

# [My will tell you the various kinds](https://assignbuster.com/my-will-tell-you-the-various-kinds/)

My essay is on “ Drinking and Driving Offences”. In my essa y I will tell you thevarious kinds of drinking and driving offences, the penalties, and the defencesyou can make if you are caught drinking and drivi ng. Let me tell you about the different offences. There are si x offences indrinking and driving. They are “ driving while impaired”, “ Havi ng care andcontrol of a vehicle while impaired”, “ Driving while exceeding 80 m. g.

“, “ Havingcare and control of a vehicle while exceeding 80 m. g.”, “ R efusing to give abreath sample”, and “ refusing to submit to a roadside sc reen test.

These are all Criminal Code Offences. Now lets 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 us ually easier in the long runfor you to give a breath sample if asked.

If, for example you are convicted of” Refusing ato give a breath sample” f or the first time, but was earlierconvicted of “ Driving while impaired”, your conviction for “ Refusing” will countas a second conviction, not a first, and will receive the stiffer penalty forsecond offences. For the first offence here is the penalty and the defences you can make. Drivinga vehicle while your ability to drive is impaired by alcohol or drugs is one ofthe offences. Evidence of your condition can be used to convict you. This caninclude evidence of your general conduct , speech, ability to walk a straightline or pick up objects. The penalty o f the first offences is a fine of $50. 00to $2000. 00 and/or imprisonment of up to six months, and automatic suspension oflicence for 3 months.

The second offence penalty is imprisonment for 14 days to1 year and automati c suspen-sion of licence for 6 months. The third offencepenalty is impris onment for 3 months to 2 years (or more) and automaticsuspension of lice nce for six months. These penalties are the same for thefollowing offenc es.” 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 are 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 suffi-cient.

Some defences areyou were not impaired, or you did not hav e care and control because you werenot in the driver’s seat, did not have th e keys, etc. It is not a defence thatyou registered below 80 m. g. on the breath-ayzer test. Having care and controldepends on all circumstances.” Driving While Exceeding 80 m. g.

is the next offence. Driving a vehicle, havingconsumed alcohol in such a quantity that the propo rtion of alcohol in yourblood exceeds 80 miligrams of alcohol in 100 mi lilitres of blood. Some defencesare the test was administered improperly, or the breathalyzer machine was notfunctioning properly.” Having Care and control of a Motor Vehicle while Exceedin g 80 m. g.” is thenext offence I will talk about. This offence means having care and control of avehicle whether it is in motion or not, having consum ed alcohol in such aquantity that the proportion of alcohol in your blood ex ceeds 80 miligrams ofalcohol in 100 mililitres of blood. The defences are the test was administeredimproperly, or the breathalyzer machine was not f unctioning properly.

To defendagainst breathalyzer evidence you must unders tand how the test should beadministered. The proper procedure for a breat halyzer test is as follows. Warming up the machine until the thermometer registers 50 degrees centigrade. This should take at least 10 minutes. The machine should then be turned to zero(by using the “ adjust zero control”) and a comparison ampoulel (of normal air)inserted. if the metre remains at zero, the test can proceed.

An ampoule with astandard solution is then inserted. If the metre reads high or low by more than . 02% on two successive tests, the machine should not be used. If the trial isvalid, the machin e should be flushed with room air and the pointer set at start. You will t hen be asked to provide two breath samples, about fifteen minutesapart.

Normally they will take the result of the lowest result and use it asevide nce