Index

ACCIDENTS
- Evidence, as, 3:4
- Motor vehicle. See MOTOR VEHICLES
- Suspension of driver's license following, 4:3

ACQUITTALS
- Circumstances warranting, 11:12
- Motions for, 11:12

ADMINISTRATIVE REGULATIONS
- Alcohol and drug testing. See ALCOHOL AND DRUG TESTING

ADMISSIBILITY OF EVIDENCE
- See also particular subject concerned
- Alcohol test results. See ALCOHOL AND DRUG TESTING

ADMISSIONS
- See also CONFESSIONS

AFFIDAVITS
- Hardship driver's licenses, 12:44

AGGRAVATING CIRCUMSTANCES
- Generally, 11:13
- Sentencing process, 12:1 et seq.

ALCOHOL AND DRUG TESTING
- Generally, 6:1 et seq.
- Administration, 6:6
- Administrative regulations
  - generally, 6:1, 7:38
  - compliance, 7:35, 14:7
    - discovery, 7:36
- Admissibility
  - generally, 3:11, 7:2, 7:33
  - confrontation rights, 8:3
  - drug analysis, 7:39
  - field sobriety test, 9:18
  - foundation, 6:1, 8:1, 11:2
  - hearsay
    - generally, 8:2, 8:8
    - See also HEARSAY, generally.
  - implied consent, refusal to submit to testing, 7:41 to 7:43
  - motion to suppress. See SUPPRESSION OF EVIDENCE, at Alcohol and drug test results

ALCOHOL AND DRUG TESTING —Cont'd
- Admissibility—Cont'd
  - objections, 11:2
  - preliminary breath tests, 11:7
  - prohibited alcohol level offense, 6:4, 7:40
  - records
    - generally, 8:8, 11:2
    - maintenance record of breath analysis machine, 6:15
  - refusal to submit to testing, 3:17, 7:30, 9:12
  - substantial compliance standard, 6:2
    - critique, 6:3
  - time requirement, 6:4, 7:40
- Blood tests. See BLOOD TESTS
- Breath tests. See BREATH ANALYSIS
- Commercial drivers, 1:16
- Consent to draw blood, 14:20
- Discovery
  - generally, 3:11
  - administrative regulations, compliance, 7:36
- Drivers' licenses, suspension. See DRIVER'S LICENSES, SUSPENSION FOR D.U.I. OFFENSE
- Drugs, for, 3:15, 6:8
- Due process requirements. See DUE PROCESS
- Equipment. See ALCOHOL AND DRUG TESTING EQUIPMENT
- Evaluation of case, 3:11
- Expert witnesses, 11:9
- Field sobriety test, 9:18
- Horizontal gaze nystagmus tests. See HORIZONTAL GAZE NYSTAGMUS TESTS
- Implied consent. See IMPLIED CONSENT
- Intoxilyzer, sample instruction on operation and working order, 11:25
- Leg stand test, 9:18
- Miranda rights, applicability, 3:5, 7:27, 7:28, 14:13
- Persons authorized to administer, 6:6
- Presumptions. See PRESUMPTIONS, at Alcohol concentration

ALCOHOL AND DRUG TESTING —Cont'd
Prohibited alcohol level offense
admissibility, 6:4, 7:40
correlation of results to charged offense, 11:3
refusal to submit to testing, charge inapplicable, 3:17
Proof of offense, as, 3:15
Records. See ALCOHOL AND DRUG TESTING RECORDS
Refusal to submit to testing
generally, 3:17, 14:8
admissibility, 3:17, 7:30, 9:12
aggravating circumstances, 11:13, 12:1 et seq.
commercial drivers, 1:16
consequences, advising arrestee of, 14:14
defined, 14:8
drawing of blood, 14:9
impact, 3:17
implied consent. See IMPLIED CONSENT
insufficient breath sample not constituting, 14:8, 14:9
motions in limine, 9:12
nontestimonial evidence, as, 7:30
obstruction of testing process, 14:9
preliminary breath tests, 14:12
pretrial license suspension procedure, 14:15
prohibited alcohol level offense charge inapplicable, 3:17
request for counsel, effect, 14:13
retraction of refusal, 14:11
Right to counsel
generally, 7:32, 14:13
during testing, 7:32
miranda rights, 14:13
refusal to submit to testing, effect of request, 14:13
telephoning attorney, 7:32
Rules and regulations. See Administrative regulations, this heading
Seizure, as, 7:34
Suppression of results. See SUPPRESSION OF EVIDENCE
Time requirement, 6:4, 7:40
Urinalysis. See URINALYSIS
Validity of results, 3:11
Walk and turn test, 9:18

ALCOHOL AND DRUG TESTING EQUIPMENT
8000 instrument data/records, 5:8

ALCOHOL AND DRUG TESTING EQUIPMENT—Cont'd
Generally, 5:1 to 5:8
Breath analysis. See BREATH ANALYSIS
Calibration, 5:2
Common intoxilyzer error
interpretation, 5:3
messages, 5:3
5000EN and 8000 instrument data and records, 5:7
Expert witnesses, 11:9
General challenges, 11:6
Machine interference, 5:4, 5:6
Mouth alcohol, 5:4, 5:5
Prohibited alcohol level offense, challenge to weight of evidence based on instrument malfunction, 11:4, 11:6
Source code machine interference, 5:4
Specific challenges, 11:6

ALCOHOL AND DRUG TESTING RECORDS
Admissibility, 8:2, 8:8, 11:2
Breath analysis. See BREATH ANALYSIS
Exclusive evidence of guilt, 8:4
Form, 2:12
Hospital records, 8:5, 8:7
Law enforcement records, 8:4
Suppression. See SUPPRESSION OF EVIDENCE, generally

ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROGRAMS
Credit for time served, 12:27
First offenders, 12:11, 12:37
Fourth offenders, 12:25, 12:37
Juvenile offenders, 12:40
Notice to attend, form, 12:46
Second offenders, 12:15, 12:37
Third offenders, 12:20, 12:37
Underage persons, prohibited alcohol level offense, 12:4

AMENDMENTS
Uniform traffic citation, 2:5

APPEALS
Driver's license revocation, suspension, or denial, D.U.I. offense, for. See DRIVER'S LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Ignition interlock device, 12:45
Implied consent violations
generally, 14:16 to 14:18
checklist, 14:23

APPEALS—Cont'd
Motions in limine, rulings on, 9:8
Motions to suppress. See SUPPRESSION OF EVIDENCE
Motor vehicles, involving, operator's license revocation or suspension, D.U.I. offense, for See DRIVER'S LICENSES, SUSPENSION FOR D.U.I. OFFENSE
State, by; motions to suppress, 7:16

APPEARANCE
Arraignment, 4:2
Driver's license, suspension, 4:3
Drivers' licenses, suspension for D.U.I. offense, 4:2

ARRAIGNMENT
Generally, 4:1
Appearance by defendant, 4:2
Continuances, 3:1
Defenses asserted prior to, 4:1
Discovery unavailable until not guilty plea entered, 3:1
Drivers' licenses, suspension, 4:3
Drivers' licenses, suspension for D.U.I. offense
generally, 4:2, 4:4
initial determination, 3:1
Motions made prior to, 4:1

ARRESTS
Actual pursuit doctrine, 9:5
Blood testing, prerequisite to, 14:5
Breath analysis, prerequisite to, 14:5
Citation issuance not deemed to be, 14:5
D.U.I. offenses, 7:26
Elements, 7:25
Extraterritorial, 9:6
Implied consent, prerequisite for
generally, 7:41 to 7:43, 14:5
reasonable grounds, 14:6
Jurisdiction, 9:5
Probable cause
generally, 7:24
horizontal gaze nystagmus test, 9:13
Reasonable grounds, lacking, 14:6
Suppression of evidence
generally, 7:24, 7:25
burden of proof, 7:12
statutory police authority violations, effect, 9:6
Urinalysis, prerequisite to, 14:5
Warrantless, 7:24

