

STATE:

CONNECTICUT

General Reference:

Connecticut General Statutes Annotated and Regulations of Connecticut State Agencies (RCSA)

Basis for a DWI Charge:

Standard DWI Offense:  
Illegal Per Se Law (BAC):

Under the influence of intoxicating liquor<sup>184</sup> §14-227a(a)  
I.  $\geq .08$ <sup>185</sup> §14-227a(a)(2)  
II. Persons Under 21 Years Old. BAC  $> .02$ <sup>186</sup>  
§14-227g(a) and (c)

Presumption (BAC):  
Types of Drugs/Drugs and Alcohol:

**None**  
Under the influence of (1) Any Drug or (2) Any Drug and Intoxicating Liquor §14-227a(a)

Chemical Breath Tests for Alcohol Concentration:

Preliminary Breath Test Law:  
Implied Consent Law:  
Arrest Required (Yes/No):  
Implied Consent Law Applies to Drugs (Yes/No):  
Refusal to Submit to Chemical Test Admitted into Evidence:  
Other Information:

**No**  
**Yes** §§14-227b and 14-227g(a)  
**Yes** §14-227b(a)  
**Yes** (Criminal Cases) §14-227a(e), §14-227b(b)  
**None**

Chemical Tests of Other Substances for Alcohol Concentration Which Are Authorized Under the Implied Consent Law:

Blood:  
Urine:  
Other:

**Yes** §14-227b(a)  
**Yes** §14-227b(a)  
**None**

Adjudication of DWI Charges:

Mandatory Adjudication Law (Yes/No):  
Anti-Plea-Bargaining Statute (Yes/No):

**No**<sup>187</sup>  
**No** However, the law does require the State to give to the court, in open session, the reasons why a DWI charge was reduced or dismissed. §14-227a(f)

Pre-Sentencing Investigation Law (PSI) (Yes/No):

**No**<sup>188</sup>

<sup>184</sup>The sanctions listed below for driving while “under the influence” apply to driving while under the influence of either intoxicating liquor (alcohol) or drugs in a motor vehicle. In this context, “motor vehicle” is defined to include snowmobiles and all-terrain vehicles. 14-227(a)

<sup>185</sup>Standard: “Percent by weight” of alcohol in the blood. §§14-227a(a) and 14-227g(a)

<sup>186</sup> The sanctions for a violation of this offense are the same as for a violation of §14-227a(a) – driving under the influence intoxicating liquor/illegal per se. §14-227g(c)

<sup>187</sup> A pre-trial diversion program is available only for first DWI offenders where death or serious injury is not involved. §§54-56g and 54-56e.

<sup>188</sup> A court may but is not required to conduct a pre-sentence investigation. The law is silent as to whether “alcohol screening” has to be given to persons convicted of a drunk-driving offense. §54-91a

Sanctions for Refusal to Submit to a Chemical Test:

Refusal to Take a <u>Preliminary Breath Test</u> :	
Criminal Sanctions (Fine/Jail):	N/A
Administrative Licensing Action	
(Susp/Rev):	N/A
Other:	N/A
Refusal to Take <u>Implied Consent</u>	
<u>Chemical Test</u> :	
Criminal Sanction (Fine/Jail):	None
Administrative Licensing Action	
(Susp/Rev):	<u>First action (refusal) – Suspension 6 months (90 days mandatory)</u> <sup>189</sup> ; <u>second action (refusal)</u> <sup>190</sup> – suspension <b>1 year</b> (9 months mandatory); <u>subsequent action (refusal) – Suspension 3 years</u> (2 years mandatory) §§14-227b(i) and 14-227g(c) Under§54-56g(b), a person’s participation in an alcohol or treatment program does not affect the mandatory license suspension. Furthermore, for a second or subsequent refusal, the person must satisfactorily complete an alcohol treatment program before driving privileges can be reinstated. §14-227 f
Other:	

Sanctions Following a Conviction for a DWI Offense:

