

**2007 Arizona DUI Amendments, effective September 19, 2007.  
by Daniel Furlong**

Prior Law	Senate Bill 1252, signed by Governor May 8, 2007	Senate Bill 1029, signed by Governor May 18, 2007
<p>28-1381(A) Regular DUI There was no paragraph (A)(6). No requirement of interlock for first DUI conviction.</p>	<p>Does not amend or mention 28-1381. So no conflict.</p>	<p>Added paragraph (A)(6). Requires interlock per 28-3319, see below, for first DUI conviction and court may order it for longer.</p>
<p>28-3319(D)(2) Interlock On receipt of report of conviction, MVD shall require Interlock for one year for 28-1382 extreme DUI.</p>	<p>Does not amend or mention 28-3319. So no conflict.</p>	<p>Interlock required for one year if the person "is sentenced pursuant to 28-1381 or 28-1382, subsection D," except if the BAC .20 or more, the interlock is required for 18 months. (Does this mean 18 months if a .20 extreme is pled to a regular or to an extreme of less than .20? How will MVD know the BAC? Will there be a box on the abstract? Is the defendant entitled to a hearing regarding the box?)</p>
<p>28-1382(D) Extreme DUI 30 days jail. But see below for suspension.</p>	<p>No change. 30 days jail. But see below for no suspension.</p>	<p>30 days jail. But see below for suspension if BAC less than .20. If BAC of .20 or more, 45 days jail and extra \$250 fine. See below for no suspension. This is a sentence enhancement provision, not an element of the offense. <i>Apprendi v. New Jersey?</i></p>
<p>28-1382(E) Judge may suspend all but 10 days of jail upon completion of screening and treatment.</p>	<p>Deleted the jail suspension provisions. So 30 days flat. Judge may order no alcohol consumption for 30 days or more as demonstrated by continuous alcohol monitoring or twice daily testing.</p>	<p>If BAC less than .20, judge may suspend all but 10 days of jail upon completion of screening and treatment. <b>Conflicts with Senate Bill 1252.</b> (So 10 days jail if .15 -.19 and a flat 45 days if .20 or above?)</p>
<p>28-1382(F) Extreme DUI with any prior DUI within 84 months. 120 days jail. But see below for suspension.</p>	<p>No change. 120 days jail. But see below for no suspension.</p>	<p>120 days jail. But see below for suspension if BAC less than .20. If BAC of .20 or more, 180 days jail and extra \$500 fine. See below for no suspension. This is a sentence enhancement provision, not an element of the offense. <i>Apprendi v. New Jersey?</i></p>
<p>28-1382(G) Judge may suspend all but 60 days of jail upon completion of screening and treatment.</p>	<p>Deleted the jail suspension provisions. So 120 days flat. Judge may order no alcohol consumption for 90 days or more as demonstrated by continuous alcohol monitoring or twice daily testing.</p>	<p>If BAC less than .20, judge may suspend all but 60 days of jail upon completion of screening and treatment. <b>Conflicts with Senate Bill 1252.</b> (So 60 days jail if .15 -.19 and a flat 180 days if .20 or above?)</p>