AUTHENTICATION OF EVIDENCE
Generally, 8:9

AUTHENTICATION OF EVIDENCE —Cont'd
Documentary evidence. See DOCUMENTARY EVIDENCE
Foreign judgments, 8:11
Self-authentication, 8:10

BICYCLES
Prosecution of operator for D.U.I. offense, 1:7

BIFURCATED TRIALS
Generally, 11:14

BILLS OF PARTICULARS
Requests for, 3:18
particular section charged, specification, 2:3

BLOOD TESTS
Generally, 6:17
See also ALCOHOL AND DRUG TESTING, generally.
Additional test, right to, 7:46, 14:8
Administrative regulations. See ALCOHOL AND DRUG TESTING
Admissibility. See ALCOHOL AND DRUG TESTING
Arrest as prerequisite, 14:5
Certified clinical laboratories, by, 6:6, 6:18
Chain of custody, 6:19
Collection and handling requirements, 6:18
Consent. See IMPLIED CONSENT
Dead or unconscious persons, 14:5
Due process requirements. See DUE PROCESS, at Alcohol and drug testing
Independent test, 7:46
Laboratories, certified; by, 6:6, 6:18
Per se violations
generally, 1:9
constitutionality, 1:18
Physician-patient privilege, 8:6
Preservation of test samples, 7:45
Presumptions. See PRESUMPTIONS, at Alcohol concentration
Prohibited alcohol level offense, 1:14, 11:3
Qualified personnel, 6:6
Refusal to submit to. See ALCOHOL AND DRUG TESTING
Reliability, 6:17
Right to counsel. See ALCOHOL AND DRUG TESTING
Seizure, as, 7:34

BLOOD TESTS—Cont'd
Specimens, collection and handling, 6:18
Suppression of results. See SUPPRESSION OF EVIDENCE, at Alcohol and drug test results
Techniques, 6:18
Use of, 6:8

BREATH ANALYSIS
See also ALCOHOL AND DRUG TESTING, generally.
Additional test, right to, 7:46, 14:8
Administrative regulations. See ALCOHOL AND DRUG TESTING
Admissibility of results. See ALCOHOL AND DRUG TESTING
Approved testing equipment, 6:9
Arrest as prerequisite, 14:5
Calibration of equipment
generally, 6:13, 6:14
frequency, 6:13
log sheets, 8:4
process, 6:14, 6:15
records, 6:15, 8:4
admissibility, 6:15
Calibration solution
generally, 6:15
records, 8:4
Certificates, operators, 6:5, 7:37
Consent. See IMPLIED CONSENT
Dead or unconscious persons, 14:5
Due process requirements. See DUE PROCESS, at Alcohol and drug testing
Equipment
approved, 6:9
breath alcohol test ticket
generally, 6:12
calibration. See Calibration of equipment, this heading
intoxilyzer, 6:9
Intoxilyzer
approved testing device, 6:9
sample instruction on operation and working order, 11:25
Operators, certification, 6:5, 7:37
Per se violations
generally, 1:9
constitutionality, 1:18
Preliminary breath tests
generally, 11:7
implied consent, satisfaction, 14:12
Preliminary breath-testing equipment, 6:10

BREATH ANALYSIS—Cont'd
Preservation of test samples, 7:45
Presumptions. See PRESUMPTIONS, at Alcohol concentration
Prohibited alcohol level offense, 1:14, 11:3
Qualified personnel, 6:5
Radio frequency interference, 6:16
Records and reports
breath alcohol test ticket
generally, 6:12
calibration of equipment
generally, 6:15, 8:4
admissibility, 6:15
breath alcohol instrument service record, 6:15
Refusal to submit to. See ALCOHOL AND DRUG TESTING
Requirements
general standards, 6:11
twenty-minute observation period, 6:12
Right to counsel. See ALCOHOL AND DRUG TESTING
Seizure, as, 7:34
Suppression of results. See SUPPRESSION OF EVIDENCE, at Alcohol and drug test results
Technicians
generally, 6:5
calibration of equipment, 6:13
radio frequency interference, testing, 6:16
Twenty-minute observation of defendant prior to testing required, 6:12
Use of, 6:8

BURDEN OF PROOF
Motions to suppress, 7:9

BUSINESS RECORDS
Hearsay exception, 8:2, 8:4

CARETAKER FUNCTION
Motion to suppress, 7:18

CERTIFICATES
Blood tests, clinical laboratories, 6:6, 6:18
Breath analysis, operators, 6:5, 7:37
Motor vehicles, titles. See MOTOR VEHICLE REGISTRATION AND TITLING, at Certificates of title
Urinalysis, clinical laboratories, 6:7

CHAIN OF CUSTODY
Alcohol and drug test specimens, 6:19

CHARGING D.U.I. OFFENSE
Generally, 2:1 et seq.
Citations. See CITATIONS
Method of charging
uniform traffic citation
generally, 2:1
See also UNIFORM TRAFFIC CITATION.
Prohibited alcohol level offense charge or under influence charge, election not required, 2:7

CHECKLISTS
Discovery, general document checklist, 3:19
Documentary evidence, review, 3:19
Evaluation of case, 3:2
Implied consent violations, checklist, 14:23

CHEMICAL TESTS
See ALCOHOL AND DRUG TESTING, generally
Blood tests. See BLOOD TESTS
Breath analysis. See BREATH ANALYSIS
Urinalysis. See URINALYSIS

CHILDREN
See MINORS

CITATIONS
Issuance not deemed to be arrest, 14:5
Service, 2:6
Uniform traffic citation. See UNIFORM TRAFFIC CITATION

COLLATERAL CONSIDERATIONS
Introduction, 13:1

COMMERCIAL DRIVERS
Alcohol and drug testing, 1:16
Detectable level of alcohol or drugs, 1:15
Implied consent, 1:16
Licenses. See COMMERCIAL DRIVERS' LICENSES
Penalties for driving under influence
generally, 1:15
See also DRIVING UNDER INFLUENCE, at Penalties, generally.
Refusal to submit to alcohol or drug testing, 1:16

COMMERCIAL DRIVER'S LICENSES
See also DRIVER'S LICENSES, generally
Considerations, 13:13

COMMERCIAL DRIVER'S LICENSES—Cont'd
Disqualification, 1:16
Drunk driving
generally, 1:15
alcohol and drug testing, refusal to submit to testing, 1:16
Suspension
See also DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE, generally.
refusal to submit to alcohol or drug testing, 1:16

COMMERCIAL VEHICLES
See MOTOR VEHICLES
Drivers. See COMMERCIAL DRIVERS

COMMUNITY LABOR PROGRAMS
First offenders, 12:5, 12:10
Fourth offenders, 12:24
Juvenile offenders, 12:40
Second offenders, 12:12, 12:14
Third offenders, 12:19
Underage persons, prohibited alcohol level offense, 12:4

COMPLAINTS
See also CITATIONS
Criminal complaints, form, 2:10

CONDITIONAL PLEAS
Pretrial motions in limine, based on, 9:8
Suppression motions, denial; appeal, 11:2

CONFESSIONS
Admission at trial, 3:5
Nature of drinks consumed, 3:6
Number of drinks consumed, 3:6
Prohibited alcohol level offense, 3:5, 3:6
Types of drinks consumed, 3:6

CONFIDENTIAL INFORMATION
See PRIVILEGED INFORMATION

CONFRONTATION RIGHTS
Alcohol and drug testing, 8:3
Documentary evidence, 8:3
Hospital records, 8:5

CONSENT
See IMPLIED CONSENT

CONSTABLES
See also POLICE, generally

CONSTITUTIONALITY
See DUE PROCESS

CONSTITUTIONALITY—Cont'd
Drivers' license suspension, pretrial
generally, 4:7
underage persons, prohibited alcohol level offense, 1:18
Per se prohibitions, 1:18
Presumptions, 1:18

