



DUI Laws Not As Cut and Dry As Many Think

(Tucson, AZ. 2016) Arizona has some of the toughest DUI laws in the country. All DUI offenses carry mandatory jail time of at least 24 hours and up to 4 months. There is also a minimum 90 day suspension of your license, associated fines of up to \$3000, and having an Ignition Interlock Device (IID) installed on your car. While the penalties associated with a DUI arrest are indeed harsh, the rules governing DUI arrests are not as clear cut as many people think.

At the heart of the issue is Arizona's Implied Consent law. Implied Consent in Arizona means that if you are lawfully arrested on suspicion of a DUI then you are pressured to automatically consent to a blood or breath test.

"As with many things in life, a caveat comes with that," explains Thomas Wilson of the Law Office of Thomas Wilson. "An officer asking a driver to submit to testing must have first had reasonable grounds -- for stopping the motorist and making an arrest determination."

In Arizona you can refuse to take any of the offered tests in defiance of the Implied Consent law, however, there are associated risks with that as well. The arresting officer will confiscate your license which will then be suspended for a period of one year. You will be issued a temporary license, which is good for 15 days, and you will be able to challenge the suspension at a motor vehicle hearing.

While the police can't force you to take a Breathalyzer test, refusing the test also doesn't guarantee that you won't be convicted of a DUI. The arresting officer will give a sworn statement as to why he or she believed you were driving under the influence and the prosecutor will use the fact that you refused the test as evidence that you were driving under the influence. Also, the officer may obtain a search warrant and forcibly draw blood at the scene. The situation is also complicated by the fact that you have a very narrow window in which to challenge your suspension.

"With stakes being so high, and given the tight time parameters within which a motorist must contest an adverse DUI-related outcome, an experienced DUI attorney can often play a central role in advocating on behalf of a client contesting a drunk driving charge or license suspension," continues Wilson.

Unlike many states, Arizona does not allow drivers arrested for a DUI to plead down to non DUI charges. However, in certain circumstances, an experienced attorney may be able to get the charges and penalties reduced. While it might be worth representing yourself when charged with some driving offenses, a DUI conviction has serious, possible life altering consequences so it is always advised that you consult with an attorney that focuses on DUI defense.

About the Law Office of Thomas Wilson

Founded by a former Marine and law enforcement officer, the Law Office of Thomas Wilson serves the Tucson community with heart and a dedication to justice. Thomas Wilson would like the public to know their rights because an educated population is a responsible population. As the premier DUI attorney's in the Tucson Metro area, the Law Office of Thomas Wilson will provide a free consultation on DUI arrests.