

DUI Minimum Mandatory Sentencing

(For DUI Arrest DATES OCCURRING on or after 07/01/2008)

Offense ¹	Probation	Jail	Comm. Service	Min. Fine ²	Max. Fine ²	DUI School	Clinical A&D-E/T ³	Notes
1st in 10 years, BAC <0.08g	12 months	None	20 hours	\$300.00	\$1,000.00	Yes	Yes, but can be waived	
1st in 10 years, BAC ≥0.08g	12 months	24 hours	40 hours	\$300.00	\$1,000.00	Yes	Yes, but can be waived	
2nd in 10 years ⁴	12 months	72 hours	30 days	\$600.00	\$1,000.00	Yes	Yes	Interlock required if 2/10 is 2/5. ⁵
3rd in 10 years ⁶	12 months	15 days	30 days	\$1,000.00	\$5,000.00	Yes	Yes	Interlock required if 3/10 is at least 2/5. ⁷
4th in 10 years ⁸	1-5 years	90 days	60 days ⁹	\$1,000.00	\$5,000.00	Yes	Yes	Interlock required if 4/10 is at least 2/5. ¹⁰

¹ Calculation is determined by measuring date-of-prior offense TO date-of-current offense.

² Up to 50% of the fine can be waived if the client is in substance abuse treatment pursuant to O.C.G.A. §40-6-391(g)(2). All fines carry multiple statutory surcharges that significantly add to the total amount being paid for "fines."

³ A clinical Alcohol and Drug Evaluation and (if necessary) to follow the recommended treatment with an approved alcohol & drug treatment provider. Enrollment in treatment is a statutory pre-requisite to issuance of an interlock permit.

⁴ Photo publication (O.C.G.A. §40-6-391(j)) and tag surrender (O.C.G.A. §40-2-136) are required if 2nd DUI within 10 years, and is also a 2nd DUI within 5 years. [Date-of-prior offense TO date-of-current offense is the applicable way to measure].

⁵ Interlock can be waived due to financial hardship pursuant to O.C.G.A. §42-8-111.

⁶ Photo publication (O.C.G.A. §40-6-391(j)) and tag surrender (O.C.G.A. §40-2-136) are required if this is a third DUI in 10 years and is also second DUI (or subsequent) in 5 years.

⁷ Interlock can be waived due to financial hardship pursuant to O.C.G.A. §42-8-111.

⁸ Photo publication (O.C.G.A. §40-6-391(j)) and tag surrender (O.C.G.A. §40-2-136) are required if the fourth DUI in 10 years is also second DUI (or subsequent) in 5 years.

⁹ Community service can be waived if client is sentenced to 3 or more years of confinement by the Judge.

¹⁰ Interlock can be waived due to financial hardship pursuant to O.C.G.A. §42-8-111.

Georgia Sentencing Guidelines Chart

JA Banks



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