

## PENALTIES

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

No. and Type of Offense	Degree of Offense	Incarceration	Fines	Treatment	License Suspension	Driving Privileges <sup>1&amp;2</sup>	Restricted Plates/ Interlock	Immobilization/ Forfeiture
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. <sup>4</sup>	\$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. <sup>4</sup>	\$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>5</sup> Up to 6 months. <sup>4</sup>	\$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>6</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>5</sup> Up to 6 months. <sup>4</sup>	\$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>6</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>5</sup> Up to 1 year. <sup>4</sup>	\$850 - \$2,750	Alcohol/drug addiction program mandatory	Class 3 (2 to 10 years) <sup>7</sup>	After 180 days	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ <sup>8</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>5</sup> Up to 1 year. <sup>4</sup>	\$850 - \$2,750	Alcohol/drug addiction program mandatory	Class 3 (2 to 10 years) <sup>7</sup>	After 180 days	Plates required. Interlock required if alcohol-related, optional if drug.	Forfeiture if registered to Δ <sup>8</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>9</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>8</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 60 days prison, with option of additional 6 to 30 months. <sup>9</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>8</sup>
2 <sup>nd</sup> felony lifetime [simple OVI, low test or drug]	F-3	60 days prison, up to 5 years [36 months under RC 2929.14(A)(3)(b)]. <sup>9, 10</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>8</sup>
2 <sup>nd</sup> felony lifetime, and either: [a] high test, or [b] refusal	F-3	120 days prison, up to 5 years [36 months under RC 2929.14(A)(3)(b)]. <sup>9, 10</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>8</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-4 or F-3 penalties as set forth in boxes above, and 1, 2, 3, 4, or 5 years prison consecutive to same.	\$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>8</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> CDL operators are subject to separate offenses with lower alcohol and controlled substance levels while operating a commercial vehicle. RC 4506.15.

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

<sup>4</sup> A court located within a county served by board establishing an alternative sentencing center may sentence an "eligible offender" to center for an OVI and/or a driving under an OVI suspension. RC 307.932.

<sup>5</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>6</sup> Waiver may be granted, under RC 4503.235 conditions, for "family or household member" if completely dependent on vehicle and immobilization would be undue hardship.

<sup>7</sup> 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>8</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>9</sup> Under RC 2967.19, court has limited power to order early release for felony offender serving prison term imposed under RC 2929.13(G)(2).

<sup>10</sup> For F-3 OVI, RC 2929.14 conflicts with RC 4511.19. The sentence in brackets is maximum under RC 2929.14. See *State v. Owen*, 2013-Ohio-2824 (11<sup>th</sup> Dist.)

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

No. of Offense	Degree of Offense	Incarceration	Fines	Treatment	License Suspension	Driving Privileges	Restricted Plates/ Interlock	Immobilization/ Forfeiture
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

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