

**PENALTIES**

**OPERATING VEHICLE UNDER THE INFLUENCE RC 4511.19(A),(G) - 6 POINTS**

<i>No. and Type of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration</i>	<i>Fines</i>	<i>Treatment</i>	<i>License Suspension</i>	<i>Driving Privileges<sup>1&amp;2</sup></i>	<i>Restricted Plates/ Interlock</i>	<i>Immobilization/ Forfeiture</i>
1 <sup>st</sup> in 6 years [simple OVI, low test or drug]	M-1	3 days jail or DIP. <sup>3</sup> Up to 6 months.	\$375 - \$1,075	Optional	Class 5 (6 months to 3 years)	After 15 days	Both optional	No
1 <sup>st</sup> in 6 years and either: [a] high test, or [b] refusal with prior in 20 years	M-1	6 days jail or 3 days jail and 3 days DIP. <sup>3</sup> Up to 6 months.	\$375 - \$1,075	Optional	Class 5 (6 months to 3 years)	After 15 days	Plates required for high-end. Interlock optional.	No
2 <sup>nd</sup> in 6 years [simple OVI, low test or drug]	M-1	10 days jail or 5 days jail and 18 days HAEM and/or CAM. <sup>4</sup> Up to 6 months.	\$525 - \$1,625	Alcohol/drug assessment and recommended treatment mandatory.	Class 4 (1 to 5 years)	After 45 days	Plates required. Interlock required if alcohol-related, optional if drug.	90 days immobilization if registered to Δ <sup>5</sup>
2 <sup>nd</sup> in 6 years and either: [a] high test, or [b] refusal with prior in 20 years	M-1	20 days jail or 10 days jail and 36 days HAEM and/or CAM. <sup>4</sup> Up to 6 months.	\$525 - \$1,625	Alcohol/drug assessment and recommended treatment mandatory.	Class 4 (1 to 5 years)	After 45 days	Plates required. Interlock required if alcohol-related, optional if drug.	90 days immobilization if registered to Δ <sup>5</sup>
3 <sup>rd</sup> in 6 years [simple OVI, low test or drug]	Unclassified misdemeanor	30 days jail or 15 days jail and 55 days HAEM and/or CAM. <sup>4</sup> Up to 1 year.	\$850 - \$2,750	Alcohol/drug addiction program mandatory.	Class 3 (2 to 10 years) <sup>6</sup>	After 180 days	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ <sup>7</sup>
3 <sup>rd</sup> in 6 years and either: [a] high test, or [b] refusal with prior in 20 years	Unclassified Misdemeanor	60 days jail or 30 days jail and 110 days HAEM and/or CAM. <sup>4</sup> Up to 1 year.	\$850 - \$2,750	Alcohol/drug addiction program mandatory.	Class 3 (2 to 10 years) <sup>6</sup>	After 180 days	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ <sup>7</sup>

Either: [a] 4 <sup>th</sup> or 5 <sup>th</sup> in 6 years, or [b] 6 <sup>th</sup> in 20 years [simple OVI, low test or drug]	F-4	60 days local incarceration, up to 1 year; or 60 days prison, with option of additional 6 to 30 months. <sup>8</sup>	\$1,350 - \$10,500	Alcohol/drug addiction program mandatory.	Class 2 (3 years to life)	After 3 years	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ <sup>7</sup>
Either: [a] 4 <sup>th</sup> or 5 <sup>th</sup> in 6 years, or [b] 6 <sup>th</sup> in 20 years [and high test or refusal]	F-4	120 days local incarceration, up to 1 year; or 120 days prison with option of additional 6 to 30 months. <sup>8</sup>	\$1,350 - \$10,500	Alcohol/drug addiction program mandatory.	Class 2 (3 years to life)	After 3 years	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ <sup>7</sup>
2 <sup>nd</sup> felony lifetime [simple OVI, low test or drug]	F-3	60 days prison. Up to 5 years. <sup>8</sup>	\$1,350 - \$10,500	Alcohol/drug addiction program mandatory.	Class 2 (3 years to life)	After 3 years	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ <sup>7</sup>
2 <sup>nd</sup> felony lifetime, and either: [a] high test, or [b] refusal	F-3	120 days prison. Up to 5 years. <sup>8</sup>	\$1,350 - \$10,500	Alcohol/drug addiction program mandatory.	Class 2 (3 years to life)	After 3 years	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ <sup>7</sup>
1 <sup>st</sup> or 2 <sup>nd</sup> felony lifetime with RC 2941.1413 specification	F-4 (1 <sup>st</sup> felony) F-3 (2 <sup>nd</sup> felony)	F-3 penalties set forth in boxes above, and 1, 2, 3, 4, or 5 years prison consecutive to same. <sup>8</sup>	\$1,350 - \$10,500	Alcohol/drug addiction program mandatory.	Class 2 (3 years to life)	After 3 years	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ <sup>7</sup>

<sup>1</sup> No privileges may be granted on suspension imposed on offender who, within the preceding six years, has had three or more convictions or guilty pleas. RC 4510.13(A)(3).

<sup>2</sup> First Ohio Revised Code OVI conviction results in one-year commercial driver's license (CDL) disqualification and second anytime results in lifetime disqualification, regardless of vehicle involved. RC 4506.16(D). Also, CDL operators are subject to lower alcohol and controlled substance levels plus separate offenses under RC Chap. 4506.

<sup>3</sup> "DIP" is driver intervention program certified under RC 3793.10 provisions. See RC 4511.191(G)(1)(a).

<sup>4</sup> "HAEM" is house arrest with electronic monitoring. "CAM" is continuous alcohol monitoring. Within 60 days, court must issue finding of lack of jail space. RC 4511.19(G)(3).

<sup>5</sup> Waiver may be granted, under conditions in RC 4503.235, for "family or household member," if completely dependent on vehicle and immobilization would be undue hardship.

<sup>6</sup> But, court has authority to reduce the minimum period of a Class 3 suspension from two years to one year. RC 4510.13(A)(2)(b).

<sup>7</sup> If vehicle forfeiture is required and title is assigned/transferred, offender may be fined value of vehicle per national auto dealers' association publications. RC 4503.234(E).

<sup>8</sup> Pursuant to RC 2967.19, court has limited power to order early release for felony OVI offender serving prison term imposed under RC 2929.13(G)(2).

**OPERATING VEHICLE AFTER UNDERAGE ALCOHOL CONSUMPTION RC 4511.19(B),(H) - 4 POINTS**

<i>No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration</i>	<i>Fines</i>	<i>Treatment</i>	<i>License Suspension</i>	<i>Driving Privileges</i>	<i>Restricted Plates/ Interlock</i>	<i>Immobilization/ Forfeiture</i>
1 <sup>st</sup> in 1 year	M-4	0-30 days jail	\$0 - \$250	Optional	Class 6 (90 days to 2 years)	After 60 days	Optional	No
2 <sup>nd</sup> or more in 1 year	M-3	0-60 days jail	\$0 - \$500	Optional	Class 4 (1 to 5 years)	After 60 days	Optional	No

**PHYSICAL CONTROL WHILE UNDER THE INFLUENCE RC 4511.194 - 0 POINTS**

<i>No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration</i>	<i>Fines</i>	<i>Treatment</i>	<i>License Suspension</i>	<i>Driving Privileges</i>	<i>Restricted Plates/ Interlock</i>	<i>Immobilization/ Forfeiture</i>
Any	M-1	0-180 days jail	\$0 - \$1,000	Optional	Class 7 optional (up to 1 year)	No restrictions	Optional	No