

**PENALTIES**

**OPERATING VEHICLE UNDER THE INFLUENCE [R.C. 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</sup></i>	<i>Immobilization/Forfeiture<sup>2</sup></i>	<i>Restricted Plates for Privileges</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.	\$250 - \$1,000	Optional	Class 5 (6 months to 3 years)	After 15 days	No	Optional
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.	\$250 - \$1,000	Optional	Class 5 (6 months to 3 years)	After 15 days	No	Mandatory only for high-end. Otherwise optional.
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 EMHA and/or CAM. <sup>4</sup> Up to 6 months.	\$350 - \$1,500	DIP optional. Treatment mandatory if Δ found dependent.	Class 4 (1 to 5 years)	After 30 days	90 days immobilization if registered to Δ	Mandatory
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 EMHA and/or CAM. <sup>4</sup> Up to 6 months.	\$350 - \$1,500	DIP optional. Treatment mandatory if Δ found dependent.	Class 4 (1 to 5 years)	After 30 days	90 days immobilization if registered to Δ	Mandatory
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 EMHA and/or CAM. <sup>4</sup> Up to 1 year.	\$550 - \$2,500	Mandatory alcohol/drug addiction program	Class 3 (2 to 10 years) <sup>5</sup>	After 180 days. Disabling device required for days 181 to 365.	Forfeiture if registered to Δ	Mandatory
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 EMHA and/or CAM. <sup>4</sup> Up to 1 year.	\$550 - \$2,500	Mandatory alcohol/drug addiction program	Class 3 (2 to 10 years) <sup>5</sup>	After 180 days. Disabling device required for days 181 to 365.	Forfeiture if registered to Δ	Mandatory

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.	\$800 - \$10,000	Mandatory alcohol/drug addiction program	Class 2 (3 years to life)	After 3 years. Disabling device required.	Forfeiture if registered to Δ	Mandatory
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.	\$800 - \$10,000	Mandatory alcohol/drug addiction program	Class 2 (3 years to life)	After 3 years. Disabling device required.	Forfeiture if registered to Δ	Mandatory
2 <sup>nd</sup> felony lifetime [simple OVI, low test or drug]	F-3	60 days prison. Up to 5 years.	\$800 - \$10,000	Mandatory alcohol/drug addiction program	Class 2 (3 years to life)	After 3 years. Disabling device required.	Forfeiture if registered to Δ	Mandatory
2 <sup>nd</sup> felony lifetime, and either: [a] high test, or [b] refusal	F-3	120 days prison. Up to 5 years.	\$800 - \$10,000	Mandatory alcohol/drug addiction program	Class 2 (3 years to life)	After 3 years. Disabling device required.	Forfeiture if registered to Δ	Mandatory
1 <sup>st</sup> or 2 <sup>nd</sup> felony lifetime, with §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.	\$800 - \$10,000	Mandatory alcohol/drug addiction program	Class 2 (3 years to life)	After 3 years. Disabling device required.	Forfeiture if registered to Δ	Mandatory

<sup>1</sup> No privileges may be granted to offender who within the preceding six years has had three or more convictions or guilty pleas. R.C. 4510.13(A)(3). **First OVI conviction results in a one-year commercial driver's license disqualification while a second anytime results in a lifetime CDL disqualification, regardless of whether the offense occurred in a commercial or a private vehicle. R.C. 4506.16(D).**

<sup>2</sup> If vehicle forfeiture is required and title is assigned/transferred, offender may be fined vehicle value per national auto dealers' association publications. R.C. 4503.234(E).

<sup>3</sup> DIP means driver intervention program certified under R.C. 3793.10 provisions. See R.C. 4511.191(G)(1)(a).

<sup>4</sup> EMHA means electronically monitored house arrest. CAM is continuous alcohol monitoring. Within 60 days, court must issue a finding of lack of jail space. R.C. 4511.19(G)(3).

<sup>5</sup> Court has authority to reduce the minimum period of a Class 3 suspension from two years to one year. R.C. 4510.13(A)(2)(b).

**OPERATING VEHICLE AFTER UNDERAGE ALCOHOL CONSUMPTION [R.C. 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>Immobilization/Forfeiture</i>	<i>Restricted Plates for Privileges</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	No	Optional
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	No	Optional

**PHYSICAL CONTROL WHILE UNDER THE INFLUENCE [R.C. 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>Immobilization/Forfeiture</i>	<i>Restricted Plates for Privileges</i>
Any	M-1	0-180 days jail	\$0 - \$1,000	Optional	Class 7 optional (up to 1 year)	No restrictions	No	Optional