CONTINUANCES
Arraignment, 3:1

CONTROLLED SUBSTANCES
See DRUGS

COORDINATION TESTS
Generally, 3:7
Videotapes, 3:12, 7:31

COSTS
Ignition interlock device, 12:43

COURT COSTS
Generally, 12:33
Garnishments, 12:33
Juvenile offenders, 12:40

CRIMES AND OFFENSES
See also particular offense concerned
Records and reports
discovery, 3:18
expungement, 13:11

CRIMINAL COMPLAINTS
Form, 2:10

CRIMINAL PROSECUTIONS
Dismissal. See DISMISSAL OF ACTIONS, generally

CULPABILITY
Generally, 1:19
Strict liability, 1:19
Voluntariness as element of offenses, 1:20

DECLARANTS
Hearsay. See HEARSAY

DEFENDANTS
Appearance. See APPEARANCE, generally
Arraignment. See ARRAIGNMENT
Attorney, right to. See RIGHT TO COUNSEL
Confessions. See CONFESSIONS
Confrontation rights. See CONFRONTATION RIGHTS
Criminal records. See CRIMES AND OFFENSES, at Records and reports
Indigent. See INDIGENT DEFENDANTS

DEFENDANTS—Cont'd
Miranda rights. See MIRANDA RIGHTS
Physical condition at time of arrest. See EVIDENCE
Right to counsel. See RIGHT TO COUNSEL
Silence of, 9:11
Statements by
discovery, 3:18
D.U.I. charge. See DRIVING UNDER INFLUENCE
prohibited alcohol level offense. See PROHIBITED ALCOHOL LEVEL OFFENSE
voluntary statements to police, admissibility, 3:5
Summons and warrant form, electronic complaint, 2:11

DEFENSES
Arraignment, asserted prior to, 4:1
Choice of evils as defense, 1:23
Duress as defense, 1:22
Entrapment as defense, 1:25
Ignorance as defense, 1:21
Intoxication as defense, 1:20
Mental illness or retardation as defense, 1:24
Mistake as defense, 1:21
Reaction to medication as defense, 1:26

DEFINITIONS
Anywhere in the state, 1:8
Horizontal gaze nystagmus test, 9:13
Indigent defendants, 12:33
Motions in limine, 9:7
Operation of vehicle, 1:3, 1:4
Physical control of vehicle, 1:3, 1:4
Refusal to submit to alcohol or drug testing, 14:8
Under the influence, 1:10
Vehicle, 1:6

DISCOVERY
Administrative regulations for alcohol and drug testing, compliance, 7:36
Alcohol and drug tests, 3:11
Criminal records of defendants, 3:18
Documents and tangible objects material to defense or intended for use by prosecution, 3:18
Examination and test reports, 3:11, 3:18
General document checklist, 3:19
Motions
generally, 3:18
time requirements, 4:1

DISCOVERY—Cont'd
Not guilty plea as prerequisite, 3:1
Officer training records request, 3:21
Particular section charged, specification, 2:3
Prior convictions, 3:18
Statements of defendants, 3:18
Suppression of evidence motion as discovery device, 7:3

DISMISSAL OF ACTIONS
Generally, 9:1 to 9:4
Commencement of prosecution requirement, violation, 9:4
Double jeopardy challenge, 9:1
Failure to state offense
grounds for motion, 9:1, 9:3
timing of motion, 9:3
Grounds, 9:1, 9:3
Pre-plea challenge to defect in institution of prosecution, 9:1
Speedy trial violation, 9:4
Suppression motion compared with dismissal motion, 9:2

DOCUMENTARY EVIDENCE
Generally, 8:1 et seq.
Authentication
generally, 8:9
domestic public documents under seal, 8:10
foreign judgments, 8:11
hospital records, 8:5
public records, 8:9
self-authentication, 8:10
Checklist for reviewing, 3:19
Confrontation rights, 8:3
Discovery, 3:18
Foundation for admission, 8:1
Hospital records, hearsay exception, 8:5, 8:7
Prior convictions, 8:11

DOUBLE JEOPARDY
Dismissal motion, grounds for, 9:1
Facts and procedural history of case, evaluation, 3:2
Multiple prosecutions for same act of driving, 1:14, 2:8
Suppression motions, consideration in timing, 7:4

DRIVER IMPROVEMENT PROGRAM
Generally, 13:7

DRIVERS' LICENSES
Generally, suspension for D.U.I. offense, 3:1, 4:3, 12:36
Appeal of revocation, suspension, or denial, D.U.I. offense, for. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Commercial drivers' licenses. See COMMERCIAL DRIVERS' LICENSES
Confiscation orders, 4:12
Denial, statement, form, 14:24
Forms. See FORMS
Habitual violators, 13:9
Hardship licenses. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Minors. See also Underage persons, this heading.
Reinstatement of license, D.U.I. offense. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Revocation or suspension. See also DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Suspension
See Revocation or suspension, this heading
D.U.I. offense, for. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Underage persons, suspension for prohibited alcohol level offense
generally, 12:4, 12:36
alcohol and substance abuse treatment program, 12:4
community service, 12:4
constitutionality, 1:18
fines, 12:4
hardship license, 12:4

DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Accidents involving D.U.I. offense, 4:3
Appeals
out-of-state convictions, based on, 13:12
point suspension, 13:8
pretrial suspension, refusal hearings, 14:16, 14:23
refusal to submit to testing, 14:16
checklist, 14:23
Appearance, 4:2
Arraignment. See ARRAIGNMENT
Chemical tests, refusal of, pretrial suspension, 14:15

DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE—Cont'd
Commercial drivers, 1:16
Constitutionality of pretrial suspension, 4:7
Fees
hardship licenses, 12:9
reinstatement, 14:20
First offenders, 12:6
Forms
denial statement, 14:24
hardship licenses, 12:43 to 12:52
pretrial suspension order, 4:11
Habitual violators, 13:9
Hardship licenses
generally, 4:5
affidavit, 12:44
applications
generally, 12:9
form, 12:48 et seq.
fees, 11:9
forms, 12:43 to 12:52
grounds, 12:7
ignition interlock device, 11:53, 12:16, 12:21, 12:26
point suspension, 13:8
refusal to submit to testing, effect, 12:8, 14:1, 14:16
requirements, 12:9
statutory penalties, 12:16, 12:21, 12:26
underage persons, prohibited alcohol level offense, 12:4
violations, 12:9
Ignition interlock device, hardship licenses
fourth offense, 12:26
second offense, 12:16
third offense, 12:21
Indigent defendants, ignition interlock device guidelines, 11:53
Juvenile offenders
generally, 12:6, 12:36
pretrial suspension, constitutionality, 4:7
Mandatory, 3:1
Minors. See Juvenile offenders, and Underage persons, this heading
Occupational driving privileges. See Hardship licenses, this heading
Out-of-state convictions, based on, 13:12
Point suspension, 13:7
Poor prior driving record, 4:3
Pretrial, seizure and suspension, 4:3

DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE—Cont'd
Pretrial suspension
generally, 3:1, 4:3, 14:21
appeals
generally, 4:8 to 4:10
refusal hearings, 14:16, 14:23
death or serious physical injury, 4:10
hearings
generally, 4:4
refusal hearings, 14:16, 14:23
procedure, 4:6, 14:15
refusal of chemical tests, 14:15
repeat offender, 4:9
test refusal, 4:8
Prior convictions, effect, 4:4
Procedure, pretrial suspension, 4:6, 14:15
Refusal to submit to alcohol or drug testing
generally, 4:4, 14:15, 14:21
appeals
generally, 14:16
checklist, 14:23
commercial drivers, 1:16
consequences, advising arrestee of, 14:14
denial form, 14:24
hardship licenses, effect, 12:8, 14:1, 14:16
periods of suspension, 14:1
pretrial license suspension procedure, 14:15
reinstatement of license, 14:19
Reinstatement of license
generally, 13:10
fees, 14:20
habitual violators, 13:9
refusal to submit to alcohol or drug testing, 14:19
Underage persons, prohibited alcohol level offense, 12:4, 12:36
alcohol and substance abuse treatment program, 12:4
community service, 12:4
constitutionality, 1:18
fines, 12:4
hardship license, 12:4
Warning letters, 13:6

