

"DRINKING AND DRIVING OFFENCES"

My essay is on "Drinking and Driving Offences". In my essay I will tell you the various kinds of drinking and driving offences, the penalties, and the defences you can make if you are caught drinking and driving.

Let me tell you about the different offences. There are six offences in drinking and driving. They are "driving while impaired", "Having care and control of a vehicle while impaired", "Driving while exceeding 80 m.g.", "Having care and control of a vehicle while exceeding 80 m.g.", "Refusing to give a breath sample", and "refusing to submit to a roadside screen test. These are all Criminal Code Offences.

Now let's talk about the penalties of drinking and driving. The sentence for "refusing to give a breath sample" is usually higher than either of the "exceeding 80 m.g." offences. Consequently it is usually easier in the long run for you to give a breath sample if asked. If, for example you are convicted of "Refusing to give a breath sample" for the first time, but was earlier convicted of "Driving while impaired", your conviction for "Refusing" will count as a second conviction, not a first, and will receive the stiffer penalty for second offences.

For the first offence here is the penalty and the defences you can make. Driving a vehicle while your ability to drive is impaired by alcohol or drugs is one of the offences. Evidence of your condition can be used to convict you. This can include evidence of your general conduct, speech, ability to walk a straight line or pick up objects. The penalty of the first offences is a fine of \$50.00 to \$2000.00 and/or imprisonment of up to six months, and automatic suspension of licence for 3 months. The second offence penalty is imprisonment for 14 days to 1 year and automatic suspension of licence for 6 months. The third offence penalty is imprisonment 2 or 3 months to 2 years (or more) and automatic suspension of licence for six months. These penalties are the same for the following offences.

"Having Care and Control of a Motor Vehicle while Impaired" is another offence. Having care and control of a vehicle does not require that you be driving it. Occupying the driver's seat, even if you did not have the keys, is sufficient. Walking towards the car with the keys could be sufficient. Some defences are you were not impaired, or you did not have care and control because you were not in the driver's seat, did not have the keys, etc. It is not a defence that you registered below 80 m.g. on the breath-

alyzer test. Having care and control depends on all circumstances.

"Driving While Exceeding 80 m.g. is the next offence. Driving a vehicle, having consumed alcohol in such a quantity that the proportion of alcohol in your blood exceeds 80 milligrams of alcohol in 100 millilitres of blood. Some defences are the test was administered improperly, or

