

OHIO OVI/PHYSICAL CONTROL MISDEMEANOR OFFENSE PENALTIES*

OPERATING A VEHICLE UNDER THE INFLUENCE [R.C. 4511.19(A) and (G)] – 6 points

No. of Offense ¹	Degree of Offense	Incarceration	Fines	Treatment	Mandatory License Suspension	Driving Privileges	Immobilization/ Forfeiture	Restricted Plates for Privileges
1st in 6 years ²	M-1	3 days jail or DIP with CCS. ³ Up to 6 months.	\$250 - \$1,000	Optional	Class 5 (6 months to 3 years)	After 15 days	No	Optional
1st in 6 years and either (a) high-end, ⁴ or (b) with any prior in 20 yrs. and refusal	M-1	3 days jail and 3 days DIP, or 6 days jail. Up to 6 months.	\$250 - \$1,000	Optional	Class 5 (6 months to 3 years)	After 15 days	No	Mandatory for high-end. Otherwise optional.
2nd in 6 years	M-1	10 days jail or 5 days jail and 18 days EMHA and/or CAM. ⁵ Up to 6 months.	\$350 - \$1,500	DIP optional. Treatment mandatory if Δ found alcohol dependent.	Class 4 (1 to 5 years)	After 30 days	90 days immobilization if registered to Δ.	Mandatory
2nd in 6 years and either (a) high-end, or (b) with any prior in 20 yrs. and refusal	M-1	20 days jail or 10 days jail and 36 days EMHA and/or CAM. Up to 6 months.	\$350 - \$1,500	DIP optional. Treatment mandatory if Δ found alcohol dependent.	Class 4 (1 to 5 years)	After 30 days	90 days immobilization if registered to Δ.	Mandatory
3rd in 6 years	Unclassified misdemeanor	30 days jail or 15 days jail and 55 days EMHA and/or CAM. Up to 1 year.	\$550 - \$2,500	Mandatory alcohol/drug addiction program	Class 3 (2 to 10 years)	After 180 days. Disabling device required for days 181 to 365. ⁶	Forfeiture if registered to Δ. Opt. fine = value if vehicle transferred.	Mandatory
3rd in 6 years and either (a) high-end, or (b) with any prior in 20 yrs. and refusal	Unclassified misdemeanor	60 days jail or 30 days jail and 110 days EMHA and/or CAM. Up to 1 year.	\$550 - \$2,500	Mandatory alcohol/drug addiction program	Class 3 (2 to 10 years)	After 180 days. Disabling device required for days 181 to 365. ⁶	Forfeiture if registered to Δ. Opt. fine = value if vehicle transferred.	Mandatory

OPERATING A VEHICLE AFTER UNDERAGE ALCOHOL CONSUMPTION [R.C. 4511.19(B) and (H)] – 4 points

No. of Offense ⁷	Degree of Offense	Incarceration ⁸	Fines	Treatment	Mandatory License Suspension	Driving Privileges	Immobilization/ Forfeiture	Restricted Plates for Privileges
1st in 1 year	M-4	0 - 30 days	\$0 - \$250	Optional	Class 6 (3 months to 2 years)	After 60 days	No	Optional
2nd + in 1 year	M-3	0 - 60 days	\$0 - \$500	Optional	Class 4 (1 to 5 years)	After 60 days ⁶	No	Optional

PHYSICAL CONTROL WHILE UNDER THE INFLUENCE [R.C. 4511.194(D)] – 0 points

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

***APPLIES TO OFFENSES OCCURRING ON OR AFTER SEPTEMBER 23, 2004**

¹ Offender found guilty of specification of 5 or more priors within 20 years, and with current refusal, to be sentenced as F-4 or greater. R.C. 4511.19(G)(1)(d) and (e).

² *Per se* levels for low-end offenses begin at .08% by whole blood; .096% by serum or plasma; .08 gram by breath; and .11 gram by urine. R.C. 4511.19(A)(1)(b) to (e).

³ DIP refers to drivers' intervention program, and CCS to community control sanctions. CCS may be imposed in any case other than an MM. R.C. 2929.25(A)(1)(a).

⁴ *Per se* levels for high-end offenses are .17% by whole blood; .204% by serum or plasma; .17 gram by breath; and .238 gram by urine. R.C. 4511.19(A)(1)(f) to (i).

⁵ EMHA refers to electronically monitored house arrest, and CAM to continuous alcohol monitoring. Court to issue finding of lack of jail space in 60 days. R.C. 4511.19(G)(3).

⁶ No privileges may be granted to offender whose license is suspended under 4511.19(G) or (H), or under R.C. 4510.07 for municipal OVI, and who, within preceding six years, has had three or more convictions, guilty pleas, or test refusals. R.C. 4510.13(A)(3).

⁷ Underage levels are .02% to .08% by whole blood; .03% to .096% by serum or plasma; .02 to .08 gram by breath; and .028 to .11 gram by urine. R.C. 4511.19(B)(1) to (4).

⁸ If jail is imposed, an additional consecutive jail term of up to 6 months is mandatory if offender found guilty of specification of 5 priors within 20 years. R.C. 2929.24(E).