



**State:**

Georgia

**Statute/Law:**

Section 40-6-391 (a): *Driving under the Influence.*

**Per Se Law?:**

Yes

**Statute/Law Language:**

(a) A person shall not drive or be in actual physical control of any moving vehicle while:

(1) Under the influence of alcohol to the extent that it is less safe for the person to drive;

(2) Under the influence of any drug to the extent that it is less safe for the person to drive;

(3) Under the intentional influence of any glue, aerosol, or other toxic vapor to the extent that it is less safe for the person to drive;

(4) Under the combined influence of any two or more of the substances specified in paragraphs (1) through (3) of this subsection to the extent that it is less safe for the person to drive;

(5) The person's alcohol concentration is 0.08 grams or more at any time within three hours after such driving or being in actual physical control from alcohol consumed before such driving or being in actual physical control ended; or

(6) Subject to the provisions of subsection (b) of this Code section, there is any amount of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in the person's blood or urine, or both, including the metabolites and derivatives of each or both without regard to whether or not any alcohol is present in the person's breath or blood.

**Penalties Following Conviction:**

For first offense : 10 days (24 hours mandatory) - 12 months imprisonment, \$300 (mandatory) - \$1000 fine; for second offense within 5 years - 90 days (48 hours mandatory) - 12 months, \$600 (mandatory) - \$1000; for third offense within 10 years - 120 days (10 days mandatory) - 12 months, \$1000 (mandatory or \$500 plus a drug treatment program) - \$5000; for fourth offense or subsequent offense - \$1000 - \$5000 fine [\$1000 mandatory] and not less than 1 year and not more than 5 years imprisonment [90 days mandatory], 7 - 15 years for DUI with a severe injury (felony conviction).





**Discretionary Court-Ordered Penalties:**

Community Service will be assigned as follows: not less than 40 hours (40 hours mandatory) for 1st offense; not less than 90 days and not more than 12 months (72 hours mandatory) for 2nd offense within 10 years; not less than 120 days and not more than 12 months (15 days mandatory) for 3rd or subsequent offense within 10 years. The name, address and photo of 2nd and subsequent offenders shall be published in the appropriate county. Probation is mandatory if the jail sentence is less than 1 year.

**For more information:**

<http://www.lexisnexis.com/hottopics/gacode/Default.asp>

*Current as of August 2016*