DRIVING UNDER INFLUENCE
Generally, 1:2, 1:9
Accidents as evidence, 3:4
Alcohol and drug testing. See ALCOHOL AND DRUG TESTING

DRIVING UNDER INFLUENCE —Cont'd
Arraignment. See ARRAIGNMENT
Arrests, 7:26
Bicycle operators, 1:7
Blood tests. See BLOOD TESTS
Bloodshot eyes, 3:9
Breath analysis. See BREATH ANALYSIS
Charges. See CHARGING D.U.I. OFFENSE
Citations, sufficiency
generally, 2:3
See also CITATIONS; UNIFORM TRAFFIC CITATION.
Commercial drivers, penalties
generally, 1:15
See also Penalties, generally, this heading.
Commercial drivers' licenses. See COMMERCIAL DRIVERS' LICENSES, at Drunk driving
Confessions, 3:5, 3:6
Coordination tests. See COORDINATION TESTS
Double jeopardy. See DOUBLE JEOPARDY, generally
Drivers' licenses, suspension. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Driving impairment, proof, 1:11
Drugs, influence of
generally, 1:13
commercial drivers, 1:15
driving impairment, 1:11
jurors' reactions, 3:14
multiple prosecutions for same act of driving, 1:14, 2:8
per se drug driving law, 1:17, 3:16
proof, 3:15
subjective considerations, 3:13
test results, admissibility, 7:39, 8:1
testing for, 3:15, 6:8
Election of charges not required, 2:7
Electronic complaint, 2:11
Elements of. See ELEMENTS OF D.U.I. OFFENSE
Evaluation of case
generally, 3:1 et seq.
alcohol or drug test results, 3:11
checklist, 3:2
human factor, 3:10
Guilty pleas, 4:13
Horizontal gaze nystagmus tests. See HORIZONTAL GAZE NYSTAGMUS TESTS

DRIVING UNDER INFLUENCE —Cont'd
Interlock program application, 4:14
Jury instructions, 11:17
Minors. See Underage offenders, license suspension, this heading
Miranda rights. See MIRANDA RIGHTS, generally
Multiple prosecutions for same act of driving, double jeopardy, 1:14, 2:8
Odor of alcohol, 3:9
Parking lots, offenses committed in, 1:8
Penalties
generally, 3:1
alcohol and substance abuse treatment programs. See ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROGRAMS
commercial drivers, 1:15
community labor programs. See COMMUNITY LABOR PROGRAMS, generally
drivers' licenses, suspension. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
enhancement due to prior convictions. See PRIOR CONVICTIONS, at Enhancement of penalties
fines and forfeitures. See FINES AND FORFEITURES, generally
incarceration. See INCARCERATION, generally
sentences. See SENTENCES, generally
service fees, 12:34, 12:35
Per se drug driving law, 1:17, 3:16
Prior convictions. See PRIOR CONVICTIONS
Records and reports
See also DOCUMENTARY EVIDENCE, generally
alcohol and drug influence report, 2:12
Seatbelt law violations, 1:1
Sentences. See SENTENCES
Slurred speech, 3:9
Standard, subjectivity of, 1:12
Statements by defendants
generally, 3:5
number of drinks consumed, 3:6
type of drinks consumed, 3:6
Stewed prune rule, 1:13
Subjectivity of standard, 1:12
Summons and warrant form, electronic complaint, 2:11

DRIVING UNDER INFLUENCE —Cont'd
Under the influence defined, 1:10
Underage offenders, license suspension
generally, 12:4, 12:36
alcohol and substance abuse treatment program, 12:4
community service, 12:4
constitutionality, 1:18
fines, 12:4
hardship license, 12:4
Uniform traffic citation, sufficiency
generally, 2:3
See also UNIFORM TRAFFIC CITATION, generally.
Urinalysis. See URINALYSIS
Vehicle operation. See OPERATION OF VEHICLES
Voluntariness. See VOLUNTARINESS, at D.U.I., element of

DRUG ABUSE
Treatment programs. See ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROGRAMS

DRUGS
Driving while drugged. See DRIVING UNDER INFLUENCE, at Drugs, influence of
Testing
generally, 6:8
See also ALCOHOL AND DRUG TESTING, generally.

DRUNK DRIVING
See DRIVING UNDER INFLUENCE; PROHIBITED ALCOHOL LEVEL OFFENSE

DUE PROCESS
See also CONSTITUTIONALITY, generally
Alcohol and drug testing
generally, 7:44
additional test, right to, 7:46
preservation of test samples, 7:45
Violations, suppression of evidence, 7:44

DURESS
Defense to D.U.I. charge, 1:22

EDUCATION
Notice to attend alcohol driver education program, 12:46

8000 INSTRUMENT
Data/records, alcohol and drug testing equipment, 5:8

ELECTRONICALLY MONITORED HOME INCARCERATION
Generally, 12:28

ELEMENTS OF D.U.I. OFFENSE
Generally, 1:1 et seq.
Anywhere in the state, 1:8
Boating offenses, 1:27
Culpability, 1:19
Historical background
generally, 1:1
boating offenses, 1:28
Impaired driving, 1:11
Operation of vehicle. See OPERATION OF VEHICLES
Per se drug driving law, 1:17, 3:16
Strict liability, 1:19
Vehicles, definition, 1:6
Voluntariness. See VOLUNTARINESS

ENTRAPMENT
Defense to D.U.I. charge, 1:25

EVALUATION OF CASE
Generally, 3:1 et seq.
See also particular subject concerned.
Worksheet, 3:22

EVANS FACTORS
Worksheet, 7:54

EVIDENCE
Generally, 3:3
See also particular subject concerned.
Accidents, 3:4
Admissibility. See ADMISSIBILITY OF EVIDENCE
Authentication. See AUTHENTICATION OF EVIDENCE
Bloodshot eyes, 3:9
Chain of custody, 6:19
Coordination tests. See COORDINATION TESTS
Discovery. See DISCOVERY
Documentary. See DOCUMENTARY EVIDENCE
Hearsay. See HEARSAY
Miranda rights, nontestimonial evidence, 7:30
Motions in limine. See MOTIONS IN LIMINE
Odor of alcohol, 3:9
Physical condition of defendant at time of arrest
bloodshot eyes, 3:9
coordination test results, 3:7
slurred speech, 3:9
videotapes, 3:12, 7:31

EVIDENCE—Cont'd
Prohibited alcohol level offense, challenges to weight of evidence. See PROHIBITED ALCOHOL LEVEL OFFENSE
Refusal to submit to alcohol or drug testing as nontestimonial evidence, 7:30
Slurred speech, 3:9
Statements by defendants, 3:5
discovery, 3:18
Suppression. See SUPPRESSION OF EVIDENCE
Videotapes, 3:12, 7:31
Weight of, challenging, 11:4

EXCLUSIONARY RULE
See SUPPRESSION OF EVIDENCE, generally

EXPERT WITNESSES
Alcohol testing equipment and test results, to challenge, 11:9
Horizontal gaze nystagmus tests. See HORIZONTAL GAZE NYSTAGMUS TESTS
Hypothetical alcohol level, opinion as to, 11:9
Police officers as, 11:10
Prohibited alcohol level offense, 11:4, 11:9

EXPUNGEMENT OF RECORDS
Generally, 13:11
Forms, 13:14

FEES AND COSTS
See also particular subject concerned
Court costs. See COURT COSTS
Garnishments, 12:33
Hardship drivers' licenses, 12:9
Service fees, 12:34, 12:35
Suspended drivers' licenses, reinstatement fees, 14:20

FELONIES
Class D felons, imprisonment, 12:1, 12:17
Incarceration, class D felons, 12:1, 12:17
Sentences. See SENTENCES

