



Drink Driving Limits: Drink Driving Penalties

Being arrested for drink driving can trigger deep personal angst, but it's important to remember that it's not a morality tale.

BY PATRICK HORAN.

“I’ve never been in any sort of trouble in my life. I’ve never even had a parking ticket. I haven’t slept since this happened...”

New clients that I meet invariably seem at great pains to point out that they are law-abiding citizens -present difficulty aside- who have never even set foot in a courthouse in all their lives. Often, they equate -in their own minds- the charge of

drink driving with a deep ethical flaw, as if being arrested were proof of some inherent failure they never knew they had. It is not.

Being charged with drink driving is not a reflection on one's morals. How could it be? Solicitors, Gardai, Doctors, Barristers, Consultants and even Judges themselves have been arrested for drink driving. Do we think that they are somehow immoral? Of course not. Have they made a mistake? Yes. Are they bad people for it? No. The same is true for you.

A new trend has become evident over the last 2-3 years amongst some

people who have been arrested for drink driving. I've represented quite a few people who have been socialising -usually at home – with their partner and have got into a fight with them. Deciding that they simply cannot bear to be around them anymore they take to their car to drive away. All of this almost always takes place at night, usually after midnight, precisely at a time when the Gardai are most vigilant in mounting checkpoints.

For instance, I represented a woman in 2018 who had been arrested for drink driving. She had taken her car out onto the road -she lived in a rural area- and had veered into a ditch. Nobody was injured, the car was slightly damaged but the Gardai had been called and she was arrested on suspicion of drink driving. All of this had happened at 9:15a.m. and she was 68 years old.

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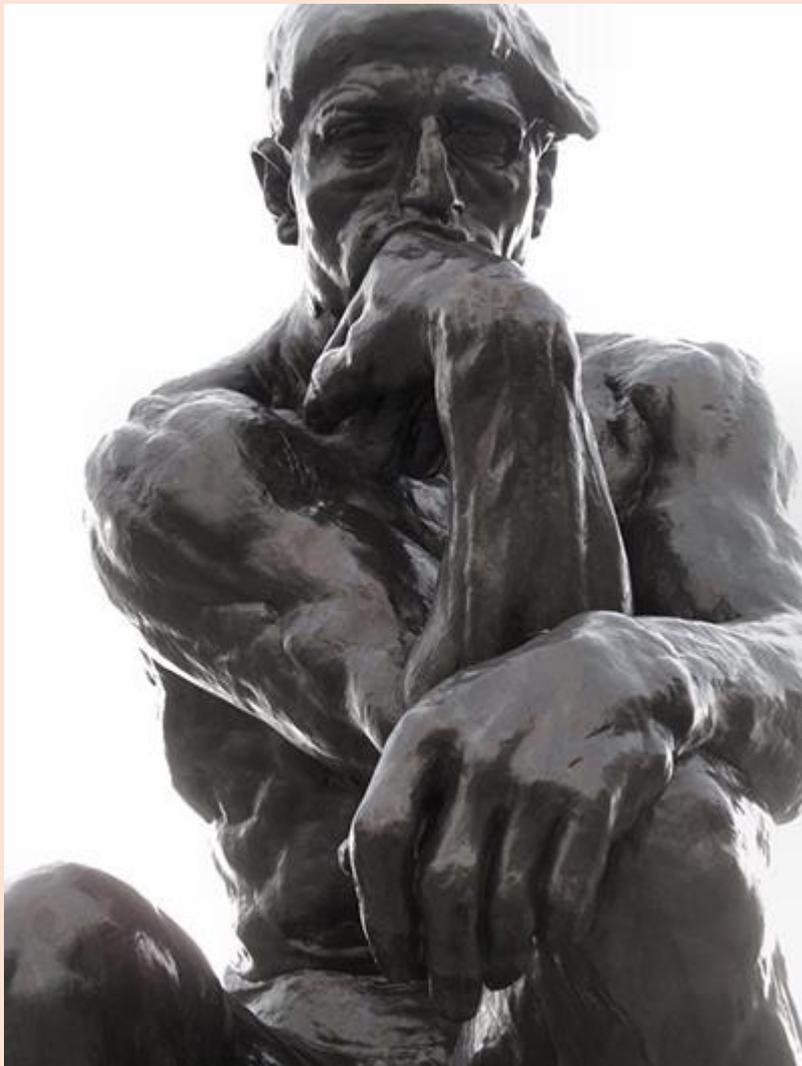
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When I met her in the office she was accompanied by her younger sister. It was clear that she was very upset. She had a slight tremor, her eyes were red and filmy from tears. In one hand she was clutching a tissue, in the other, her sister's hand. She told me that 13 years earlier both she and her husband had begun a business that had done moderately well until it was hit by the firestorm that was the 2008 Financial Crisis. The business was destroyed and both she and her husband had lost all their life savings. Her husband was forced to work past retirement to keep paying

