5-09/130.00 - Drug/Driving Under the Influence - Driver's History Check

In order for the prosecuting attorney and the court to have adequate information to comply with specific sections of the vehicle code, Driving under the influence (DUI), and other traffic violation conviction records will be needed for all persons charged with a present offense of either 23152(a) or 23153(a) CVC. These specific sections of the vehicle code are:

- Section 13352(a)(4) requires a three-year revocation of the driver's license upon a second conviction of felony drunk driving within three years;
- Section 23152(a) provides for a mandatory jail sentence and fine upon a first conviction;
- Section 13209 provides that, before sentence may be imposed upon a person convicted of misdemeanor drunk driving, or driving under the influence of drugs, the court must receive a report of all types of traffic violations on that person's driving record; and
- Section 23175 provides that persons convicted of three or more violations of sections 23103 as specified in section 23103.5, 23152, or 23153 within seven years may be charged with a felony on subsequent arrests.

The deputy making an arrest and charging a violation of either section 23152(a) or 23153(a) CVC shall obtain a booking number and complete the Booking and Property Record (B&PR)(Form SH-J-293) as required.

The secretary receiving the completed B&PR shall enter the booking information in AJIS and make a DMV driver's history check via JDIC. A certified copy of the DMV Driver's History shall be requested for records meeting the criteria of section 23175. Upon receipt of a certified copy, it shall be delivered to the district attorney for incorporation in the file. Copies shall be attached to the arrest report and distributed as required.