

DWI INFORMATION SHEET/ CHECKLIST
Albany County Public Defender's Office

1. Victim Impact Panel (“VIP”)

- a. **You are given a date by the court, which you must attend.** If you cannot attend, you must reschedule through the court, not the program. **Failure to attend your assigned session may result in a re-sentencing by the Court.**
- b. You must register in advance, by going to <https://allpaid.com/payments#/plc-search/plc-details/a0033q>, or by going to <http://allpaid.com> and entering location code **a0033q**.
- c. The registration fee is \$75.00, and can only be paid via credit card. **After registration you must call (518)720-8006 to confirm your payment has been received.**
- d. The VIP is mandatory for anyone convicted of any alcohol or substance related driving offense.
- e. This is a one night session where you will learn about the impact of drinking and driving.
- f. The VIP is run by Stop DWI <http://www.stopdwi.org/albany-county-initiative>.
- g. All attendees will be breathalyzed at the door, and anyone who tests positive will be denied entry. Additionally, if alcohol is detected on your breath and you drove to the program, you are likely to be arrested for an additional DWI.
- h. **Under certain circumstances you may attend an out of county program but you are responsible for providing proof of attendance to the sentencing court.**

2. Impaired Driver Program (“IDP”)

- a. The IDP is run by the DMV, and information about the program can be found at: <https://dmv.ny.gov/tickets/about-impaired-driver-program>.
- b. The IDP is mandatory for anyone convicted of any alcohol or substance related driving offense.
- c. The program requires approximately 14-hours of classes over a 7-week period. You will need to select a day/time where you will be available for 7 weeks in a row.
- d. By enrolling in the class, you may be eligible for a conditional license. The conditional license allows you to drive for work, school, certain appointments and 3-hours of unrestricted driving per week.
- e. **To enroll in the IDP, you must go to the DMV and ask to enroll in the “Impaired Driver Program.”**
- f. There is a \$75.00 enrollment fee when you sign up for the class at the DMV. An additional fee of up to \$234 will be payable upon your attendance at your first class.
- g. You must complete a substance abuse evaluation and any recommended treatment as a condition of successfully completing the class.
- h. **In general, you must complete this class as a condition of your sentence regardless of whether you intend to or are eligible for a conditional license.**
- i. **If you are ineligible for the program you must attempt to enroll and be rejected before the Court considers this condition of your sentence satisfied.**

3. Ignition Interlock Device (“IID”)

- a. IID installation is mandatory for anyone convicted of DWI, [VTL §1192(2) or (3)], aggravated DWI, [VTL § 1192(2-a)(a)]. It can be imposed as a condition of sentence on a DWAI alcohol [VTL § 1192(1)], DWAI Drug [VTL § 1192(4)], or Combined Influence [VTL § 1192(4-a)].
- b. For these charges, the court will impose a 1-year IID requirement from the date of sentence.
- c. The court will require an IID in any vehicle(s) which you own or have registered in your name, and you **MAY NOT operate any vehicle which does not contain an IID during the 1-year period.**
- d. The IID must be installed in any vehicle(s) which you own within 10 days of sentencing and you are not permitted to drive any vehicle without an IID during that time. You must provide proof of installation to the probation department.
- e. If you installed an IID, you may request to discontinue the IID requirement after successfully completing six months without any violations.
- f. You are responsible for finding an approved manufacturer and installer. While our office does not recommend a specific device, suggestions include: Intoxalock (<https://www.intoxalock.com/>), Smart Start

(<https://www.smartstartinc.com/>), LifeSafer (<https://dmv.ny.gov/tickets/about-impaired-driver-program>), and RoadGuard (<https://roadguardinterlock.com/>). If you are not sure if a device is approved, you can also check with Albany County Probation by phone at (518)487-5200.

- g. Installation fees range from \$50.00-\$200.00; Monthly rental/maintenance fees range from \$50.00 to more than \$100.00 per month. The court may consider whether you qualify for financial assistance. It is your responsibility to submit the proper application for the financial assistance.
- h. You are responsible for filing the order relieving you from the IID requirement with DMV at the conclusion of your sentence.

4. License Revocation/Suspension

- a. All Convictions have a mandatory suspension or revocation of your New York State driving privileged:
 - i. DWAI-Alcohol – 90-day suspension;
 - ii. DWI, DWAI-Drugs, or DWAI-Combined Influence – 6-month revocation;
 - iii. Aggravated DWI – 12-month revocation;
- b. **You must pay a reinstatement fee before your license will be valid; it IS NOT automatically lifted at expiration of the suspension/revocation period.** If the suspension/revocation is not properly lifted, driving could result in an additional charge of Aggravated Unlicensed Operation of a Motor Vehicle.
- c. Driver Responsibility Assessment- for every alcohol/drug related driving conviction, the DMV assesses a fee of \$250.00 per year for three years. Meaning you will have to pay the DMV at total of \$750.00 over the next three years. If you fail to pay on time your license could be suspended.
- d. If you have multiple DWI, Aggravated DWI, or DWAI convictions you may be subject to enhanced penalties.
- e. **If you can not pay on your due date, you must appear in court and ask for an extension. Ignoring the due date can result in a bench warrant and possible jail time.**
- f. **If you have been found to have refused a chemical test, and have been issued the one year revocation by DMV independent of your criminal revocation, the new suspension or revocation period will run concurrent to any additional time owed on the refusal revocation.**

5. Additional Penalties

- a. All Convictions have a mandatory Fine and Surcharge as follows:
 - i. DWAI-Alcohol - Fine: \$300.00 - \$500.00; Surcharge: \$260.00;
 - ii. DWI, DWAI-Drug, DWAI-Combined Influence or – Fine: \$500.00-\$1,000.00; Surcharge: \$400;
 - iii. Aggravated DWI – Fine: \$1,000.00-\$2,500.00; Surcharge: \$400.00.
- b. Maximum Jail Sentences:
 - i. DWAI-Alcohol – 15 days;
 - ii. DWI, DWAI-Drug, DWAI-Combined Influence, or Aggravated DWI – 364 days;

6. Substance Abuse Evaluation

- a. You are required to obtain a Substance Abuse Evaluation from a OASAS approved evaluator. You can find an Evaluator near you by searching here: <https://findaddictiontreatment.ny.gov/>.

Failure to complete any one of these requirements, will be a violation of your sentence. If you violate your sentence, the court can re-sentence you to up to the maximum available incarceration period for your charges (see above), increase fines, community service, additional time with the ignition interlock device, probation, and or any combination of the aforementioned options.

This list is made as a guideline and is subject to change at any time by the DMV or Court. If you have any questions please contact your assigned Public Defender at: 518-447-7150