

If You're Charged with DUI, Should You Refuse to Take that Breath Test? — Advice from a Lawyer

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Working with a Connecticut DUI attorney can make the difference between maintaining your driving privilege and losing it — or the difference between being able to drive for work while your DUI (a/k/a "DWI") is pending or not drive at all.

Understand that DUI laws in the state of Connecticut have gotten significantly tougher in recent years. That's why it's important to know your rights.

To better understand what is at stake, you must first have at least a preliminary understanding of how drunk driving laws work in Connecticut.

Instead of spending countless hours on forums and asking questions online, I'm offering my experience as a Connecticut DUI attorney in order to answer some frequently asked questions.

Here are common facts you should know about DUI laws in the state of Connecticut:

First Things First – What Are the Potential Penalties?

Here are some of the penalties that you face in the Superior Court:

- **1st conviction** – Minimum two days in jail, (or 100 hours of community service) and up to six months jail, a license suspension of one year, and a fine between \$500-\$1,000. DMV will require an Ignition Interlock Device, (IID)
- **2nd offense** – Minimum 120 days and up to two years jail time, a license suspension of one year, and a fine of at least \$1,000. An IID will be required for two years after restoration.
- **3rd offense** – A minimum jail sentence of one year and up to three years of jail time, a permanent license suspension, and a minimum fine of \$2,000.00.
- **If this is your first arrest for DWI, you are eligible to apply for the Alcohol Education Program.** This is a program that will allow you to avoid a conviction entirely. BUT, this only deals with your case in the Superior court not DMV.

Whether you are a first-time offender or you are facing your third DWI offense or more, [working with an experienced Connecticut DUI attorney is paramount](#). That's because so much is at stake and you must be confident that every possible defense has been uncovered.

What BAC (Blood Alcohol Content) Gets You a DUI?

That depends on the age and background of the person behind the wheel. Here is what you should know:

- If you're under 21, .02 percent BAC will get you a DUI.
- If you're 21 or older, .08 percent will get you a DUI.
- In case you're a commercial driver, .08% will get you a DUI, and you won't be allowed to use the Alcohol Education Program and your license will be suspended for a year.

Can You Refuse to Take the Chemical Test?

Yes you can refuse. However, your refusal will result in higher penalties.

Connecticut has an implied consent law.

That means that if you refuse the test, your DMV suspensions will go up and your consequences in the Superior Court may also be worse.

Here is what you must know about the license suspension according to the offense and refusal to take the test:

- 1st offense – License is suspended for one year
- 2nd offense – License is suspended for two years
- 3rd offense – License is suspended for three years

Is It Possible to Fight your DWI?

Of course it is. The irony of DWI defense is that the same complexities that make these cases difficult to navigate for clients and inexperienced lawyers, can also present opportunities to resolve your case if you are defended by a veteran DWI lawyer.

There are many factors to consider in both the DMV portion of your case and the Superior Court portion of your case. If there are errors in evidence-handling, and even in police officer signatures, an experienced DWI lawyer will know how to take advantage of those errors.

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