizes the tabulations of sanction severity by BAC level for first and second DUI offenders, both prior and subsequent to the enactment of AB 144, and by the offender's license status at the time of the DUI arrest (valid vs. suspended license).

Only DUI offenders with reported BAC levels were selected for analysis. (Because of court omissions and/or unavailability of BAC information, only 43% of all DUI convictions contained the offender's BAC.) The results indicated that first offenders with high BAC levels received the jail sanction more frequently than did those with low BAC levels, while the low-BAC drivers more likely received the license restriction sanction than did high-BAC offenders. Most of the invalidly licensed first offenders received the jail/ program sanction. The 6-month license suspension sanction was not often used by courts for first offenders (2-3% and 15-18% for validly and invalidly licensed offenders, respectively). An evaluation of the largest counties showed wide variation in the use of these sanctions regardless of BAC level and time period (pre/post AB 144).

Sanctions given to most second offenders did not vary with BAC level or time period. However, already-suspended second offenders with high BAC levels were much more likely to receive the stringent sanction of license suspension than were low-BAC offenders.

IMPLEMENTATION STATUS OF FINDINGS AND RECOMMENDATIONS:

The Department supported the passage of AB 3681 (Frazee), effective 1/1/89, which required courts to provide DMV with the results of available chemical tests of BAC levels.

SUPPLEMENTARY INFORMATION:

An interim report (#105, Tashima) was transmitted to the legislature in March 1986.