

In a glimpse

JANUARY 2024

30 years of penal response to driving under the influence of alcohol or drugs

The French Monitoring Centre for Drugs and Drug Addiction (OFDT) has published a review of the criminal justice responses to offences involving driving under the influence of alcohol or drugs, based on data produced by the Home Affairs Ministry and the Ministry of Justice.

An increase in drug-driving tests

In 2022, 7.9 million alcohol tests and 760 000 drug tests were carried out on the roads. Blood alcohol level tests have been declining for two decades, whereas tests for drug use have increased sixfold between 2012 and 2022. This increase is the result of new testing methods, such as saliva tests introduced in 2008, which can also be carried out as a preventive measure.

Fast, simplified procedures for an almost systematic penal response

The increase in road litigation involving driving under the influence of alcohol or drugs is part of a growing desire on the part of the public authorities to tackle the problem of road-safety by imposing penalties. With a penal response rate of 95.1% in 2022, offences involving driving under the influence of alcohol or drugs are among the most frequently prosecuted.

These prosecutions are mainly carried out under fast-track and simplified procedures. Today, the majority of alcohol and drug offences are prosecuted by means of penal order ("*ordonnance pénale*"), a procedure that mainly results in fines or alternative penalties (suspension of driving licence, community service order, etc.) Penal orders have increased significantly over the last fifteen years: in 2022, they accounted for 52.3% of proceedings for alcohol-driving and 60.5% of proceedings for drug-driving.

The rise of alternatives to prison sentences

Nearly one out of every two offences involving driving under the influence of alcohol or drugs is punished by a fine. Since the 1990s, the proportion of this type of conviction has risen steadily, particularly since the introduction of fast-track and simplified sentencing procedures, and more specifically the penal order.

- For driving under the influence of alcohol, the proportion of fines has risen from 14.7% in 1994 to 49.3% in 2021.
 - For driving under the influence of drugs, the proportion of fines has risen from 32.8% in 2005 to 53.5% in 2021.
-

An increase in prison sentences for the most serious offences

While fully suspended prison sentences are on the decline, custodial sentences with a partially suspended prison sentence have increased between 1994 and 2021:

- For driving under the influence of alcohol, these sentences represent 9.0% of convictions in 2021, compared with 6.4% in 1994.
- For driving under the influence of drugs, they accounted for 7.2% of convictions in 2021, compared with 4.4% in 2005.

This increase is linked to the prevalence of offences committed under aggravating circumstances (repeat or multiple offences). As a result, the penal response to alcohol- or drug-driving is polarised between fines for less serious offences and harsher penalties for offences with more serious consequences.

Further reading (in French)

Tendances no.161, [30 ans de réponse pénale à la conduite après usage d'alcool ou de stupéfiants](#) [30 years of penal response to driving under the influence of alcohol or drugs], 8 p.