

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
<http://www.courts.state.nh.us>

Court Name: _____
 Case Name: _____
 Case Number _____ Charge ID Number: _____

DWI SECOND OFFENSE SENTENCING ORDER

Plea/Verdict:	Clerk:
Crime:	Date of Crime:
Monitor:	Judge:

The defendant having been found guilty of the Class A Misdemeanor of DWI Second Offense under RSA 265-A, **the following sentence is imposed:**

I. COMMITMENT TO HOUSE OF CORRECTIONS

A. PRIOR CONVICTION WITHIN 2 YEARS PRECEDING DATE OF SECOND OFFENSE:
 The defendant is committed to the House of Corrections for _____ days / _____ months (not less than 60 consecutive days and not more than one year) to serve _____ days / _____ months (not less than 30 consecutive days).

The balance of the sentence is suspended for _____ months / _____ years during good behavior and compliance with all terms and conditions of this order. RSA 265-A:18, IV (a)(3)(A)

B. PRIOR CONVICTION MORE THAN 2 YEARS BUT NOT MORE THAN 10 YEARS:
 The defendant is committed to the House of Corrections for _____ days / _____ months (not less than 17 consecutive days and not more than one year) to serve _____ days / _____ months (not less than 5 consecutive days).

The balance of the sentence is suspended for _____ months / _____ years during good behavior and compliance with all terms and conditions of this order. RSA 265-A:18, IV (a)(3)(B)

Pretrial confinement credit: _____ days

This sentence is to be served as follows: Stand Committed Commencing _____

II. FINE:

Fine of \$ _____ (not less than \$750.00)(RSA 265-A:18,IV (a)(2)); plus the penalty assessment of \$ _____ to be paid:

Now By _____ OR Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed for the collection of fines and fees, other than supervision fees.

\$ _____ of the fine and \$ _____ of the statutory penalty assessment is suspended for _____ year(s).

A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

III. REFERRED TO AN IMPAIRED DRIVER CARE MANAGEMENT PROGRAM (IDCMP)

The defendant is referred to an IDCMP to schedule a full substance use disorder evaluation. A condition of the suspension of any portion of this sentence shall be that within 30 days of release from the county correctional facility, the defendant shall schedule a substance use disorder evaluation, complete the required substance use disorder evaluation within 60 days of release, and comply with the service plan

Case Name: _____

Case Number: _____

DWI SECOND OFFENSE SENTENCING ORDER

developed. The IDCMP shall administer the substance use disorder evaluation and shall develop the service plan from that substance use disorder evaluation. Any portion of the suspended sentence to the county correctional facility may be imposed if the defendant does not comply with all the requirements of this order or becomes noncompliant with the service plan during the suspension period.

IV. LICENSE/PRIVILEGE TO DRIVE REVOCATION

A. The defendant's driver's license privilege to drive shall be revoked:

DWI SECOND OFFENSE: For _____ years (not less than 3 years (RSA 265-A:18, IV (a) (4)) and shall not be restored until the defendant completes the service plan developed by the IDCMP and has paid all relevant fees.

DWI SECOND WITH PASSENGER UNDER 16: Indefinitely (maximum time period), and the defendant shall not petition for eligibility to reapply for a driver's license for at least _____ years. (not less than 3 years). If the defendant seeks return of the license/right to operate, the defendant must file a written motion with the clerk of court and send a copy of that motion to the prosecutor. This motion should be filed 30 days before the date on which the defendant is seeking the return of the license/right to operate.

B. Pursuant to RSA 265-A:36, the defendant shall be required, after the period of license revocation, to install an interlock device as defined in RSA 259:43-a in any vehicle registered to the defendant or used by the defendant on a regular basis. The interlock is ordered to be installed for

_____ months/years OR until _____ (not less than 12 months nor more than 2 years. The Court may extend the length to the age of 21 if the defendant is under 21 years of age). RSA 265-A:36, I and III.

Installation and monitoring costs for the interlock device shall be paid by the defendant.

V. PROBATION

The defendant is placed on probation for _____ months/_____ years (not more than 2 years – RSA 651:2,V) upon the usual terms of probation and any special terms of probation determined by the probation officer; and, as further conditions of probation, the defendant shall comply with all orders contained herein, including compliance with any counseling orders or after-care requirements imposed by the IDCMP which the defendant attends. **Violation of probation may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.**

Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

VI. FURTHER ORDERS

A. The defendant shall not operate a motorboat on the waters of this state for the same period as the loss of driving privileges. RSA 265-A:20

B. The defendant shall not operate a motor vehicle until the New Hampshire Division of Motor Vehicles restores his license or right to operate.

C. Defendant is required to pay all fees arising from services provided by IDCMP and its referrals for the service plan.

D. The defendant shall remain of good behavior, and comply with all the terms of this sentence.

E. If a portion of the fine or penalty assessment was suspended, that suspension is conditioned upon the defendant's compliance with all orders contained in this sentence.

Case Name: _____

Case Number: _____

DWI SECOND OFFENSE SENTENCING ORDER

VII. OPTIONAL ORDERS

A. The defendant is ordered to submit to random urinalysis or other tests as deemed appropriate. RSA 265-A:18, I (a)(6)(B)

B. The defendant shall complete the following community service:

C. The defendant shall make the following restitution/payment of emergency response fee RSA 153-A:

D. The defendant shall abide by the following restrictions on activity and behavior:

E. Law enforcement agencies may destroy the evidence in this case return evidence in this case to its rightful owner.

F. Other:

Date

Presiding Justice