FIELD SOBRIETY TESTING
Generally, 3:7, 10:1 to 10:5
HGN, 10:4
miscellaneous tests, 10:5
one leg stand, 10:2
walk and turn, 10:3
Alcohol and drug testing, 9:18

FINAL ORDERS
Suppression orders not considered to be, 7:15

FINDINGS OF FACT AND CONCLUSIONS OF LAW
Suppression motions, 7:14

FINES AND FORFEITURES
Commercial drivers, driving under influence, 1:15
Failure to pay, 12:29
Felonies. See FELONIES
First offenders, 12:5
Fourth offenders, 12:23
Garnishments, 12:33
Incarceration for failure to pay, 12:29 to 12:35
Indigent defendants, payment, 12:32
Juvenile offenders, 12:40
Payment
generally, 12:29 to 12:35
contempt discharge, 12:30
court costs, 12:33
incarceration, 12:32
indigent defendants, 12:32
service of jail time, 12:32
services fee, 12:34, 12:35
Second offenders, 12:13
Service fees, 12:35
Third offenders, 12:18
Underage persons, prohibited alcohol level offense, 12:4

FIRST OFFENDERS
See SENTENCES

5000EN AND 8000 INSTRUMENT
Data and records, alcohol and drug testing equipment, 5:7

FORMS
See also particular subject concerned
Alcohol and drug influence report, 2:12
Alcohol and substance abuse treatment program, notice to attend, 12:46
Criminal complaint, 2:10
Driver's license, confiscation orders, 4:12
Electronic complaint and summons and warrant, 2:11
Expungment, 13:14
Hardship driver's license
generally, 12:43 to 12:52
affidavit, 12:44
applications, 12:43
orders, 12:45
Implied consent, denial statement, 14:24

FORMS—Cont'd
Impoundment of vehicles, guidelines, 7:52
In-car video/audio equipment, guidelines for use, 7:53
Inventory searches of impounded vehicles, guidelines, 7:52
Jury instructions, sample, 11:20
Prior conviction, vacation motion, 7:49
Roadblocks, guidelines, 7:50
Sentencing instructions, sample
first offense, 11:21
second offense, 11:23
Suppression motion, 7:48
Traffic checkpoints, guidelines, 7:51
Uniform traffic citation, 2:9
Verdict, sample
generally, 11:20
first offense, 11:22
second offense, 11:24

FOURTH OFFENDERS
See PRIOR CONVICTIONS; SENTENCES

GUILTY PLEAS
Conditional pleas. See CONDITIONAL PLEAS
Driving under influence
form, 4:13
requirements, 12:37, 12:39

HABITUAL VIOLATORS
Generally, 13:9

HARDSHIP
Affidavits, hardship drivers' licenses, 12:44
Drivers' licenses. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Driving under influence, underage offenders, license suspension, hardship license, 12:4
Fees and costs, hardship drivers' licenses, 12:9
Kiddy per se law, driver's license suspension for prohibited alcohol level offense, hardship license, 12:4
Motor vehicle registration and titling, hardship registration, 12:53
Prohibited alcohol level offense, underage offenders, license suspension, hardship license, 12:4
Underage persons, drivers' licenses, suspension for prohibited alcohol level offense, hardship license, 12:4

HEARINGS
Drivers' licenses, pretrial suspension, 4:4
See also DRIVERS' LICENSES, SUSPENSION FOR D.U.I OFFENSE, generally.
refusal hearings
appeals, 14:16, 14:23
checklist, 14:23
Probation and conditional release. See PROBATION AND CONDITIONAL DISCHARGE

HEARSAY
Alcohol and drug testing, admissibility, 8:2, 8:8
Business records and reports, exception, 8:2, 8:4
Calibration records not constituting, 8:4
Exceptions
generally, 8:2, 8:4
See also particular exception, this heading.
Hospital records, 8:5, 8:7
Personal knowledge requirement, 8:7
Public records, exceptions, 8:2
Recorded recollection, exception, 8:2
Totem pole hearsay, 8:7

HIGHWAYS AND ROADS
Aggravating circumstance, wrong way driving on limited access highway, 11:13, 12:1 et seq.

HIPPA
Physician-patient privilege, 8:6
Testing regulations, 6:17

HOME INCARCERATION
Generally, 12:28

HORIZONTAL GAZE NYSTAGMUS TESTS
Admissibility
generally, 3:8
expert testimony, 9:14 to 9:17
out-of-state authority, 9:16
Arrests, probable cause, 9:13
Definition, 9:13
Effectiveness, 9:13
Expert witnesses
admissibility, 9:14 to 9:17
correlation of observation to degree of intoxication, 9:17
Motions in limine, 9:13
Probable cause for arrest, establishing, 9:13

HOSPITALS
Records, 8:5, 8:7

HOUSE ARREST
Electronically monitored home incarceration, 12:28

IGNITION INTERLOCK DEVICE
Generally, 12:42
Affidavit of indigency, 12:55
Appeals, 12:45
Costs, 12:43
request for reduction, 12:55
Employer work exemption, 12:58
Financial statement, 12:55
Hardship licenses
fourth offense, 12:26
second offense, 12:16
third offense, 12:21
Ignition interlock License Approval Letter, 4:15
Indigency guidelines, 12:53
Installation, 12:46
certificate, 4:16
Non-interlock employer vehicles, 12:44
Procedure to obtain, pretrial, 4:17
Program application, driving under influence, 4:14
Removal request form, 12:56
Sentencing
generally, 12:42 to 12:47
appeals, 12:45
costs, 12:43
ex post facto, 12:47
installation, 12:46
non-interlock employer vehicles, 12:44

IMPLIED CONSENT
Generally, 7:41 to 7:43, 14:1 et seq.
Appeals of violations
generally, 14:16 to 14:18
checklist, 14:23
Arrest prerequisite
generally, 7:43, 14:5
reasonable grounds, 14:6
Checklist, 14:23
Commercial drivers, 1:16
Defendant's who don't speak English, 14:4
Drawing of blood, 14:9
Operation requirement, 14:3
Preliminary breath tests, 14:12
Refusal of blood testing, 14:10
Refusal to submit to alcohol or drug testing
generally, 7:41, 14:11

IMPLIED CONSENT—Cont'd
Refusal to submit to alcohol or drug testing—Cont'd
See also ALCOHOL AND DRUG TESTING
Scope of statute, 14:2
Suppression of evidence, 7:41
Test compliance requirement, 14:7
Theory, 14:1
Warning, 14:25

IMPRISONMENT
See INCARCERATION

IN-CAR VIDEO/AUDIO EQUIPMENT
Guidelines, 7:53

INCARCERATION
Class D felons, 12:1, 12:17
Failure to pay fines, 12:29 to 12:35
Felonies. See FELONIES
First offenders, 12:2, 12:5
Fourth offenders, 12:22
Home incarceration, 12:28
Juvenile offenders, 12:40
Room and board expenses, reimbursement by prisoners, 12:3
Second offenders, 12:12
Third offenders, 12:17

INDIGENT DEFENDANTS
Court costs, payment, 12:33
Defined, 12:33
Fines, payment, 12:32
Ignition interlock device guidelines, 11:53
Service fees, 12:35

INFORMANTS
Suppression motions, tips as bases for, 7:24

INTOXICATION
See also DRIVING UNDER INFLUENCE
Defense to D.U.I. charge, as, 1:20
Drivers' licenses. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE

INTOXILYZER
Breath analysis
approved testing device, 6:9
sample instruction on operation and working order, 11:25
Daubert hearings, 3:11
Source code, 1:12

JAILS
See also INCARCERATION

JAILS—Cont'd
Room and board expenses, reimbursement by prisoners, 12:3

JURISDICTION
Arrests, 9:5

JURY INSTRUCTIONS
Generally, 11:15
Deadlocked juries, instruction for further deliberations, 11:18
Driving under influence, 11:17
Intoxilyzer, sample instruction on operation and working order, 11:25
Objections, 11:16
Prohibited alcohol level offense, 11:17
Sample instructions, 11:19