Criminal Sanctions:	
Imprisonment:	<b>Under the Influence/Illegal per se: <u>first offense</u> (misdemeanor) – Not more than <b>6 months</b>; <u>second offense</u> (within 10 years) (misdemeanor) – Not more than <b>2 years</b>; <u>third or subsequent offense</u> (within 10 years-felony) – Not more than <b>3 years</b> §§14-227a(g), 53a-25 and 53a-26 <b>Vehicle Assault– Class D felony</b> – Not more than <b>5 years</b> §§53a-35a and 53a-60d</b>
Mandatory Minimum Term:	<b>Under the Influence/Illegal per se: <u>first offense</u> – <b>48 consecutive hours</b>; <u>second offense</u> – <b>120 consecutive days</b>; <u>third and subsequent offenses</u> – 1 year</b>
Fine:	
Amount (\$ Range):	<b>Under the Influence/Illegal per se: <u>first offense</u> (misdemeanor) – <b>\$500 to \$1,000</b>; <u>second offense</u> (within 10 years-misdemeanor) – <b>\$1,000 to \$4,000</b>;</b>

<sup>189</sup> After the 90-day mandatory period, a person is eligible for a “special permit” based on “a showing of significant hardship” to operate a motor vehicle either to and from a place of employment or, if necessary, in the course of a business or profession. §14-37a

<sup>190</sup> A previous action includes a prior administrative per se action. §14-227b(h)

**Double Jeopardy.** Based upon the same factual situation, a person who has been subjected to licensing action under the administrative per se law may also be subsequently prosecuted for a drunk-driving offense. Such subsequent criminal trial does not violate the constitutional prohibition against double jeopardy. State v. Hickam, 668 A.2d 1321 (Conn. 1995)

Mandatory Minimum Fine (\$):	<p><u>third and subsequent offense</u> (within 10 years) (felony) – <b>\$2,000 to \$8,000</b> §§14-227a(g), 53a-25 and 53a-26 <u>Vehicle Assault</u>– Class D felony – Not more than <b>\$5,000</b> §§53a-41 and 53a-60d <b>None</b></p>
Other Penalties: Community Service:	<p><b>Under the Influence/Illegal per se:</b> <u>first offense</u> – <b>100 hours</b> in lieu of the 48 consecutive hours of mandatory imprisonment For this alternative, the entire jail sentence is suspended and the required community service is to be performed as a part of probation.<sup>191</sup> <u>Second and subsequent offense</u> (within 10 years) – <b>100 hours</b> (mand) in addition to incarceration and as part of probation §§14-227a(g) and 14-227e</p>
Restitution (e.g., Victim's Fund)	<p><b>Yes</b> Criminal injuries compensation fund §§54-209 and 54-215</p>
Other:	<p><b>Direct Restitution:</b> The court may order restitution be paid directly to the victim, the order of which becomes an enforceable civil judgment §53a-28(c) <b>Special Cost.</b> A special cost of <b>\$15</b> is imposed for a DWI offense conviction. §54-143 (a) <b>Incarceration Cost.</b> A defendant may be required to pay the cost of incarceration. §18-85a</p>
Administrative Licensing Actions: <u>Pre-DWI Conviction</u> Licensing Action: Administrative Per Se Law:	<p><b>Yes</b> <math>\geq .08</math> (BAC) <u>or</u> <math>\geq .07</math> (BAC) if the driver has a previous violation of §14-227a(a) <u>For persons &lt;21 years old</u>–<math>\geq .02</math> (BAC) §14-227b(c) and (n) - <u>first action</u>– suspension – <b>90 days</b><sup>192</sup>; <u>first action if BAC <math>\geq .16</math></u>– suspension – <b>120 days</b>; <u>second action</u><sup>193</sup>– suspension – <b>9 months</b> (mand); <u>second action if BAC <math>\geq .16</math></u>– suspension – <b>10 months</b> (mand); <u>subsequent action</u>– suspension <b>2 years</b> (mand); <u>subsequent action if BAC <math>\geq .16</math></u>– suspension – <b>2½ years</b> (mand) §§14-37a and 14-227b(b) and (i) Under §54-56g(b), a person’s participation in an alcohol treatment program does not affect the mandatory license suspension. And, for a second or subsequent refusal, the person must satisfactorily</p>

