

# Ohio OVI, DUID, ALS and Out of State Penalty Charts

To see the possible penalties you may be facing Choose an Ohio OVI Quick Penalty Chart below.

## Refusal - Ohio Administrative License Suspension ALS Chart

<b>Refusal Suspension (No priors or prior refusals in last 10 years)</b>	
Length of Suspension	1 year
Hard Time without privileges	15 days
Interlock	At judge's discretion
Party Plates	At judge's discretion
<b>Refusal Suspension (One prior or prior refusal in last 10 years)</b>	
Length of Suspension	2 years
Hard Time without privileges	90 days
Interlock	At judge's discretion
Party Plates	At judge's discretion
<b>Refusal Suspension (Two priors and/or prior refusals in last 10 years)</b>	
Length of Suspension	3 years
Hard Time without privileges	1 year
Interlock	At judge's discretion
Party Plates	At judge's discretion

<b>Refusal Suspension (Three priors and/or prior refusals in last 10 years)</b>	
Length of Suspension	5 years
Hard Time without privileges	3 years BUT no driving privileges can be granted if 3 refusals in last 10 years
Interlock	At judge's discretion
Party Plates	At judge's discretion

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**Test Over Legal Limit - Ohio Administrative License Suspension ALS Chart**

<b>Test Over Legal Limit ALS Suspension (No Priors in last 10 years)</b>	
Length of Suspension	90 days
Hard Time without privileges	15 days
Interlock	At judge's discretion
Party Plates	At judge's discretion
<b>Test Over Legal Limit ALS Suspension (One Prior in last 10 years)</b>	
Length of Suspension	1 year
Hard Time without privileges	45 days
Interlock	At judge's discretion
Party Plates	At judge's discretion
<b>Test Over Legal Limit ALS Suspension (Two Priors in last 10 years)</b>	
Length of Suspension	2 years
Hard Time without privileges	180 days
Interlock	Mandatory if alcohol; at judge's discretion if drug related
Party Plates	At judge's discretion
<b>Test Over Legal Limit ALS Suspension (Three or More Priors in last 10 years)</b>	
Length of Suspension	3 years
Hard Time without privileges	3 years (prohibited from driving privileges)
Interlock	Mandatory if alcohol; at judge's discretion if drug related
Party Plates	At judge's discretion

## First Offense in 10 years OVI Penalty Chart

### First Offense Penalties ~ 0 priors in last 10 years

**\*If you have older OVI priors or a prior OVI Felony see also Felony Offenses below**

#### Impaired Offense

Not dependent upon chemical test

If any priors in last 20 years and refused a chemical test see Criminal Refusal below

Jail	3 days* to 180 days jail
License Suspension	1 year ** to 3 years
Hard Time period - no driving privileges	15 days
Fine	\$375 to \$1075
Party Plates	At judge's discretion
Interlock on Car (Blow & Go)	At judge's discretion
Alcohol Assessment	At judge's discretion
*Judge can permit 72 hour Driver's Intervention Programs (DIP) in lieu of 3 days in jail	
** See Optional First Offense Interlock Restricted License below	
<b>1st Offense Low Tier Per Se Offenses</b>	
<b>Breath or blood test of .08 to .169</b>	
<b>Or urine test of .11 to .237 or blood serum / plasma test of .096 to .204</b>	
<b>Or prohibited drug level      See DUI-Drug Per Se Levels Chart</b>	
Jail	3 days* to 180 days jail
License Suspension	1 year ** to 3 years
Hard Time period - no driving privileges	15 days
Fine	\$375 to \$1075
Party Plates	At judge's discretion
Interlock on Car (Blow & Go)	At judge's discretion
Alcohol Assessment	At judge's discretion
*Judge can permit 72 hour Driver's Intervention Programs (DIP) in lieu of 3 days in jail	

\*\* See Optional First Offense Interlock Restricted License below

**1st Offense High Tier Per Se Offenses**

**Breath or blood alcohol test of .17 or higher**

**Or urine alcohol test at or above .237 or blood serum / plasma test at or above .204**

Jail	6 days* to 180 days jail
License Suspension	1 year ** to 3 years
Hard Time period - no driving privileges	15 days
Fine	\$375 to \$1075
Party Plates	Mandatory
Interlock on Car (Blow & Go)	At judge's discretion
Alcohol Assessment	At judge's discretion