JURY TRIALS
Instructions. See JURY INSTRUCTIONS

JUVENILE OFFENDERS
Generally, 12:40
See also UNDERAGE PERSONS.
Alcohol and substance abuse treatment programs, 12:40
Criminal records, 12:40
Driver's license suspension. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Sentences, 12:40
Trials, 12:40

KIDDY PER SE LAW
Driver's license suspension for prohibited alcohol level offense
generally, 12:4, 12:36
alcohol and substance abuse treatment program, 12:4
community service, 12:4
constitutionality, 1:18
fines, 12:4
hardship license, 12:4

LABORATORIES, CLINICAL
Blood testing, 6:6, 6:18
Urinalysis, 6:7

LAW ENFORCEMENT OFFICERS
See POLICE, generally

LAY WITNESS OPINION
Foundation, 11:11
Sobriety or lack of sobriety, 11:11

LEG STAND TEST
Field sobriety testing, 9:18

LIABILITY
Generally, 1:19

LIABILITY—Cont'd
Motor vehicles. See MOTOR VEHICLES
Strict liability, 1:19

LICENSE PLATES
See also MOTOR VEHICLE REGISTRATION AND TITLING
Confiscation
generally, 12:41
order, form, 12:52
Impoundment order, 12:52

LICENSES AND PERMITS
See also CERTIFICATES
Drivers' licenses. See MOTOR VEHICLES
Motor vehicles. See MOTOR VEHICLES
Plates. See LICENSE PLATES

MENTALLY ILL PERSONS
Defense to D.U.I. charge, 1:24

MENTALLY RETARDED AND DEVELOPMENTALLY DISABLED PERSONS
Defense to D.U.I. charge, 1:24

MINORS
See also JUVENILE OFFENDERS; UNDERAGE PERSONS
Aggravating circumstance, transporting minor, 11:13, 12:1 et seq.
Drivers' licenses. See DRIVERS' LICENSES

MIRANDA RIGHTS
Generally, 7:27
Applicability, 3:7, 7:26, 7:28, 14:13
Custodial interrogation, 7:29
Nontestimonial evidence, 7:30
Right to counsel prior to alcohol or drug testing, 14:13
Silence of defendant, inadmissible, 9:11
Voluntary statements to police, admission at trial, 3:5
Warnings required, 7:27

MISDEMEANORS
Commencement of prosecution requirement, 9:4
Speedy trial requirement, 9:4

MOTIONS
See also particular subject concerned
Acquittal, 11:12
Arraignment, made prior to, 4:1
Discovery
generally, 3:18

MOTIONS—Cont'd
Discovery—Cont'd
time requirements, 4:1
Dismissal. See DISMISSAL OF ACTIONS, generally
Evidence, to suppress. See SUPPRESSION OF EVIDENCE
In limine. See MOTIONS IN LIMINE
Prior convictions, setting aside
form, 7:49
time requirements, 4:1
Severance of charges or defendants, time requirements, 4:1
Specification of particular sections charged, for, 2:3
Suppression of evidence, for. See SUPPRESSION OF EVIDENCE
Vacation motions, prior conviction, form, 7:49

MOTIONS IN LIMINE
Generally, 9:7 to 9:9, 9:19
Appeals, 9:8
Definition, 9:7
Facts and procedural history of case, evaluation, 3:2
Horizontal gaze nystagmus test, 9:13
Police interview, 9:11
Post-Miranda silence, 9:11
Preserving issue for appeal, 9:8
Prior convictions, 9:10
Refusal to submit to alcohol or drug testing, 9:12
Use of, 9:9

MOTOR VEHICLE REGISTRATION AND TITLING
Hardship registration, 12:53

MOTOR VEHICLES
See also particular vehicle concerned
Appeals involving. See APPEALS
Commercial vehicles
drivers. See COMMERCIAL DRIVERS
operating vehicle under influence, penalties, 1:15
Definitions, 1:6
Drivers
commercial. See COMMERCIAL DRIVERS
licenses. See DRIVERS' LICENSES
Impoundment of vehicles, guidelines, 7:52
License plates. See LICENSE PLATES
Operation. See OPERATION OF VEHICLES

MOTOR VEHICLES—Cont'd
Registration, hardship, 12:53
Stationary, suppression motions, 7:22
Titles, hardship registration, 12:53

MULTIPLE CASES
Pending DUI cases, 3:20

NOT GUILTY PLEAS
Discovery, prerequisite to, 3:1

NOTICE
See also particular subject concerned
Education program, notice to attend, 12:51
Warning letters, 13:6

OBJECTIONS
Alcohol and drug test results, admissibility, 11:2
Arraignment, raised prior to, 4:1
Jury instructions, 11:16

OPERATION OF VEHICLES
Generally, 1:3
Best case scenario, 3:3
Conduct constituting, 1:4
Definition, 1:3, 1:4
Implied consent, requirement, 14:3
Operability, 1:5
Prima facie case established by, 3:3
Stationary vehicles, 1:4, 1:5
Suppression of evidence, 7:22
Worst case scenario, 3:3

ORDERS
See also particular subject concerned
Final orders, suppression orders not considered to be, 7:15

PARKING LOTS
D.U.I. offense committed in, 1:8

PENALTIES
See particular subject concerned

PENDING CASES
Multiple DUI cases, 3:20

PER SE PROSECUTIONS
Admissibility of field sobriety tests and alcohol consumption, 2:7

PHYSICAL CONTROL OF VEHICLES
Generally, 1:3
See also OPERATION OF VEHICLES, generally

PHYSICIANS
HIPPA, 8:6
Physician-patient privilege, 8:6

PLEA BARGAINING
Suppression of evidence, effect on, 11:2

PLEAS
See also particular plea concerned.

POINT SYSTEM FOR TRAFFIC OFFENSES
Generally, 13:2
Assessment of points
generally, 13:4
multiple offenses, 13:5
Drivers' licenses, suspension, 13:8
Multiple offenses, 13:5
Records, 13:3
State traffic school, prevention of point accumulation through attendance, 13:7
Warning letters, 13:6

POLICE
Alcohol influence reports, admissibility, 8:8
Broadcasts, illegal stops; suppression motions, 7:20
Caretaker function, 7:18
Expert witnesses, as, 11:10
Field sobriety test, 9:18
In-car video/audio equipment, guidelines for use, 7:53
Interviews with, motions in limine, 9:11
Reports, admissibility, 8:8
Statutory police authority violations, suppression motions, 9:6
Testimony by
alcohol and drug test results, suppression of testing officer's testimony, 8:4
expert witness, as, 11:10
Training records request, 3:21
Voluntary statements to police, admission at trial, 3:5

PRESUMPTIONS
Alcohol concentration
generally, 1:9, 11:5
conclusive presumption of guilt, test results not considered to be, 1:18
constitutionality, 1:18

PRETRIAL MOTIONS
See MOTIONS

PRIOR CONVICTIONS
Admissibility, 7:47, 8:11, 9:10
Attacking, 7:47, 12:39
Bifurcation of trials involving, 11:14
Certified copy as documentary evidence, 8:11

PRIOR CONVICTIONS—Cont'd
Discovery, 3:18
Driver's license suspension, effect on, 4:4
Enhancement of penalties
generally, 12:37
attacking prior convictions, 12:39
out-of-state convictions, 12:38
Motions
in limine, 9:10
to set aside, time requirements, 4:1
to suppress, 7:47
Proof, 8:11
Suppression motions
generally, 7:47
time requirements, 6:4
Timing, 12:37
Trials involving, bifurcation, 11:14
Uncounseled, 12:39
Vacation motion, form, 7:49

PRISONERS
See also INCARCERATION, generally
Room and board expenses, reimbursement by prisoners, 12:3

