

# Driving Under the Influence



## **What Is “Driving Under the Influence?”**

“Driving under the influence”, or DUI, is driving a car, truck or motorcycle while under the influence of alcohol or other impairing substances. Under Japanese law, a person is considered “under the influence” with a blood alcohol content of 0.03%. This standard also applies on all United States Forces Japan installations.

## **What Will Happen If I Am Pulled Over?**

The police officer will probably ask you to perform several field sobriety tests, including an on-site breathalyzer. You may refuse to take these tests, but the officer may also ask you to submit to a chemical sobriety test, which you **must** take.

Under USARJ policy, SOFA status personnel who are found to have a blood alcohol content between 0.03% and 0.05% will be prohibited from operating a motor vehicle on or off post for a minimum of 12 hours. Commanders have discretion to impose additional punishments.

Under Japanese law, drivers stopped for driving under the influence will have their licenses confiscated.

## **Can I Be Forced To Give A Chemical Sample?**

You may refuse to be tested, but if you do, you will automatically lose your license for a period of one year. Under certain circumstances, a commanding officer can give you an order to submit to a blood test. Police may involuntarily extract body fluids, even if you are unconscious as a result of a vehicle accident. The police can frequently prove the DUI charge without a test result by testifying to your driving and performance of the field sobriety tests. If you cooperate, the police will often let you choose which test to take, i.e. blood, breath, or urine. If you choose a breath test you may also have to submit to a blood or urine test if you are suspected of being under the influence of a drug other than alcohol. You have the right to an additional chemical test which you pay for yourself.

## What If I Have Not Been Drinking, But I Have Taken A Prescription Drug?

Driving under the influence of prescription medication is NOT a defense to a DUI charge. If you can prove that the prescription medications were the cause of your impaired driving, you might receive a more lenient sentence.

## Where Are DUI Cases Heard?

DUI on Post: For active duty personnel, the case goes to the commander for disposition. This may mean non-judicial punishment or trial by court martial. For dependants and civilian personnel, the case goes to community court.

DUI off Post: The cases are heard in local Japanese court. In Japan, DUI is a criminal offense with severe penalties, including imprisonment. Persons found guilty of "drunken, speeding or blatantly careless driving that results in death" are subject to up to 15 years in prison.

## How Will A DUI Affect My Military Career?

The Army does not have to wait for the court to hear your case prior to taking action. Conviction of DUI is not required to support military administrative sanctions. Your driving privileges will be suspended immediately upon arrest, you may receive a letter of reprimand even before you are convicted, and your commander may start separation proceedings against you. Sanctions will usually be lifted only when it appears that you were not actually driving impaired.

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***Driving under the Influence*** is distributed by the Camp Zama Legal Assistance Office, located in Building 101, Room CE209. Our office hours are 0830 to 1630 Monday, Tuesday, Thursday and Friday. On Wednesday, our hours are 0830 to 1200. You may call for an appointment at DSN 262-4698/ commercial 046-407-4698.