<sup>191</sup> Under separate provisions of law, an offender who is sentenced to probation may be required to perform community service. §53a-28(e)

<sup>192</sup> A person is eligible for a “special permit” based on “a showing of significant hardship” to operate a motor vehicle either to and from a place of employment or, if necessary, in the course of a business or profession. §14-37a

<sup>193</sup> A previous action includes prior refusal to submit to a chemical test. §14-227b(h) and a previous conviction of DWI in another jurisdiction. 2002 Ct. ALS 70 §40

Injury Related Admin. Per Se: A law enforcement officer who obtains a chemical test result of a blood sample indicating a BAC  $\geq .08$  of an injured driver shall report this result to the licensing agency. Such agency, based on a number of factors including whether there was probable cause of a drunk-driving offense, may suspend the driver's license for 90 days for a first and 1 year for a subsequent admin. per se violation. §14-227b(j)

complete an alcohol treatment program before driving privileges can be reinstated. §14-227f

Other:

Under §14-111(a), a person’s license may be suspended for any cause the licensing agency “deems sufficient”. Such action may be taken with or without a preliminary hearing. The law does not specify the length of this suspension.

Post DWI Conviction Licensing Action:

Type of Licensing Action

(Susp/Rev):

**Under the Influence/Illegal per se:** For first and second offenses – Suspension; third and subsequent offense – Revocation §14-227a(g) **Vehicle Assault (DWI offense) – Suspension** §53a-60d

Term of License Withdrawal

(Days, Months, Years, etc.):

**Under the Influence/Illegal per se:** first offense – 1 year; second offense – 3 years; third and subsequent offense – Permanently **Vehicle Assault (DWI offense) – 1 year**

Mandatory Minimum Term

of Withdrawal:

**Under the Influence/Illegal per se:** first and subsequent offenses – None<sup>194and195</sup> **Vehicle Assault (DWI offense) – 1 year**

Persons Under 18 Years Old. Under §14-227a(h)(2), a person under 18 years old who is convicted of any DWI offense has the license suspended either until age 18 or for the normal suspension period for the offense convicted, whichever is the longer suspension period. Persons under 18 years old can also have the driver’s license revoked permanently for a third conviction under §14-227a(a). §14-227a(g)

Other:

Rehabilitation:

Alcohol Education:

Alcohol Treatment:

**Yes** For all DWI criminal offenses §14-227a(i)  
**Yes** For all DWI criminal offenses §14-227a(i)  
 Persons charged with a first DWI offense (any type) may be allowed to participate in an accelerated pre-trial rehabilitation/alcohol education program. If a defendant satisfactorily completes this program, the court may dismiss the drunk-driving charges. §§54-56e and 54-56g Furthermore, for a second or subsequent conviction, persons must satisfactorily complete an alcohol treatment program before their driving privileges can be reinstated. §14-227f

<sup>194</sup> The law does not specifically prohibit a court from reducing these suspension periods.

<sup>195</sup> Not all of these licensing actions are mandatory. Based upon “a showing of significant hardship,” a person is eligible for a “special permit” which may be used to operate a motor vehicle either to and from a place of employment or, if necessary, in the course of a business or profession. §14-37a If a person is convicted of driving while under the influence of intoxicating liquor while operating a motor vehicle on a “special permit,” the period of revocation is twice as long as indicated above. §14-227a(h)(3)

**DWI Offenses and Commercial Motor Vehicles (CMV)/Commercial Driver’s License (CDL):** A person is “disqualified” from operating a CMV for 1 mandatory year (3 years if transporting hazardous materials) if, while operating CMV, that person (1) has a BAC  $\geq$  .04,(2) is convicted of driving while under the influence of intoxicating liquor or drugs or (3) refuses to submit to a chemical test for alcohol concentration. For either (1) a subsequent violation or (2) a combination of two or more violations of any of the above listed items, the “disqualification” is for life. The lifetime “disqualification” may be reduced to 10 years (mand) if certain conditions are satisfied. But a person is not eligible for a “special permit” based on hardship. §§14-1(a)(11), (16) and (18), 14-37a and 14-44k

