

**Program Summary  
Judiciary  
DUI Fines, Surcharges and Assessments**

**Program Overview**

Driving Under the Influence (DUI) fines and assessments are levied against all individuals convicted of operating motorized vehicles (automobiles, watercraft and aircraft) under the influence of alcohol. These fines and assessments range in severity, depending on the number of prior convictions and level of intoxication, with additional convictions and higher blood-alcohol concentrations (BAC) leading to larger monetary penalties. In addition to fines and assessments, individuals convicted of DUI related offenses may be required to serve a term of incarceration, a continuous alcohol monitoring program, or be required to have an ignition interlock device placed on their vehicle. This summary, however, does not address such requirements.

A first-time conviction for regular DUI, in which the offender's BAC is at least 0.08% but less than 0.15%, brings an initial fine of \$250. A second will result in a \$500 fine.

A second category of DUI, called "aggravated DUI," occurs upon conviction of a third offense in which the offender's BAC is at least 0.08% but less than 0.15%. A conviction of "aggravated" DUI will result in a \$750 fine.

A third category of DUI, called "extreme DUI," occurs when an individual is convicted with a BAC of 0.15% or higher. This will result in a \$250 fine for first convictions and a \$500 fine for second convictions. For those whose BAC is 0.20% or higher, the penalties increase to \$500 for the first convictions and \$1,000 for second convictions.

First and second convictions for DUI are misdemeanors, which mean that these cases are

handled within local Justice or Municipal Courts. Third DUI convictions are felonies, which means that these cases may be tried in Superior Court.

**Program Funding**

Monetary penalties for DUI convictions start with a base fine of \$250 to \$1,000, and increase with additional assessments of up to \$1,500 each, with the amount varying by the type of charge on which the offender is convicted, the offender's past conviction history, and the level of intoxication.

Monies collected through these penalties consist of a base fine, surcharges, and up to 3 additional assessments. Base fines are retained by the city or county in the court's jurisdiction and are not transferred to the state. In addition to the base fines, surcharges that equal 84% of the base fine are levied for each DUI conviction. A probation surcharge is also added. These surcharges are disbursed by the State Treasurer to the funds as outlined in *Table 1*.

Laws 2011, Chapter 308 establishes a new \$13 penalty assessment on all fines, penalties, and forfeitures imposed by the courts. The county or city retains \$5 of the assessment for its own public safety equipment and improvement of the administration of justice. Of the remainder, \$4 is deposited into the Public Safety Equipment Fund, and \$4 is deposited into the Gang and Immigration Intelligence Team Enforcement Mission Border Security and Law Enforcement Subaccount.

In addition, there are 3 additional assessments (*see Table 2*). These assessments are deposited into 3 funds: the General Fund, the DUI Abatement Fund, or the Prison Construction and Operations Fund (PCOF). The DUI Abatement Fund, created in 1998 (Laws 1998, Chapter 302) and administered by the

<b>Table 1</b>		
<b>Court Surcharges</b>		
<b>Sample Distribution of a \$250 DUI Fine</b>		
<b><u>Base Fine and Surcharges</u></b>	<b><u>Surcharge</u></b>	<b><u>Amount</u></b>
Base fine (retained by County/City)	NA	\$250.00
Criminal Justice Enhancement Fund (CJEF)	47%	117.50
Medical Services Enhancement Fund (MSEF)	13%	32.50
Clean Elections Fund (CEF)	10%	25.00
Fill the Gap (FTG)	7%	17.50
Deoxyribonucleic Acid Identification Fund (DNA)	7%	17.50
Probation Surcharge	\$20.00	20.00
GIITEM/DPS Equipment/Local Assessment	13.00	13.00

**Table 2****DUI Fines and Assessments**

<u>Offense</u>	<u>Base Fine</u>	<u>Surcharges (84% Base)</u>	<u>Probation Surcharge</u>	<u>GIITEM/DPS Assessment</u>	<u>PCOF</u>	<u>General Fund</u>	<u>DUI Abatement Fund<sup>1/</sup></u>	<u>Total</u>
DUI (.08%)								
1 <sup>st</sup> conviction	\$250	\$210	\$20	\$13	\$ 500	\$ 500		\$1,493
2 <sup>nd</sup> conviction	500	420	20	13	1,250	1,250		3,453
Aggravated DUI								
3 <sup>rd</sup> conviction	750	630	20	13	1,500	1,500	\$250	4,663
Extreme DUI (.15%)								
1 <sup>st</sup> conviction	250	210	20	13	1,000	1,000	\$250	2,743
2 <sup>nd</sup> conviction	500	420	20	13	1,250	1,250	\$250	3,703
Extreme DUI (.20%) (effective Sept. 2007)								
1 <sup>st</sup> conviction	500	420	20	13	1,000	1,000	\$250	3,203
2 <sup>nd</sup> conviction	1000	840	20	13	1,250	1,250	\$250	4,623

1/ This additional assessment of \$250 is levied on extreme and aggravated DUI only when the offender is operating an automobile. The \$250 assessment is then deposited into the DUI Abatement Fund.

Oversight Council on DUI Abatement, provides grants to cities, counties, and tribal governments to conduct enforcement, judicial, treatment, and educational activities designed to deter drinking and driving. Monies in PCOF, established in 2003 (Laws 2003, Chapter 5) and administered by the Arizona Department of Corrections, are to be used to cover costs related to prison overcrowding, as well as departmental support and maintenance.

The General Fund and PCOF assessments range from \$500 to \$1,500 and depend on the number of convictions and level of intoxication. An extra assessment of \$250 is also levied on first and second convictions for extreme DUI and aggravated DUI when the offender is operating an automobile.

Table 2 gives a comprehensive overview of the various monetary penalties for DUI. Total fines range in severity from \$1,493 for a first-time conviction for regular DUI to \$4,623 for an extreme DUI while operating an automobile.

Base fines remain with the county, and totals were unavailable. However, in FY 2011, \$12,326,700 was deposited into the Prison Construction and Operations Fund, a 0.8% increase above FY 2010.

The FY 2011 total for the DUI Abatement Fund \$1,436,000, a (4.1)% decrease below FY 2010. Table 3 lists these totals.

Totals for the additional General Fund assessment are not included because these monies are not tracked separately from other General Fund deposits.

**Table 3****Fund Totals**

<u>Fund</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>
PCOF	\$13,705,200	\$12,230,700	\$12,326,700
DUI Abatement	1,647,800	1,497,200	1,436,000