



# ARIZONA HOUSE OF REPRESENTATIVES

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## **SB 1407: DUI; incarceration credits; calculation**

**Sponsor: Senator Petersen, LD 12**  
**Committee on Judiciary**

### **Overview**

Outlines conditions for time served credit toward incarceration for a driving while under the influence (DUI) offense.

### **History**

A DUI offense is a class 1 misdemeanor and consists of the following:

- 1) Driving a vehicle under the influence of liquor, drugs or a vapor releasing substance;
- 2) Driving with or having an alcohol concentration of .08 or greater within two hours of operating a vehicle;
- 3) Driving while a drug or its metabolite is in the individual's body; or
- 4) Operating a commercial motor vehicle with an alcohol concentration of .04 or greater.

An individual who is convicted of a DUI offense must serve at least 10 consecutive days in jail. If the individual, however, completes court ordered alcohol or other drug screening, education or treatment program, the judge may suspend all but one day of the sentence ([A.R.S. § 12-1381](#)).

An extreme DUI offense is a class 1 misdemeanor and consists of the following:

- 1) Driving with an alcohol concentration between .15 and .2; or
- 2) Driving with an alcohol concentration greater than .2.

Depending on the alcohol concentration, an individual convicted of an extreme DUI must serve at least 30 or 45 consecutive days in jail but the judge may suspend all but 9 or 14 days of the sentence respectively if the individual agrees to equip any motor vehicle the individual operates with a certified ignition interlock device ([A.R.S. § 28-1382](#)).

### **Provisions**

1. Requires an individual who receives time served credit towards a mandatory term of incarceration for a DUI offense to serve at least eight hours for each day of credit. (Sec. 1)

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