



TRAFFIC LAW NEWSLETTER Spring 2001

2001 Legislation

The Georgia Legislature's 2001 Session is over, and once again we have new laws coming into effect!

DUI LAW: The legal per se limit is now .08. This law was passed under Federal pressure; millions of dollars in Federal road funds were to be withheld had this law not passed. So if you register a .08 on the State machine within 3 hours of driving, that is now a per se DUI. Advice: Do not do any of the tests at the scene!!! Refuse to take the State chemical test at the station if this would be your 2nd or 3rd DUI in 5 years! If it is your first DUI in 5 years, take the State chemical test!

A person's driver's license can be suspended administratively if the breath test is over .08. (This changes the old law from .10.)

Also, the law, changes the penalties for a 2nd DUI in 5 years. The minimum jail sentence is 5 days; the tag must be confiscated by the State; plus you lose all driving privileges for one year, with a limited permit only 6 months thereafter provided an interlock device is placed on the car.

On a 3rd DUI in five years the minimum jail time is 10 days;

OPEN CONTAINER: It will be against the law to have an open container of alcohol anywhere in the car; this means a can, cup, or bottle with broken seal, unless you are recycling; the law does not apply to passengers in RVs or limousines.

AGGRESSIVE DRIVING: A person commits this new crime when they annoy, harass, molest, intimidate injure or obstruct another person with their car. This carries 6 points on the driving record and is a misdemeanor of "high and aggravated nature", which means the fine can be up to \$2,500.00.

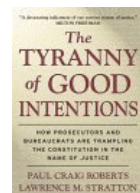
TEEN DRIVING LAWS: In spite of the State's own statistics showing the most dangerous driving group in Georgia was males age 20-24, the Governor and his cronies continue an onslaught on 16-17 year olds. (Remember, they don't vote); The law that was passed is a good one; It provides for mandatory driver's ed; does not raise the minimum driving age to 17; places curfew for 16-17 year olds at 12 midnight to 6 a.m. Mandates a suspension for 4 points in violations in a one year period; allows a learner's permit if license is suspended.

BIG BROTHER IS WATCHING: This law approves the use of cameras to catch red light violators; it also attends to set maximum statewide fines on speeding cases.

DEATH OF DUE PROCESS

How would you like to live in a country with criminal laws so broad that everyone is guilty of some crime and it's only prosecutorial whim that sends certain unpopular citizens to jail? You live in just such a country, according to Paul Craig Roberts, assistant secretary of the Treasury under the Reagan administration.

His book, *The Tyranny of Good Intentions: How Prosecutors and Bureaucrats Are Trampling the Constitution in the Name of Justice*, points out that most of our rights in the Bill of Rights have slowly been eroded.



How about this? Did you know the government can seize your property solely at the discretion of the police, and the burden is on you to get your property back? Think this only applies to drug dealers? Think again! Some examples:

- In Iowa, a woman accused of shoplifting a \$25 sweater had her \$18,000 car confiscated as a "getaway vehicle."
- Detroit drug police raided a pharmacy but failed to find any illegal drugs. After drug dogs reacted to three \$1 bills in the register, the police confiscated and kept \$4,384 in cash. According to the Pittsburgh Press over 92 % of cash in the US shows some drug residue.
- Forty nine year old Ethel Hylton was stopped by police at the Houston airport, searched because a drug dog scratched at her luggage; no drugs were found; police still took \$39,110 in cash, her life savings; and four years later she still does not have her money back.

Who gets the seized property? Examples: The assistant prosecutor in Warren County, NJ drives a confiscated yellow Corvette. A seven member police force in a small town in Rhode Island received \$3.8 million from the Fed. forfeiture fund, and purchased (does this sound familiar to Duluth residents?) Firebirds. Anything you own can be confiscated by the police. Every week over 5,000 innocent Americans lose their cars, bank accounts, homes, without ever being charged with a crime. Check it out: <http://www.fear.org>.



**MY 4 SIMPLE RULES
IF YOU ARE STOPPED BY POLICE**

1. DON'T ADMIT DRINKING (OR ANYTHING ELSE)
2. DON'T DO ANYTHING ON SIDE OF ROAD
3. DO TAKE BREATH TEST IF YOU'VE REALLY HAD 2 DRINKS
4. DON'T TAKE TEST IF MORE THAN 2 DRINKS*



* Refusing to take the State test (at jail or hospital) could result in losing your license for a full year; the only way of getting the license back earlier is to win the DUI; on the other hand, if the officer does not try to suspend the license because of a refusal, the State does not have a blood alcohol level to use against you!

**MY 1 SIMPLE RULE FOR PARENTS OF
CHILDREN UNDER AGE 21**

If your child gets a traffic ticket, regardless of how minor you may think it is, **DO NOT PAY TICKET WITHOUT CALLING ME!!!**

WHAT DO I DO IF STOPPED BY THE POLICE??

For the answer, [see my page on "your legal rights"](#) and [print out a copy](#) to keep in your car!



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Practice dedicated exclusively to defense of those accused of
DUI, serious traffic offenses, and drug offenses.
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