PRIVILEGED INFORMATION
Physician-patient privilege, 8:6

PROBABLE CAUSE
Arrest, for. See ARRESTS
Horizontal gaze nystagmus test, 9:13

PROBATION AND CONDITIONAL DISCHARGE
First offenders, 12:2, 12:5
Fourth offenders, 12:24
Second offenders, 12:12
Third offenders, 12:19

PROHIBITED ALCOHOL LEVEL OFFENSE
Generally, 1:2, 1:14
Accidents as evidence, 3:4
Alcohol and drug testing. See ALCOHOL AND DRUG TESTING
Arraignment. See ARRAIGNMENT
Blood test results, 1:14, 11:3
Bloodshot eyes, 3:9
Breath test results, 1:14, 11:3
Challenges to weight of evidence
marginal test results, 11:8
preliminary breath tests, 11:7
presumptions, 11:5
test not accurately reflecting defendant's alcohol level at time of offense, 11:4

PROHIBITED ALCOHOL LEVEL OFFENSE—Cont'd
Challenges to weight of evidence —Cont'd
test not credible as compared to defense evidence of alcohol consumed, 11:4
testing instrument not working properly, 11:4, 11:6
Citations, sufficiency
generally, 2:4
See also CITATIONS; UNIFORM TRAFFIC CITATION.
Commercial drivers, penalties
generally, 1:15
See also Penalties, generally, this heading.
Confessions, 3:5, 3:6
Double jeopardy. See DOUBLE JEOPARDY, generally
Drivers' licenses, suspension. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Elements. See ELEMENTS OF D.U.I. OFFENSE, generally
Evaluation of case
generally, 3:1 et seq.
alcohol or drug test results, 3:11
checklist, 3:2
human factor, 3:10
Expert witnesses, 11:4, 11:9
Jury instructions, 11:17
Minors. See Underage offenders, license suspension, this heading
Miranda rights. See MIRANDA RIGHTS, generally
Multiple prosecutions for same act of driving, 1:14, 2:8
Odor of alcohol, 3:9
Penalties
generally, 3:1
alcohol and substance abuse treatment programs. See ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROGRAMS
commercial drivers, 1:15
community labor programs. See COMMUNITY LABOR PROGRAMS, generally
drivers' licenses, suspension. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
enhancement due to prior convictions. See PRIOR CONVICTIONS, at Enhancement of penalties

PROHIBITED ALCOHOL LEVEL OFFENSE—Cont'd
Penalties—Cont'd
fines and forfeitures. See FINES AND FORFEITURES, generally
incarceration. See INCARCERATION, generally
sentences. See SENTENCES, generally
Per se prohibitions
generally, 1:9
conclusive presumption of guilt, not considered to be, 1:18
Presumptions. See PRESUMPTIONS, at Alcohol concentration
Prior convictions. See PRIOR CONVICTIONS, generally
Refusal to submit to alcohol or drug testing. See ALCOHOL AND DRUG TESTING
Relation back of test results to time of driving, 11:4
Sentences. See SENTENCES
Slurred speech, 3:9
Statements by defendants
evidence, as, 3:5
number of drinks consumed, 3:6
type of drinks consumed, 3:6
Time requirement for testing, 6:4, 7:40
Under influence charge or prohibited alcohol level charge, election not required, 2:7
Underage offenders, license suspension
generally, 12:4, 12:36
alcohol and substance abuse treatment program, 12:4
community service, 12:4
constitutionality, 1:18
fines, 12:4
hardship license, 12:4
Uniform traffic citation, sufficiency
generally, 2:4
See also UNIFORM TRAFFIC CITATION, generally.
Vehicle operation. See OPERATION OF VEHICLES

PUBLIC RECORDS
Authentication, 8:9
Hearsay exception, 8:2

RECORDS AND REPORTS
Alcohol and drug testing. See ALCOHOL AND DRUG TESTING RECORDS
Breath analysis. See BREATH ANALYSIS

RECORDS AND REPORTS—Cont'd
Business. See BUSINESS RECORDS
Criminal records. See CRIMES AND OFFENSES
Drunk driving. See DRIVING UNDER INFLUENCE
Expungement
generally, 13:11
juvenile offenders, 12:40
Hospital, 8:5, 8:7
Juvenile offenders, 12:40
Officer training records request, 3:22
Point system for traffic offenders, 13:3
Police, admissibility, 8:8
Public records. See PUBLIC RECORDS
Traffic offenses, 13:3

REFUSAL
Alcohol and drug testing
see ALCOHOL AND DRUG TESTING

RELATION BACK
Generally, 1:14, 2:7, 11:4

REPEAT OFFENDERS
Prior convictions. See PRIOR CONVICTIONS
Sentences. See SENTENCES, at particular offender concerned

RESTITUTION
Garnishments, 12:33

RIGHT TO COUNSEL
Generally, 7:32, 14:13
Advising client by phone, 7:32
Alcohol and drug testing. See ALCOHOL AND DRUG TESTING
Implied consent, 14:13
Motion to suppress, 7:32
Waiver, 12:39

ROADBLOCKS
Guidelines, 7:50
Motions to suppress based on, 7:23

ROADS
See HIGHWAYS AND ROADS

RULES AND RULEMAKING POWERS
Alcohol and drug testing. See ALCOHOL AND DRUG TESTING, at Administrative regulations

SCHOOLS AND SCHOOL DISTRICTS
Pupils, drivers' licenses. See DRIVERS' LICENSES, at Minors

SEARCH AND SEIZURE
Alcohol tests as, 7:34
Inventory searches of impounded vehicles, guidelines, 7:52

SEAT BELTS
Generally, 1:1

SECOND OFFENDERS
See PRIOR CONVICTIONS; SENTENCES

SENTENCES
Generally, 12:1 et seq.
Aggravating circumstances, 11:13
Alcohol and substance abuse treatment programs. See ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROGRAMS
Collateral considerations, 13:1 et seq.
Community labor programs. See COMMUNITY LABOR PROGRAMS
Court costs. See COURT COSTS
Credit for time served, 12:27
Discretion of court, 12:1
Drivers' licenses, revocation or suspension
See DRIVERS' LICENSES
D.U.I. offense, for, See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Fines. See FINES AND FORFEITURES, generally
First offenders
generally, 12:5
alcohol and substance abuse treatment programs, 12:11, 12:37
community labor programs, 12:5, 12:10
driver's license suspension, 12:6
fines, 12:5
hardship drivers' licenses. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
incarceration, 12:2, 12:5
probation, 12:2, 12:5
sample sentencing instructions, form, 11:21
sample verdict, form, 11:22
Fourth offenders
generally, 12:22
alcohol and substance abuse treatment programs, 12:25
community labor programs, 12:24
fines, 12:23
hardship license, 12:26
ignition interlock device, 12:26

SENTENCES—Cont'd
Fourth offenders—Cont'd
incarceration, 12:22
probation, 12:24
Hardship drivers' licenses. See DRIVERS' LICENSES, SUSPENSION FOR D.U.I. OFFENSE
Home incarceration, 12:28
Ignition interlock device, hardship license
fourth offenders, 12:26
second offenders, 12:16
third offenders, 12:21
Incarceration. See INCARCERATION
Juvenile offenders, 12:40
Mandatory minimum sentences, 1:1, 3:1
Prior convictions. See PRIOR CONVICTIONS, generally
Probation. See PROBATION AND CONDITIONAL DISCHARGE
Sample sentencing instructions, form
first offense, 11:21
second offense, 11:23
Sample verdict form
generally, 11:20
first offense, 11:22
second offense, 11:24
Second offenders
generally, 12:12
alcohol and substance abuse treatment programs, 12:15, 12:37
community labor programs, 12:12, 12:14
fines, 12:13
hardship license, ignition interlock device, 12:16
ignition interlock device, 12:16
incarceration, 12:12
probation, 12:12
sample sentencing instructions, form, 11:23
sample verdict, form, 11:24
Service fees, 12:34, 12:35
Statutory penalties
first offenders
generally, 12:2, 12:5
See also First offenders, this heading.
fourth offenders
generally, 12:22 to 12:26
See also Fourth offenders, this heading.
second offenders
generally, 12:12, 12:16
See also Second offenders, this heading.

