

**Criminal Maximums:**

1: 2500, 6 mos, 3 years (5 DUI)

2: 750, 4 mos, 2 years

3: 500, 1 mo, 1 year

Petty offense: \$300

Juveniles: 8-323F5: Not &gt; 150 + sur or 500+sc if specific statute

**Mandatory Minimums:**

DUI—jail; counsel; fine; interlock; license suspension: see chart

Reckless Driving 2<sup>nd</sup> Offense: 20 days jail

Domestic Violence: Counseling and assessments

Contracting w/o License: \$1000 (may be concurrent with restitution)

Possession Prescription Drug: \$1000

Street Racing: \$1000

**Jury eligible:**

DUI

Indecent exposure §13-1402

Allegation of Sexual Motivation §13-118

Shoplifting/Theft §13-1802, 1805

Reckless Driving §28-693A

Aggressive Driving §28-695

Resisting Arrest §13-2508

Unlawful Imprisonment §13-1303

Causing Death by Moving Violation 28-672(A)(8)

Contempt (if &gt;\$300 or &gt;6 mos. jail) (R.Cr.P.33.4)

**Common Misdemeanors**

4-241(N) Fake ID c2

4-244.9 Min consum/poss c1

4-244.20 Pub consum c2

4-244.34 Minor DUI c1

4-244.41, Minor alc in body c2

4-251(A) Alc vehicle c2

13-1203 Assault : A1 is c1; A2 is c2; A3 is c3

13-1502 A1 Trespass c3

13-1503 Trespass c2

13-1504 Trespass c1

13-1602 Crim damage c1 (damage 250-999; c2 &lt; 250)

13-2412A Fail Name c2

13-2506 FTA: A1 is c1; A2 is c2

13-2906 Obstruct Thorough: A1 is c2; A2 is c3; A3 is c1

13-2907 False Info c1

28-662, 664 and 665 H&amp;R c1

28-693 Reckless drive c2 jury (2<sup>nd</sup> offense mandatory jail and c1)

28-701.02 Crim speed c3

28-1464 Interlock c1

28-3478 Unlawful use license c2;

28-3480 Drive vio restriction c2; dismiss if reinstated; A2 (glasses) is civil

## Civil Traffic

7/19/22

### MVD Codes

10 Plea guilty/resp; sentence suspended  
11 Plea guilty/resp; sentence imposed  
12 Bail forfeited  
13 Guilty/resp CDL; may do DDS  
20 Judgment guilty/resp; sentence suspended  
21 Judgment guilty/resp; sentence imposed  
22 Judgment guilty/resp; bail applied  
30 Acquitted  
43 Dismissed on Mo of Def or Ct  
44 Dismissed on Mo of Pros  
45 Dismissed on request of officer  
50 Restricted License for FTP criminal  
51 FTP Criminal Violation; license suspended  
55 Civil default; license suspended  
56 FTA criminal; warrant issued; license suspended  
57 FTA criminal; no warrant; license suspended  
58 FTA; default entered; 28-1596  
59 Judgment set aside  
76 Set aside 13-905

### Mandatory Fines

28-694 Wrong way (\$500) (also TSS)  
28-737 HOV (\$200)  
28-797(E) & (G) School Cross  
28-2533(A) Registration (\$300)  
28-4139(A) Suspended Plates (\$250)

### May Dismiss at Arraignment (28-1560--Class 3 Misd to illegally cancel a traffic citation)

28-2532(A)A Registration now current; may suspend if not owner of vehicle  
28-3169(A) (No license while driving) Proof of license on date vio  
28-3482 (Violation of Restriction) Proof of reinstatement  
28-4135(B) & (C) Proof of insurance **on** date vio (can be on phone: 28-4135B) **(not A)**

### May Reduce at Arraignment

28-4135 Proof of 6 mos insurance **after** date vio  
and Motor Vehicle Record- no vios in 2 years or 1 in last 3 years (See 28-4137)

**R17-4-404. Driver Point Assessment; Traffic Survival Schools**

- B.** Actions after point assessment. Under A.R.S. § 28-3306(A)(3), if a driver accumulates 8 or more points in a 12-month period, the Department shall:
  - 1. Order the driver to successfully complete the curriculum of a licensed TSS; or
  - 2. Suspend the driver's Arizona driver license or driving privilege.
- C.** Traffic survival school order of assignment. The Department or the private entity under contract with the Department shall send a dated order of assignment to traffic survival school, as prescribed under A.R.S. § 28-3318, to a driver who accumulates 8 to 12 points in a 12-month period, and who did not complete a traffic survival school course in the previous 24-month period.
- D.** Suspension for failure to complete traffic survival school. The Department or the private entity under contract with the Department shall mail a driver a 6-month order of suspension, as prescribed under A.R.S. § 28-3318, if the driver failed to establish completion of traffic survival school in accordance with subsection (C).
- E.** Suspension for accumulation of excessive points. The Department shall mail an order of suspension as prescribed under A.R.S. § 28-3318 to a driver who accumulates an excessive amount of points. The order of suspension shall:
  - 1. Specify the length of the suspension as follows:
    - a. A 3-month suspension for accumulation of 8 to 12 points in a 12-month period if a traffic survival school course was successfully completed in the previous 24-month period;
    - b. A 3-month suspension for accumulation of 13 to 17 points in a 12-month period;
    - c. A 6 month suspension for accumulation of 18 to 23 points in a 12-month period; and
    - d. A 12-month suspension for accumulation of 24 or more points in a 36-month period;