\*Judge can permit 72 hour Driver's Intervention Programs (DIP) in lieu of 3 of the days in jail

\*\* See First Offense Interlock Restricted License below

**1st Offense Criminal Refusal**

**If refused test and have any prior OVI convictions in the last 20 years**

Jail	6 days* to 180 days jail
License Suspension	1 year ** to 3 years
Hard Time period - no driving privileges	15 days
Fine	\$375 to \$1075
Party Plates	At judge's discretion
Interlock on Car (Blow & Go)	At judge's discretion
Alcohol Assessment	At judge's discretion

\*Judge can permit 72 hour Driver's Intervention Programs (DIP) in lieu of 3 of the days in jail

\*\* See Optional First Offense Interlock Restricted License below

**First Offense Interlock Restricted License.** The judge has ability to reduce license suspension by one half and allow "unlimited driving privileges" but you will need to install an interlock device and there are **big risks and potential mandatory jail time** that could result. We may be able to reduce your suspension without interlock. Contact us to discuss this or see

**Second Offense in 10 years OVI Penalty Chart**

<b>Second Offense Penalties ~ 1 prior in last 10 years</b>	
<b>2nd Offense - Impaired Offense</b>	
<b>If refused chemical test in current case see Criminal Refusal below</b>	
Jail	10 days to 180 days jail
License Suspension	1 year to 7 years
Hard Time period - no driving privileges	45 days
Fine	\$525 to \$1625
Party Plates	At judge's discretion
Interlock on Car (Blow & Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment	Mandatory
Mandatory Vehicle Immobilization for 90 days. But if limited driving authorized after 45 days court can terminate the immobilization order.	
<b>2nd Offense Low Tier Per Se Offenses</b>	
<b>Breath or blood test of .08 to .169</b>	
<b>Or urine test of .11 to .237 or blood serum or blood plasma test of .096 to .204</b>	
<b>Or prohibited drug level      See DUI-Drug Per Se Levels Chart</b>	
Jail	10 days to 180 days jail
License Suspension	1 year to 7 years
Hard Time period - no driving privileges	45 days
Fine	\$525 to \$1625
Party Plates	At judge's discretion
Interlock on Car (Blow & Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment	Mandatory

Mandatory Vehicle Immobilization for 90 days. But if limited driving authorized after 45 days court can terminate the immobilization order.	
<b>2nd Offense High Tier Per Se Offenses</b>	
<b>Breath or blood alcohol test of .17</b>	
<b>Or urine alcohol test at or above .237 or blood serum or blood plasma test at or above .204</b>	
Jail	20 days to 180 days jail
License Suspension	1 year to 7 years
Hard Time period - no driving privileges	45 days
Fine	\$525 to \$1625
Party Plates	Mandatory
Interlock on Car (Blow & Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment	Mandatory
Mandatory Vehicle Immobilization for 90 days. But if limited driving authorized after 45 days court can terminate the immobilization order.	
<b>2nd Offense Criminal Refusal Offense</b>	
<b>Refused a chemical test in current case</b>	
Jail	20 days to 180 days jail
License Suspension	1 year to 7 years
Hard Time period - no driving privileges	45 days
Fine	\$525 to \$1625
Party Plates	At judge's discretion
Interlock on Car (Blow & Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment	Mandatory
Mandatory Vehicle Immobilization for 90 days. But if limited driving authorized after 45 days court can terminate the immobilization order.	

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**Third Offense in 10 years OVI Penalty Chart**

**Third Offense Penalties ~ 2 priors in last 10 years**

**3rd Offense Impaired Offense**

**Not dependent upon chemical test**

**If refused a chemical test in current case see Criminal Refusal below**

Jail	30 days to 1 year in jail
License Suspension	2 years to 12 years
Hard Time period - no driving privileges	180 days
Fine	\$850 to \$2750
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory

90 Day vehicle immobilization plus vehicle is subject to forfeiture

Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized

**3rd Offense Low Tier Per Se Offenses**

**Breath or blood test of .08 to .169**

**Or urine test of .11 to .237 or blood serum or blood plasma test of .096 to .204**

**Or prohibited drug level      See DUI-Drug Per Se Levels Chart**

Jail	30 days to 1 year in jail
License Suspension	2 years to 12 years
Hard Time period - no driving privileges	180 days
Fine	\$850 to \$2750
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory

