

# DUI IN TENNESSEE

Summers, Rufolo & Rodgers

Tennessee law prohibits driving a motor vehicle under the influence of drugs or alcohol. There are also possible penalties for refusing to take a chemical test for impairment.

The consequences of a DUI conviction are very serious. They aim to send the message: don't drink and drive.

## PENALTIES



For a first offense, you will be sentenced to jail for at least 48 hours, be fined up to \$1,500, and lose your license for a year.

A second offense requires 45 days in jail and a fine up to \$3500. A third offense requires 120 days in jail and a fine up to \$10,000. A fourth offense is a felony requiring 150 days in jail and a fine up to \$15,000.



If there are aggravating factors, such as a child in the car, the penalties can be even higher.

## TRAFFIC STOP



A traffic stop may be due to suspicion of DUI or another moving violation. But police must have a reasonable suspicion or probable cause to make a valid stop.

If there is a lack of probable cause, a defense attorney can attack evidence obtained during a stop and seek to have it suppressed.



The accuracy of field sobriety tests, breath tests, and blood tests can be challenged.

## ARREST

The total number of DUI arrests in Tennessee in 2016 was **23,310**.

DUI enforcement varies from county to county.

In Chattanooga and Hamilton County, the total number of DUI arrests in 2016 was **486**.



## CHEMICAL TESTS



Arrests for drugged driving are going up compared to arrest for alcohol impairment. In 2016, there are about **11,000** drivers tested for alcohol in Tennessee, compared to **9,000** for drugs.

The **.08** threshold for alcohol impairment is well known. There is no comparable standard for drugged driving.

Having a blood-alcohol content of **.08** is considered a "per se" violation of the law. The burden of proving DUI by impairment by drugs or alcohol lies with the prosecution.

Summers, Rufolo & Rodgers