Vehicle Impoundment/Confiscation:

Authorized by Specific

Statutory Authority:

Terms Upon Which Vehicle

Will Be Released:

Other:

None

**Limited Impoundment:** The vehicle driven by a person who has been arrested for driving either while under the influence of intoxicating liquor or with a BAC level  $\geq$  .08 shall be impounded for 48 hours if the person’s driving privilege was either suspended or revoked at the time of the offense. §14-227h

**At-Risk Driver:** The license of a person convicted of a violation of §14-227a(a) must be imprinted with the statement that he/she is an “at-risk driver” on the reverse side of such license. §14-227a(j)(1)

**Victim Impact Panel:** The court may require a probationer to participate in a victim impact panel as a condition of probation. §14-227a(k)

Miscellaneous Sanctions

Not Included Elsewhere:

**Civil Damages.** (1) Either a person injured in person or property in a drunk-driving related traffic accident or (2) a plaintiff in a wrongful death action related to a drunk-driving offense may be entitled to double or treble civil damages provided the defendant was operating a motor vehicle deliberately or reckless in violation of the drunk-driving laws. §14-295

Other Criminal Actions Related to DWI:

Homicide by Vehicle:

State Has Such a Law:

**Yes I.** If DWI Related, **Class C felony** A person is guilty of manslaughter with a motor vehicle if while operating a motor vehicle under the influence of intoxicating liquor or any drug or both, that person causes the death of another person. §53a-56b

**II. Class D felony** – Causing the death of another person while operating a motor vehicle with criminal negligence. §53a-57

**III. Unclassified Misdemeanor** – Causing the death of another person while operating a motor vehicle with negligence. §§53a-26 and 14-222a

Sanctions:

Criminal Sanction:

Imprisonment (Term):

I. Class C felony: 1 to 10 years II. Class D felony: 1 to 5 years III. Unclassified Misdemeanor: Not

**more than 6 months** §§14-222a, 53a-26, 53a-35a, 53a-56b and 53a-57<sup>196</sup>

Mandatory Minimum Term:  
Fine (\$ Range):

**None**  
I. Class C felony: **Not more than \$10,000** II. Class D felony: **Not more than \$5,000** III. Unclassified Misdemeanor: **Not more than \$1,000** §§14-222a, 53a-26, 53a-41, 53a-56b, and 53a-57

Mandatory Minimum Fine:

**None**

Administrative Licensing Action:  
Licensing Authorized and  
Type of Action:

I. Class C felony: **Suspension** §53a-56b II Class D felony: See Footnote Nos. <sup>197</sup> and <sup>198</sup>.

Length of Term of Licensing  
Withdrawal:

I. Class C felony: **1 year** §53a-56b II. Class D felony: III. Unclassified Misdemeanor: **30 – 90 days**, §14-111(b)

Mandatory Action-  
Minimum Length of License  
Withdrawal:

I. Class C felony: **1 year** §53a-56b II. Class D felony: III. Unclassified Misdemeanor: **30 days**

Other:

**Community Service.** An offender who is sentenced to probation may be required to perform community service. §53a-28(e)  
**Persistent Offender.** A person who has been convicted of DWI manslaughter or DWI Assault and who has a previous conviction for either of these offenses or a drunk-driving violation under §14-227a within 10 years may be incarcerated at the next higher level felony offense. §53a-40f {Class B felony- 1 to 20 years. §53a-35a.}

Driving While License Suspended  
or Revoked Where the Basis Was  
a DWI Offense:  
Sanction:

§14-215

<sup>196</sup> A person is not eligible for a “special permit” based on an occupational hardship. §14-37a

**Other Information:** There does not appear to be a specified licensing sanction for a violation of §53a-57. However, it may be possible to impose a license suspension for a violation of §53a-57 via §14-222a since this latter section is considered a lesser included offense of §53a-57. *State v. Klutts*, 521 A.2d 178 (Conn. App. 1987)