90 Day vehicle immobilization plus vehicle is subject to forfeiture

Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized

<b>3rd Offense High Tier Per Se Offenses</b>	
<b>Breath or blood alcohol test of .17</b>	
<b>Or urine alcohol test at or above .237 or blood serum or blood plasma test at or above .204</b>	
Jail	60 days to 1 year in jail
License Suspension	2 years to 12 years
Hard Time period - no driving privileges	180 days
Fine	\$850 to \$2750
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory
90 Day vehicle immobilization plus vehicle is subject to forfeiture	
Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized	
<b>3rd Offense Criminal Refusal</b>	
<b>Refused a chemical test in current case</b>	
Jail	60 days to 1 year in jail
License Suspension	2 years to 12 years
Hard Time period - no driving privileges	180 days
Fine	\$850 to \$2750
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory
90 Day vehicle immobilization plus vehicle is subject to forfeiture	
Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized	

**Forth in 10 years or Sixth in 20 years OVI Penalty Chart**

<b>Fourth Offense (Felony) Penalties ~ 3 priors in last 10 years or 5 priors in last 20 years</b>
<b>4th Offense Impaired Offense</b>



<b>Not dependent upon chemical test</b>	
<b>But if refused a chemical test in current case see Criminal Refusal below</b>	
Jail or prison	60 days in jail or prison, to 30 months in prison
Additional prison term of 1 to 5 years if 5 in 20 Spec. See Felony Sentencing Notes below	
License Suspension	3 years to lifetime suspension
Hard Time period - no driving privileges	3 years
Fine	\$1350 to \$10,500
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory
90 Day vehicle immobilization plus vehicle is subject to forfeiture	
Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized	
See specification and prison discussion above	
<b>4th Offense Low Breath BAC or BrAC Test “Per Se” Offenses</b>	
<b>Breath or Blood test of .08 to .169 or urine test of .11 to .237</b>	
<b>Or blood serum or blood plasma test of .096 to .204</b>	
<b>Or prohibited drug level      See DUI-Drug Per Se Levels Chart</b>	
Jail or prison	60 days in jail or prison, to 30 months in prison
Additional prison term of 1 to 5 years if 5 in 20 Spec. See Felony Sentencing Notes below	
License Suspension	3 years to lifetime suspension
Hard Time period - no driving privileges	3 years
Fine	\$1350 to \$10,500
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory
90 Day vehicle immobilization plus vehicle is subject to forfeiture	
Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized	

See specification and prison discussion above	
<b>4th Offense High Tier Per Se Offenses</b>	
<b>Breath or blood alcohol test at or above .17</b>	
<b>Or urine alcohol test at or above .237 or blood serum or blood plasma test at or above .204</b>	
Jail or prison	120 days in jail or prison, to 30 months in prison
Additional prison term of 1 to 5 years if 5 in 20 Spec. See Felony Sentencing Notes below	
License Suspension	3 years to lifetime suspension
Hard Time period - no driving privileges	3 years
Fine	\$1350 to \$10,500
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory
90 Day vehicle immobilization plus vehicle is subject to forfeiture	
Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized	
See specification and prison discussion above	
<b>4th Offense Criminal Refusal Offense</b>	
<b>Refused chemical test in current case</b>	
Jail OR prison	120 days in jail or prison, to 30 months in prison
Additional prison term of 1 to 5 years if 5 in 20 Spec. See Felony Sentencing Notes below	
License Suspension	3 years to lifetime suspension
Hard Time period - no driving privileges	3 years
Fine	\$1350 to \$10,500
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory
90 Day vehicle immobilization plus vehicle is subject to forfeiture	
Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized	

See notes re specification and prison discussion below

**Felony Sentencing Notes.** Sentencing in felony OVI cases is even more complex than in misdemeanor sentencing. Your maximum sentence can be increased from 1 to 5 years if you had 5 prior offenses in 20 years “Specification.” For more information see [Ohio OVI Defense: the Law & Practice](#).