SENTENCES—Cont'd
Statutory penalties—Cont'd
third offenders
generally, 12:17, 12:21
See also Third offenders, this heading.
Tables, 12:1
Third offenders
generally, 12:17, 12:21
alcohol and substance abuse treatment programs, 12:20, 12:37
community labor programs, 12:19
fines, 12:18
hardship license, 12:21
ignition interlock device, 12:21
incarceration, 12:17
probation, 12:19

SERVICE OF PROCESS
Citations, 2:6
Facts and procedural history of case, evaluation, 3:2

SHERIFFS
See also POLICE, generally

SILENCE, RIGHT TO
Generally, 9:11

SOURCE CODES
Machine interference, alcohol and drug testing equipment, 5:4

SPEED
Aggravating circumstances, 11:13, 12:1 et seq.

SPEEDY TRIALS
Dismissal motion based on violation, 9:4
Facts and procedural history of case, evaluation, 3:2
Misdemeanors and traffic offenses, requirement, 9:4

STATE POLICE
See also POLICE, generally

STATE TRAFFIC SCHOOL
Generally, 13:7

STRICT LIABILITY
D.U.I., degree of culpability for, 1:19

SUBJECTIVITY
Driving under influence, 1:12, 3:13

SUBSTANCE ABUSE TREATMENT PROGRAMS
See ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROGRAMS

SUMMONS
Warrant form, electronic complaint, 2:11

SUPPRESSION OF EVIDENCE
Generally, 7:1 et seq.
Alcohol and drug test results
generally, 7:33
burden of proof, 7:13
due process, denial, 7:44
field sobriety testing, 9:18
testing officer's testimony, 8:4
trial objections, 11:2
Appeals
generally, 7:15
conditional plea, denial of motion, 11:2
state, by, 7:16
Arrests. See ARRESTS
Burden of proof, 7:9 to 7:13
Caretaker Function, 7:18
Conditional plea, appeal of motion denial, 11:2
Due process violations, 7:44
Evans factors, worksheet, 7:54
Facts and procedural history of case, evaluation, 3:2
Field sobriety testing, 9:18
Final orders, suppression orders not considered to be, 7:15
Findings of fact, 7:14
Form, 7:48
Grounds, 7:7, 7:17 to 7:46
Illegal stops
burden on proof, 7:12
grounds for motion, 7:18, 7:19
informers' tips, 7:24
informer's tips, 7:21
police broadcasts, 7:20
roadblocks, 7:23
Implied consent, 7:41 to 7:43
Miranda rights violation, 7:27
Motions
generally, 13:1 et seq.
appeals. See Appeals, this heading
burden of proof, 7:9 to 7:13
contents, 7:5, 7:48
discovery device, use as, 7:3
dismissal motions compared to, 9:2
double jeopardy, consideration, 7:4
drafting, 7:5
evidence, 7:6
field sobriety testing, 9:18
filing, 7:8
form, 7:48
grounds, 7:7, 7:17 to 7:46

SUPPRESSION OF EVIDENCE —Cont'd
Motions—Cont'd
prior convictions. See PRIOR CONVICTIONS
rulings on, 7:14
time requirements, 4:1, 6:4, 7:8
Operation of vehicle, 7:22
Plea bargaining, effect on, 11:2
Prior convictions. See PRIOR CONVICTIONS
Right to counsel, 7:32
Roadblocks, 7:23
Stationary vehicles, 7:22
Statutory police authority violations, effect, 9:6
Use of, 7:1
Videotapes, 7:31

TESTIMONY
See WITNESSES AND TESTIMONY

THIRD OFFENDERS
See PRIOR CONVICTIONS; SENTENCES

TICKETS
See CITATIONS; UNIFORM TRAFFIC CITATION

TIME
Requirements. See particular subject concerned

TRAFFIC OFFENSES
Arraignment. See ARRAIGNMENT
Arrests. See ARRESTS
Citations. See CITATIONS
Commencement of prosecution requirement, 9:4
Drunk driving. See DRIVING UNDER INFLUENCE
Habitual violators, 13:9
Point system. See POINT SYSTEM FOR TRAFFIC OFFENSES
Records, 13:3
Speedy trial requirement, 9:4
Tickets. See CITATIONS

TREATMENT PROGRAMS
See ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROGRAMS

TRIALS
Generally, 11:1 et seq.
See also JURY TRIALS.
Aggravating circumstances, 11:1 et seq., 11:13

TRIALS—Cont'd
Bifurcated, 11:14
Challenges to weight of evidence. See PROHIBITED ALCOHOL LEVEL OFFENSE
Evaluation of case, 3:1 et seq.
Intoxilyzer, sample instruction on operation and working order, 11:25
Jury instructions. See JURY INSTRUCTIONS
Juvenile offenders, 12:40
Motions for acquittal, 11:12
Objections. See OBJECTIONS
Speedy trial. See SPEEDY TRIAL

UNDERAGE PERSONS
Drivers' licenses, suspension for prohibited alcohol level offense
generally, 12:4, 12:36
alcohol and substance abuse treatment program, 12:4
community service, 12:4
constitutionality, 1:18
fines, 12:4
hardship license, 12:4

UNIFORM TRAFFIC CITATION
Generally, 2:1
See also CITATIONS, generally.
Amendment, 2:5
Defects, effect, 2:2, 2:3
Form, 2:9
Service, 2:6
Sufficiency
generally, 2:2
driving under influence, 2:3
driving with prohibited alcohol level, 2:4

URINALYSIS
Generally, 6:17
See also ALCOHOL AND DRUG TESTING, generally.
Additional test, right to, 7:46, 14:8
Administrative regulations. See ALCOHOL AND DRUG TESTING
Admissibility of results. See ALCOHOL AND DRUG TESTING
Arrest as prerequisite, 14:5
Certified clinical laboratories, by, 6:7
Chain of custody, 6:16
Collection and handling requirements, 6:18
Consent. See IMPLIED CONSENT
Dead or unconscious persons, 14:5
Drugs, testing for, 3:15, 6:8

URINALYSIS—Cont'd
Due process requirements. See DUE PROCESS, at Alcohol and drug testing
Laboratories, certified; by, 6:7
Preservation of test samples, 7:45
Qualified personnel, 6:7
Refusal to submit to. See ALCOHOL AND DRUG TESTING
Reliability, 6:17
Right to counsel. See ALCOHOL AND DRUG TESTING
Seizure, as, 7:34
Specimens, collection and handling, 6:18
Suppression of results. See SUPPRESSION OF EVIDENCE, at Alcohol and drug test results
Techniques, 6:18
Use of, 6:8

VEHICLES
See particular vehicle concerned

VERDICTS
Deadlocked juries, instruction for further deliberation, 11:18
Sample verdict, form
generally, 11:20
first offense, 11:22
second offense, 11:24

VIDEO/AUDIO EQUIPMENT IN CAR
Guidelines, 7:53

VIDEOTAPES
Evidence, as, 3:12, 7:31

VIOLATIONS
See particular subject concerned

VOLUNTARINESS
D.U.I., element of
generally, 1:20
choice of evils as defense, 1:23
duress as defense, 1:22
entrapment as defense, 1:25
ignorance as defense, 1:21
intoxication as defense, 1:20
mental illness or retardation as defense, 1:24
mistake as defense, 1:21
reaction to medication as defense, 1:26

WAIVER
Right to counsel, 12:35

WALK AND TURN TEST
Field sobriety testing, 9:18

WITNESSES AND TESTIMONY
Generally, 11:9
Confrontation rights. See CONFRONTATION RIGHTS
Experts. See EXPERT WITNESSES
Field sobriety test, 9:18
Lay opinion. See LAY WITNESS OPINION

WORKSHEETS
Evaluation of case, 3:22
Evans factors, 7:54