

## Drug driving and the law

The laws relating to driving under the influence were updated in 2015, making it illegal to drive with certain drugs in the body over specified limits. Since then, police officers have carried out more than 20,000 roadside drug tests with half of drivers testing positive for an illegal substance. The kits they use currently test for cannabis and cocaine. They are generally used in combination with a breathalyser test for alcohol, and tend to be followed up with a blood test at the police station which can detect other substances.

### *How long do drugs remain in your system?*

As a rough guide, cocaine can take between one and three days to leave your system. Cannabis takes two to seven days (or up to a month for chronic users), amphetamines take two to three days, ecstasy takes two to four days, and heroin takes one to two days.

The length of time which is required for a drug to leave your system depends on lots of different factors. These factors include the strength and amount of drug taken, the timeframe during which the consumption of the drug took place, and whether the drug was mixed with anything else. Other unique individual characteristics also play a crucial role, such as your metabolic rate, height, weight and gender.

### *What will happen if you are convicted?*

A conviction for drug driving can lead to:

- ❖ A minimum one year driving ban
- ❖ An unlimited fine
- ❖ Up to six months in prison
- ❖ A criminal record

The conviction will be recorded on your driving licence for 11 years, and if you drive for work this can be viewed by future employers.

A conviction for drug driving will also mean that your car insurance costs will increase significantly, and you may have difficulty entering certain countries (such as the USA).

## *Sentencing*

The current sentencing guidelines suggest a starting point of a Band C fine (125% - 175% of your weekly income), and a disqualification in the region of 12 – 22 months.

If there are factors that increase seriousness, the Court will consider increasing the sentence to reflect this. Any mitigating factors (things that are considered to reduce the seriousness of the offence – see below) will also be taken into account.

If there is evidence of one or more factors that increase seriousness (listed below), the Court will consider a Community Order and a disqualification in the region of 23 – 28 months.

If there is evidence of one or more factors that increase seriousness and one or more aggravating factors (listed below), the Court will consider a custodial sentence and a disqualification in the region of 29 – 36 months.

### **Factors that increase seriousness:**

Evidence of another specified drug/alcohol in the body

Evidence of an unacceptable standard of driving

Driving (or in charge of) an LGV, HGV or PSV

Driving (or in charge of) a vehicle driven for hire or profit (e.g. a taxi)

### **Aggravating Factors:**

Relevant previous convictions

Location e.g. near a school

Carrying passengers

High level of traffic or pedestrians in the vicinity

Poor road or weather conditions

### **Mitigating Factors:**

No previous convictions or no relevant/recent convictions

Remorse

Good character and/or exemplary conduct

Age and/or lack of maturity where it affects the responsibility of the offender

Mental disorder or learning disability

Sole or primary carer for dependent relatives

Very short distance driven

Genuine emergency established