### Prior OVI Felony Offense OVI Penalty Chart

<b>Repeat Felony Offense ~ any prior felony OVI ever</b>	
<b>Repeat Felony Impaired Offense</b>	
<b>No chemical test</b>	
<b>But if refused a chemical test see “Criminal Refusal” below</b>	
Jail or prison	60 days in jail or prison, to 36 months in prison
License Suspension	3 years to lifetime suspension
Hard Time period - no driving privileges	3 years
Fine	\$1350 to \$10,500
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge’s discretion.
Alcohol Assessment –and treatment	Mandatory
90 Day vehicle immobilization plus vehicle is subject to forfeiture	
Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized	
See specification and prison discussion above	
<b>Repeat Felony Low Tier Per Se Offenses</b>	
<b>Breath or blood test of .08 to .169</b>	
<b>Or urine test of .11 to .237 or blood serum or blood plasma test of .096 to .204</b>	
<b>Or prohibited drug level    See DUI-Drug Per Se Levels Chart</b>	
Jail or prison	60 days in jail or prison, to 36 months in prison
Additional prison term of 1 to 5 years if 5 in 20 Spec. See Felony Sentencing Notes below	
License Suspension	3 years to lifetime suspension

Hard Time period - no driving privileges	3 years
Fine	\$1350 to \$10,500
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory
90 Day vehicle immobilization plus vehicle is subject to forfeiture	
Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized	
See specification and prison discussion above	
<b>High Tier Per Se Offenses</b>	
<b>Breath or blood alcohol test at or above .17</b>	
<b>Or urine alcohol test at or above .237 or blood serum or blood plasma test at or above .204</b>	
Jail or prison	120 days in jail or prison, to 36 months in prison
Additional prison term of 1 to 5 years if 5 in 20 Spec. See Felony Sentencing Notes below	
License Suspension	3 years to lifetime suspension
Hard Time period - no driving privileges	3 years
Fine	\$1350 to \$10,500
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory
90 Day vehicle immobilization plus vehicle is subject to forfeiture	
Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized	
See specification and prison discussion above	
<b>Criminal Refusal Offense</b>	
<b>Refused chemical test in current case and have prior OVI conviction in last 20 years</b>	
Jail or prison	120 days in jail or prison, to 36 months in prison
Additional prison term of 1 to 5 years if 5 in 20 Spec. See Felony Sentencing Notes below	
License Suspension	3 years to lifetime suspension

Hard Time period - no driving privileges	3 years
Fine	\$1350 to \$10,500
Party Plates	Mandatory
Interlock on car (Blow and Go)	Mandatory. Or, if drug OVI, at judge's discretion.
Alcohol Assessment –and treatment	Mandatory
90 Day vehicle immobilization plus vehicle is subject to forfeiture	
Alcohol Monitoring (SCRAM) mandatory if driving privileges are authorized	
<p><b>Felony Sentencing Notes.</b> Sentencing in felony OVI cases is even more complex than in misdemeanor sentencing. Your maximum sentence can be increased from 1 to 5 years if you had 5 prior offenses in 20 years “Specification.” For more information see <a href="#">Ohio OVI Defense: the Law &amp; Practice</a>.</p>	

### OVI Drug Per Se Levels Chart

<p><b>Ohio DUID - OVI Drug Per Se Levels</b>  <b>If above these levels you will be charged with a per se offense</b>  <b>Use the appropriate “low tier” OVI penalty chart for penalties</b></p>	
Amphetamine	500 ng per ml urine – 100 ng per ml of whole blood, plasma, serum
Cocaine	150 ng per ml urine – 50 ng per ml of whole blood
Cocaine Metabolite	150 ng per ml urine – 50 ng per ml of whole blood
Heroin	2000 ng per ml urine – 50 ng per ml of whole blood
Heroin Metabolite	10 ng per ml urine – 10 ng per ml of whole blood
LSD	25 ng per ml urine – 10 ng per ml of whole blood
Marijuana	10 ng per ml urine – 2 ng per ml of whole blood, serum or plasma
Marijuana Metabolite Impaired*	15 ng per ml urine – 5 ng per ml whole blood, serum or plasma
* Not truly a Per Se offense because also requires that person be impaired by drugs and/or alcohol	
Marijuana Metabolite	35 ng per ml urine – 50 ng per ml whole blood, serum or plasma
Methamphetamine	500 ng per ml urine – 100 ng per ml whole blood
Phencyclidine	25 ng per ml urine – 10 ng per ml whole blood
Salvia Divinorum	Board of Pharmacy has not set per se level