**Civil Damages.** (1) Either a person injured in person or property in a drunk-driving related traffic accident or (2) a plaintiff in a wrongful death action related to a drunk-driving offense may be entitled to double or treble civil damages provided the defendant was operating a motor vehicle deliberately or reckless in violation of the drunk-driving laws. §14-295

<sup>197</sup> The Commercial Motor Vehicle Law prohibits a person from operating a CMV after being disqualified. A person convicted of this offense appears to have committed a violation; the sanction for this offense is a fine sanction of ≤\$100. §§14-44k(a), 14-164 and 53a-27(a)

<sup>198</sup> A person who operates a CMV after having been placed “out-of-service” is subject to the following CDL disqualification periods: first offense – 90 days (mand) to 1 year; second offense (within 10 years) – 1 (mand) to 5 years; third or subsequent offense (within 10 years) – 3 (mand) to 5 years. If the offender was transporting passengers or hazardous materials, the disqualification periods are as follows: first offense – 180 days (mand) to 2 years; second or subsequent offense (within 10 years) – 3 (mand) to 5 years. §14-44k(g)(1) and (2) In addition, such an offender is subject to a civil penalty of \$1,000 to \$2,500. §14-44k(g)(3)

Criminal: Imprisonment (Term):	<b>Misdemeanor</b> Not more than <b>1 year</b> <sup>199</sup> §§14-215(c) and 53a-26(a)
Mandatory Minimum Term of Imprisonment:	<b>30 consecutive days</b> §14-215(c)
Fine (\$ Range):	<b>\$500 to \$1,000</b> §14-215(c)
Mandatory Minimum Fine:	<b>None</b>
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<u>First offense – Suspension; Subsequent offense (within 10 years) – Suspension</u> §14-111(b)
Length of Term of License Withdrawal Action:	<u>First offense – Not less than 1 year; Subsequent offense (within 10 years) – Not less than 5 years</u> §14-111(b)
Mandatory Term of License Withdrawal Action:	Licensing action appears to be mandatory. A person is <u>not</u> eligible for a “special permit” based on an occupational hardship §14-37a; but the licensing agency may have authority to modify or cancel a suspension or revocation. §14-111(k) An offender who is sentenced to probation may be required to perform community service. §53a-28(e)
<u>Habitual Traffic Offender Law:</u> State Has Such a Law (Yes/No):	<b>No</b>
Grounds for Being Declared an Habitual Offender: Term of License Rev While Under Habitual Offender Status: Type of Criminal Offense if Convicted on Charges of Driving While on Habitual Offender Status:	
<u>Sanctions Following a Conviction of Driving While on Habitual Offender Status:</u> Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine (\$): Licensing Actions (Specify):	
<u>Other State Laws Related To Alcohol Use: Laws Requiring BAC Chemical Tests on Persons Killed in Traffic Accidents:</u> State Has Such a Law (Yes/No):	<b>Yes</b> §14-227c
BAC Chemical Test Is Given to the Following Persons: Driver:	<b>Yes</b>

<sup>199</sup> The sanctions given also apply to persons who operate a motor vehicle after their driving privileges have been suspended for an implied consent law violation.

Vehicle Passengers: **No**  
 Pedestrian: **Yes**

Laws Establishing the Minimum Ages

Concerning Alcoholic Beverages:

Minimum Age (Years) Sale/Purchase: **21** §§30-1(12) and 30-86 Exceptions: Employment or under an order of a physical or while accompanied by a parent or legal guardian who is over 21 years of age.

Minimum Age (Years) Possession: **21** §30-89(b) Applies only to possession in a public place.

Minimum Age (Years) Consumption: **None**

Dram Shop Laws and Related Legal Actions:

State Has a Dram Shop Law (Yes/No): **Yes** §30-102<sup>200</sup>

“Dram Shop Law” Concept Has Been Adopted Via a Change to the Common Law Rule by Action of the Highest Court of Record in the State (Case Citation): **Yes** {Via a court of appeals decision} The provisions of the Dram Shop Law do not make it the exclusive remedy for such actions. i.e., a plaintiff can still bring a common law negligence action for injuries. *Davenport v. Quinn*, 730 A.2d 1184 (Conn. App. 1999)<sup>201</sup>

Dram Shop Actions-Social Hosts: **Yes** *Ely v. Murphy*, 540 A.2d 54 (Conn. 1988) Applies to the actions of intoxicated minor guests.<sup>202and203</sup> For wanton and reckless misconduct in the furnishing of alcoholic beverages, see the above cases.

