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Aggravated DUI

A normal DUI charge already carries severe penalties, but certain situations can result in enhanced penalties for DUI or DWI that go well beyond the sentences normally imposed after a DUI conviction. The presence of certain aggravating factors in a DUI case can result in enhanced penalties by either increasing the range of potential sentences or by raising the actual charge to a higher level, depending on the state where the DUI prosecution takes place.

What follows are a few examples of situations that could lead to an aggravated DUI charge with enhanced penalties. The factors and potential punishments will vary between states, however, so it's important for defendants facing DUI charges to look closely at the law of the state that has brought the charges.

Extremely High Blood Alcohol Concentration

States all set a legal limit for blood alcohol concentration (BAC) - usually .08%. The law presumes that anyone who is caught driving with a BAC over the legal limit has committed DUI.

When tests reveal that a suspected DUI driver has a BAC that is extremely high (usually two or more times the legal limit, depending on the state), the crime moves into the realm of an aggravated DUI. Also known in this instance as an "extreme DUI," the offense carries the possibility of greater prison terms and higher fines.

Minors in the Vehicle

The presence of minors in the vehicle at the time of a DUI arrest can also result in an aggravated DUI. States have different age ranges for the minor that will trigger enhanced DUI penalties, though. For example, some states require that the minor in the vehicle be younger than 16, while others set the maximum age for the minor at 12.

Some states also increase the penalties for a DUI conviction if the offense occurs in a school zone, regardless of whether children were present in the car.

Multiple DUI Convictions

Courts also will hand down elevated sentences if the driver has had multiple DUI convictions, sometimes even when one or more of the multiple convictions occurred in another state or states. States give harsher punishments to repeat offenders in order to discourage people from driving under the influence of drugs or alcohol after their first DUI conviction.

States have different systems for penalizing repeat offenders, so DUI defendants should check their particular state's law or consult with an experienced DUI attorney for more information.

Suspended or Revoked License

Aggravated DUI charges can also result when a DUI defendant is caught driving on a suspended or revoked license. Penalties for this situation increase because the defendant has shown a blatant disregard for the law by driving on a suspended or revoked license.

Excessive Speed

A state can charge a DUI defendant with excessive speed in addition to DUI. In some states, if a person exceeds the speed limit by a certain amount, it may also result in an aggravated DUI (or DWI) charge. For example, if police measured a DUI defendant driving 30 miles per hour over the posted speed limit, the defendant could face a much higher sentence than they would if they had driven 10 miles per hour over the speed limit.

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