

Notice of Penalties for DWI Convictions



**Notification of Penalties for Subsequent DWI
or
Driving on the Revoked List Convictions**



Municipal Court of _____

Summons - Complaint Number: _____

County of _____

State of New Jersey

**Notice to Defendant Upon Conviction
of N.J.S.A. 39:4-50(a) and (g)**

v. _____

Defendant

Penalties if Convicted Again of DWI

If you are convicted for a second time of operating or allowing the operation of a motor vehicle while under the influence of alcohol or drugs (DWI) under N.J.S.A. 39:4-50(a), you will be subject to the following penalties: 1) you will be fined between \$500 - \$1,000; **and** 2) you will be imprisoned from 48 hours to 90 days, of which 48 hours shall not be suspended or served on probation; **and** 3) you will perform 30 days of community service; **and** 4) your driver's license will be suspended for 2 years. If you are convicted for a second time of DWI, but in a school zone, under N.J.S.A. 39:4-50(g), these penalties are doubled. Whether or not you were in a school zone, you will be assessed at least \$325 in surcharges and assessments. **Further**, the judge must also order the installation of an ignition interlock device during your period of license suspension, as well as for a period ranging between one and three years following the date that your license is returned to you by the Motor Vehicle Commission. A list of State approved ignition interlock providers can be found on the Motor Vehicle Commission's website at www.state.nj.us/mvc/Violations/dui_Ignition.htm.

If you are convicted for a third or subsequent time of DWI, you will be subject to the following penalties: 1) you will be fined \$1,000; **and** 2) you will be imprisoned for 180 days, except that the court may order that you serve up to 90 days of that sentence participating in a drug or alcohol inpatient rehabilitation program approved by the Intoxicated Driver Resource Center; **and** 3) your driver's license will be suspended for 10 years. If you are convicted for a third or subsequent time of DWI, but in a school zone, under N.J.S.A. 39:4-50(g), you will be imprisoned for 180 days except that the court may order that you serve up to 90 days of that sentence participating in a drug or alcohol inpatient rehabilitation program approved by the Intoxicated Driver Resource Center; **and** all other penalties are doubled. Whether or not you were in a school zone, you will be assessed at least \$325 in surcharges and assessments. **Further**, the judge must also order the installation of an ignition interlock device during your period of license suspension, as well as for a period ranging between one and three years following the date that your license is returned to you by the Motor Vehicle Commission. A list of State approved ignition interlock providers can be found on the Motor Vehicle Commission's website at www.state.nj.us/mvc/Violations/dui_Ignition.htm.

Penalties if Convicted of Driving on the Revoked List

As part of your sentence for DWI, your right to operate a motor vehicle has been suspended. If you are found guilty of operating a motor vehicle during your suspension period, you will be subject to penalties under either N.J.S.A. 39:3-40 (traffic offense) or N.J.S.A. 2C:40-26 (4th degree crime), depending on the circumstances surrounding your violation. If you are found guilty of driving while suspended under N.J.S.A. 39:3-40, your penalties will include: 1) a fine of not less than \$1,000, nor more than \$1,500; **and** 2) the suspension of your driving privileges for a period of up to 30 months; **and** 3) a term of imprisonment between 10 and 100 days; **and** 4) revocation of your vehicle registration. If you are found guilty of driving while suspended under N.J.S.A. 2C:40-26, you will be subject to a term of mandatory imprisonment up to 18 months, of which at least 6 months shall be served without parole. Additional penalties may also be imposed for each violation based on the exact nature of your charges.

In addition to this written notice, I have informed you of these consequences orally in open court.

Date: _____

Signature of Judge

ACKNOWLEDGEMENT OF RECEIPT

I, _____ (defendant) have received this written notice of the penalties for subsequent convictions of DWI and driving while on the revoked list. I have also been informed of these consequences orally by the judge in open court.

Date: _____

Signature of Defendant



Please notify the court if you have a disability and will require assistance.