Other: **None**

Criminal Action Against Owner or Employees of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:

Type of Criminal Action: **Misdemeanor** §30-86  
 Term of Imprisonment: Not more than **1 year** §30-113  
 Fine (\$ Range): Not more than **\$1,000** §30-113

<sup>200</sup> For the same incident, the dram shop law limits damages to \$20,000 per person up to an aggregate amount of \$50,000 for all persons. These limits on damages were held to be constitutional. *Sanders v. Officer's Club of Connecticut*, 493 A.2d 184 (Conn. 1985)

<sup>201</sup> In prior cases where there has been wanton and reckless misconduct in either the selling or furnishing of alcoholic beverages, the State Supreme Court has held that a common law negligence action can be maintained. *Kowal v. Hoffer*, 436 A.2d 1 (Conn. 1980), and *Boehm v. Kish*, 517 A.2d 624 (Conn. 1986)

<sup>202</sup> In applying *Ely* case, the State Supreme Court has held that bar patrons who provided alcoholic beverages to minors can be held liable for injuries caused by such minors while intoxicated. *Bohan v. Last*, 674 A.2d 839 (Conn. 1996). The Appellate Court of CT has extended the principle of *Ely* and *Kowal* to support a claim of bystander emotional distress in *Craig v. Driscoll* 781 A.2d 440 (Conn. App. 2001) cert. granted 785 A.2d 228 (2001) in which a mother and brother sued for bystander emotional distress after seeing the victim moments after she was hit by a DWI driver.

<sup>203</sup> Parents are not liable via a negligence action for the injuries/damages caused by their intoxicated child if they did not supply alcoholic beverages to the child. *Rangel v. Parkhurst*, 779 A.2d 1277 (Conn. App. 2001)

Administrative Actions Against Owners of Establishments that Serve Alcoholic Beverages to Intoxicated Patrons:

License to Serve Alcoholic Beverages	
Withdrawn (Yes/No):	<b>Yes Suspension or revocation §30-55</b>
Length of Term of License	
Withdrawal:	<b>Not stated in the statute</b>

Criminal Actions Against Owners or Employees of Establishments that Serve Alcoholic Beverages or the Wrong Type of Alcoholic Beverage to Those Persons Under the Minimum Legal Drinking Age:

Type of Criminal Action:	<b>Misdemeanor §30-86<sup>204</sup></b>
Term of Imprisonment:	<b>Not more than 1 year §30-113</b>
Fine (\$ Range):	<b>Not more than \$1,000 §30-113</b>

Administrative Actions Against Owners of Establishments That Serve Alcoholic Beverages to Those Persons Under the Minimum Legal Drinking Age:

License to Serve Alcoholic Beverages	
Withdrawn (Yes/No):	<b>Yes Suspension or revocation §30-55</b>
Length of Term of License	
Withdrawal:	<b>Not stated in the statute</b>

Anti-Happy Hour Laws/Regulations:

**No<sup>205</sup>**

Laws Prohibiting (1) the Possession of Open Containers of Alcoholic Beverages and (2) the Consumption of Alcoholic Beverages in the Passenger Compartment of a Vehicle:

Open Container Law (Yes/No):	<b>No</b>
Anti-Consumption Law (Yes/No):	<b>No</b>

<sup>204</sup> Any person, except a parent, guardian or physician, who gives/delivers liquors to a minor shall be fined not more than \$1,500 or imprisoned not more than 18 months or both. §30-86. A foster parent is not considered a “guardian” for purposes of this exception *State v. Springmann* 794 A.2d 1071 (Conn. App. 2002)

<sup>205</sup> The law prohibits the alcoholic beverage licensing agency from adopting a regulation that mandates the minimum price above which a permittee is required to sell alcoholic beverages. §30-6a(c)(5)