

# New Jersey DWI Fact Sheet 2015

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## *DID YOU KNOW...?*

- 1) The legal BAC limit in New Jersey is .08.
- 2) DWI and DUI are not separate violations in New Jersey. They are both covered by the same statute: N.J.S.A. 39:4-50.
- 3) While other states may classify intoxicated driving as a criminal offense, New Jersey classifies DWI as a traffic offense.
- 4) Since it is a traffic offense in New Jersey, a DWI can never be expunged from your record.
- 5) Due to the implied consent law, you are required to give breath samples at the police station if the police request that you do so.
- 6) If you refuse to give breath samples, you can be charged with both DWI and a refusal violation.
- 7) A first offense refusal violation carries a 7 month loss of driving privileges.
- 8) The United State Supreme Court decided in Missouri v. McNeely that the police are required to obtain a warrant before drawing your blood after a DWI arrest.
- 9) The "alphabet test" is not a standard field sobriety test.
- 10) The three standard field sobriety tests are: the horizontal gaze nystagmus test, the one-leg stand, and the walk-and-turn test.
- 11) There are twelve foundational documents that must be provided to your lawyer to prove that the Alcotest machine was in proper working order.
- 12) If you were charged with DWI while minor children were in the car, you can also be charged with endangering the welfare of a child.
- 13) If you are convicted of DWI and drive while your license is suspended, you face mandatory jail time if you are convicted of driving while suspended.
- 14) DWI is widely considered the most serious offense heard in the municipal court system of New Jersey.
- 15) Mandatory penalties of a third or subsequent DWI conviction include a 10 year loss of driving privileges and 6 months in the county jail.

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