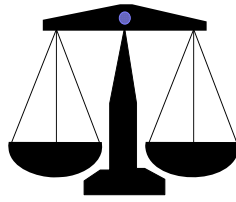


UCLA STUDENT LEGAL SERVICES



THINGS TO THINK ABOUT IF YOU DRINK ALCOHOL

Here is some important information to keep you out of trouble with the law.

If you are under 21, it is a misdemeanor if:

- You are in possession of alcohol (open or closed container) in a public place
- You purchase alcohol
- You have a false i.d. card
- You are driving a car with any alcohol in it

No matter what your age, it is a misdemeanor if:

- You provide alcohol to anyone under 21
- You are drunk in public

Driving after you have been drinking can cause you to:

- Lose your driver's license for at least 90 days
- Pay a fine and fees of more than \$1,500
- Pay huge increases in insurance premiums
- Be required to attend a costly and time consuming alcohol abuse program
- Have a criminal record for DUI
- If you are under 21, the DMV may suspend your license for one year with only .01 blood alcohol content (that's *any* trace of alcohol)

If you are convicted of an alcohol misdemeanor:

- You may have to pay a fine of up to \$1,000 (or more in some cases)
- You could have a criminal record for the rest of your life
- A criminal record could prevent you from being a doctor, a lawyer, a credentialed teacher, and many more professions
- The applications for many graduate programs ask if you ever have been convicted of a crime

There is an unexpected additional consequence if you are under 21:

- You can lose your driver's license for one year (even if you are not even close to a car!)

Questions commonly asked by UCLA students:

Question: *I am 19 years old and was convicted of being a “minor in possession of alcohol” because I was drinking beer at a bar. I know this is illegal and have already paid the fine, but I just found out that my driver’s license is suspended for one year. I wasn’t even near a car, so why is my license suspended?*

Answer: As you already know, it is a violation of California law for you to drink alcohol until you are 21 years old. Although for most purposes 18 years old is the age of “majority,” you are considered a “minor” until you are 21 years old for purposes of alcohol purchase, possession, and consumption. Even in cases where no motor vehicle is involved, the California Legislature has decided as a policy matter to impose additional sanctions for underage drinking; when a minor is convicted of an alcohol related crime (e.g., purchase, possession or consumption of alcohol, furnishing alcohol to a minor, possessing an open container of alcohol in public, or transporting alcohol in a motor vehicle), the minor’s driver’s license may be suspended for one year. When you “pay the fine,” you technically are forfeiting bail and pleading guilty. Once the court enters the guilty plea, the court sends the information about your conviction to the Department of Motor Vehicles (“DMV”). The DMV then automatically suspends your license for one year.

Question: *I was walking down the sidewalk outside of my apartment building drinking a bottle of beer, and a police officer stopped me, gave me a ticket called a “Notice to Appear,” and said I would have to go to court. I am over 21 years old and wasn’t causing any trouble, so why do I have to go to court?*

Answer: It is illegal in California for anyone (even people over 21 years old) to possess an open container of alcohol in public. Public places include the sidewalk in front of your apartment. Fortunately, because you are over 21, your offense is only an infraction; if you were under 21 with your “open container,” you would be charged with a misdemeanor. A misdemeanor is a criminal offense and will become part of your permanent criminal record, which can affect your ability to attend graduate school, obtain a state license (e.g., to be a physician, attorney, accountant, teacher), or secure certain types of employment. In contrast, an infraction is a “public offense” like a traffic violation and does not have the same impact as a misdemeanor. Nevertheless, you will need to go to court no later than the date noted on your Notice to Appear and either pay a fine or plead “not guilty” and obtain a trial date. At trial, you will have to represent yourself or pay for an attorney to represent you, as you are not entitled to free legal counsel for an infraction.

Question: *I was arrested for DUI when I was driving home from a party. I only had a couple of drinks, but the police officer said I failed the field sobriety test and “blew a .13.” What does all of this mean?*

Answer: Under California law, it is illegal to drive when you are under the influence of alcohol. You are presumptively “under the influence” if your blood alcohol content is .08 or more if you are older than 21 years of age, and .05 or more if you are under 21. The blood alcohol content is determined by a breathalyzer or blood test, which you are required by law to take. Generally, the police officer administers a field sobriety test first; this test includes various verbal and physical tests such as walking a straight line or counting backwards from 100 by 7’s. It appears from your question that the police officer believed you did not perform well during the field sobriety test and that you took a breathalyzer test, which showed that your blood alcohol content was .13, well in excess of the legal limit.

There are several consequences of a DUI charge. First, regardless of the outcome of the criminal charge, the Department of Motor Vehicles will suspend your driver’s license for four months if you are older than 21 years of age. If you are under 21 years old, a one year license suspension by the DMV is triggered by a .01 blood alcohol content. Refusal to take the test, regardless of age, also results in a one year suspension. Secondly, and most importantly, a DUI is a misdemeanor. Conviction of a first offense typically results in a fine that can exceed \$1,500, required completion of an alcohol treatment program, a 90-day license suspension (one year if you are under 21 years old), and probation for 3 – 5 years. Subsequent DUI convictions carry sentences that are substantially more severe. A DUI conviction also will cause your automobile insurance rates to increase significantly for several years or even cause your policy to be cancelled. In addition, as described in the answer above, conviction of a misdemeanor can have educational and employment consequences as well, although a DUI conviction generally is viewed as the most serious of the alcohol charges.

For more information on this topic, please visit the Student Legal Services web site: <http://www.studentlegal.ucla.edu>

The information contained in this article is of a general nature. If you have a similar problem, you should consult with an attorney. Currently registered UCLA students are encouraged to call Student Legal Services for an appointment (310.825.9894). Appointment hours are 9:00 a.m. to 5:00 p.m., Monday through Friday.