

# Just Don't Blow



**Blowing Into the Breath Test Can Elevate the DUI Charge to a Felony, Which Carries a Mandatory Minimum of 10 Days in Jail Upon Conviction**

## New Felony DUI Triggers (Effective 1/1/2026)

- BAC 0.15 or higher
- Crash causing injury or major damage
- Speeding 20+ mph over limit
- Unsafe passing or reckless driving
- DUI in a school zone
- Passenger under 18 in vehicle
- Any dangerous driving behavior



## What *Not* to Do with Police

- Do NOT blow into breathalyzer
- Do NOT give blood voluntarily
- Do NOT do field sobriety tests
- Say little → politely request an attorney

*Without test evidence, the case rests only on officer opinion.*

*Exception: If you haven't consumed any alcohol, taking the state-administered breath or blood test at the police station or jail may be a smart decision, as it could help prevent charges from being filed. However, the general opinion remains that there is nothing to gain by performing roadside agility tests or blowing into the highly unreliable handheld roadside breath device.*

## License Suspension Defense

- You have 30 days after arrest/refusal
- Request Administrative License Suspension (ALS) hearing
- Possible outcome: keep your license



## Build a Strong Defense

- Review bodycam & dashcam footage
- Cross-examine officers in court
- Collect witness statements
- Analyze reports for errors
- Challenge test accuracy & procedures

## Bottom Line

The best protection is simple:

- Stay calm
- Don't blow
- Ask for a lawyer

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