the mortgage. Always caustic during their marriage, he vented -daily-his resentment on her and blamed her for their financial plight, as if this 67 year old woman could have foreseen the global financial meltdown that not even well-informed Treasury Secretaries and Federal Reserve Chairmen across the globe didnt see coming. It was now 2018 and this lady had endured a daily barrage of criticism from her husband for ten years. Every day of every week or every month of every year for ten years.

Under those circumstances your house can resemble less a home and more a prison. The effects on a person's mental health can be profound. She told me -in a sort of low, ashamed voice- that she had begun drinking, a little first, and then more. She had taken to drinking during the morning to -as she put it- help her "*get through the day*". On this day her husband had once again reminded her how little she was. She had retreated to her bedroom- "*I just felt so worthless*"-and begun drinking from a small bottle of whiskey. She decided that she would drive to a shopping centre "*just to look around*". Then she found herself arrested.



The sight of this woman in court, almost 70 years of age, head down, weeping to herself moved even the Judge. The judiciary are pretty good judges of character; they have to be. It didn't take much to explain that this was a woman who had done something she was deeply ashamed of because she thought that she could escape; escape her husband, escape her own sense of worthlessness, escape another day of relentless hectoring from a man who had sat at home all day in front of the television refusing to speak to her except in grunts.

This was her life. She was convicted and disqualified from driving but was fined a very small amount of money. The tone of the Judge was different when he spoke to her. He had spent the morning dealing with young people and repeat offenders. A certain judicial demeanour is applied to people like that, partly in the hope that they will see the court as a place to which they do not wish to return and partly as a warning to the rest of the people in the courtroom.

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the criminal justice system is completely alien. In nearly all cases these people have suffered a crisis in their lives, either familial, mental health or circumstance. They have no previous convictions and are therefore treated differently. Isn't that how justice should be dispensed? It's precisely because the justice system tries to apply the law even-handedly to people who are perennial offenders and people who find themselves at the mercy of the court for the first time that some complain of inconsistency in sentencing.

Of course, there will be inconsistency in sentencing. There has to be. We're individuals with different lives and different life experiences. Part of what makes us different is our record of court appearances in the past -if any- but what also makes us different is our own particular circumstances, circumstances unique to each of us. In attempting to strike the right balance a Judge must take all of these factors into account. That necessarily leads to different sentencing practices.

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Drink Driving Limits Ireland

I'll assume that this is your first time being prosecuted for drink driving. Drink driving disqualifications vary, depending on the level of alcohol in your blood, urine or breath. The higher the level of alcohol in your system, the higher the disqualification. If this is your first prosecution the maximum disqualification will not exceed 3 years.

Blood

Between 51-80mg of alcohol: 6 months.
Between 81-100: 1 year.
Between 101-150: 2 years.
Above 150mg: 3 years.

Urine

Between 68-107mg alcohol: 6 months.
Between 108-135: 1 year.
Between 136-200: 2 years.
Above 200: 3 years.

Breath

Between 23-35mg alcohol: 6 months.
Between 36-44mg: 1 year.
Between 45-66mg: 2 years.
Above 66mgs: 3 years.

-Patrick Horan, 2020.