<b>Violation</b>	<b>Points</b>
A.R.S. § 28-1381 DUI; 28-1382 Extreme DUI; 28-1383 Aggravated DUI	8
28-693 Reckless Driving	8
28-708 Racing	8
28-695 Aggressive Driving	8
A.R.S. §§ 28-662, 28-663, 28-664, or 28-665, relating to a driver's duties after an accident	6
A.R.S. § 28-672(A), accident causing death to another person	6
A.R.S. § 28-672(A), accident causing serious physical injury to another person	4
A.R.S. § 28-701, reasonable and prudent speed	3
A.R.S. § 28-644(A)(2), driving over, across, or parking in any part of a gore area	3
Any other traffic regulation that governs a vehicle moving under its own power	2

## DUI SENTENCING CHART Mandatory Minimums

### **FIRST OFFENSE 28-1381a1 28-1381A2, 28-1381A3**

10 jail /9 suspended  
**HD eligible after 1 day**  
Alcohol Screening Treatment  
\$250 plus s/c  
\$500 DOC fund  
\$500 DPS fund  
Interlock device 1 year (not drugs)  
MVD will suspend  
\*\*If they have not already done so

### **SECOND OFFENSE 28-1381A1 28-1381A2, 28-1381A3**

90 jail /60 suspended  
**HD eligible after 6 days**  
Alcohol Screening Treatment  
\$500 plus s/c  
\$1250 DOC fund  
\$1250 DPS fund  
Revocation 1 year  
Interlock for 1 year after that  
30 hours community service rest.

### **FIRST OFFENSE EXTREME 28-1382a1**

30 days jail/(21 suspend if CIID\* 1 yr)  
**HD eligible after 2 days (6 if no CIID)**  
Alcohol Screening Treatment  
\$250 plus s/c  
\$250 DUI abatement  
\$1000 DOC fund  
\$1000 DPS fund  
Interlock 1 year  
MVD will suspend  
\*\*If they have not already done so

### **SECOND OFFENSE EXTREME 28-1382A1**

120 days jail  
**HD eligible after 24 days**  
Alcohol Screening Treatment  
\$500 plus s/c  
\$250 DUI abatement  
\$1250 DOC fund  
\$1250 DPS fund  
Revocation 1 year  
Interlock 1 year after that  
30 hours community service rest.

### **FIRST OFFENSE SUPER EXTREME 28-1382A2**

45 days jail/(31 suspend if CIID 1 yr\*)  
**HD eligible after 3 days (9 if no CIID)**  
Alcohol Screening Treatment  
\$500 plus s/c  
\$250 DUI abatement  
\$1000 DOC fund  
\$1000 DPS fund  
MVD will suspend  
\*\*If they have not already done so  
Interlock for 18 mos

### **2nd OFF. SUPER EXTREME 28-1382A2**

180 days jail  
**HD eligible after 36 days**  
Alcohol Screening Treatment  
\$1000 plus s/c  
\$ 250 DUI abatement  
\$1250 DOC fund  
\$1250 DPS fund  
Revocation of DL  
2 yrs interlock  
30 hours community service rest.

\*Certified Ignition Interlock Device, must monitor compliance. ARS 12-1382(I)

Home Detention: ARS § 11-251.15(J); Bourne v. McLennen, 235 Ariz. 423 (App. 2014).

Work/school release, up to 12 hours a day, six days a week maximum ARS § 28-1387(C), “unless the court finds good cause to not allow the release and places those findings on the record”

ARS § 28-1446: A person who receives time served credit towards a mandatory term of incarceration for a violation of this chapter must serve at least eight consecutive hours for each day of credit.

# Victim Cases

## Title 4

4-244.33 Under 21 Years of Age Driving w/ Spirituous Liquor in Body (Class 1 Misdemeanor) and the defendant caused damage to property or injury to person.

## Title 13

13-1201 Endangerment  
13-1202 Threatening / Intimidating  
13-1203 Assault  
13-1303 Unlawful Imprisonment  
13-1402 Indecent Exposure  
13-1403 Public Sexual Indecency  
13-1502 Trespass  
13-1503 Trespass  
13-1504 Trespass  
13-1602 Criminal Damage  
13-1702 Reckless Burning  
13-1703 Arson of Property  
13-1706 Burning of Wildlands  
13-2913A Violation of Fire Ban  
13-1802 Theft  
13-1805 & 13-1806 Shoplifting  
13-2105 Fraudulent use of a Credit Card  
13-2508 Resisting Arrest  
13-2810 Violation of an Order of Protection or Injunction Against Harassment  
13-2904 Disorderly Conduct  
13-2915 Preventing Use of Telephone in an Emergency  
13-2916 Phone threats or Obscene Phone calls  
13-2921 Harassment  
13-3613 contributing to the Delinquency of a minor  
13-3619 Child Neglect (Send letter to the responsible adult, not the offender)

## Title 28

28-662 Leaving the Scene of an Accident-Damage to driven vehicle  
28-663 Leaving the Scene of an Accident-Failure to Leave Information  
28-663(A)(3) Failure to Render Reasonable Assistance  
28-664 Leaving the Scene-Unattended Vehicle  
28-665 Striking Fixture Along the Highway.  
28-693 Reckless Driving IF ACCIDENT or other drivers affected  
28-695 Aggressive Driving  
28-701.02 Criminal Speeding IF ACCIDENT  
28-672 Causing Serious Physical Injury or Death by a moving violation  
  
28-1381 Driving while impaired and driving w/ BA of 0.08 or Greater causing an ACCIDENT  
28-1382 Extreme DUI causing an ACCIDENT.

## Title 32

32-1151 Contracting Without a license