

**Penalties for Unlawful Entrustment  
Violation of RC 4511.203**

Judge Mark P. Painter, 10-26-04

<b>Offense (Not limited to 6 years)</b>	<b>Jail<sup>1</sup></b>	<b>Fine</b>	<b>Driving Suspension</b>	<b>Impoundment of plates<sup>2</sup></b>	<b>Immobilization of vehicle<sup>3</sup></b>	<b>Forfeiture of Vehicle<sup>4</sup></b>
<b>First</b>	0-180 days	0-\$1,000	Up to 1 year Class 7	30 days	30 days	No
<b>Second</b>	0-180 days	0-\$1,000	Up to 1 year Class 7	60 days	60 days	No
<b>Third and subsequent</b>	0-180 days	0-\$1,000	Up to 1 year Class 7	No	No	Yes

<sup>1</sup>Misdemeanor of first degree. RO 4511.203(C).

<sup>2</sup>Of vehicle used in offense by other offender.

<sup>3</sup>Impoundment, Immobilization, and Forfeiture are mandatory. RC 4511.203(C)(1). Also, court may impound plates of all other vehicles registered to offender. RC 4507.164(E).

<sup>4</sup>Or if vehicle transferred in interim, or no forfeiture order issued because of liens or other protected interest, court may fine offender value of vehicle. RC 4511.203(C)(3).

**Penalties for Driving Under the Influence of Alcohol or Drugs  
Violation of Low-Tier Provisions of RC 4511.19**

**As of 1-1-04**

Judge Mark P. Painter, 10-26-04

<b>Offense w/in 6 years<sup>1</sup></b>	<b>Jail</b>	<b>Fine</b>	<b>Driving Suspension<sup>2</sup></b>	<b>Time w/o limited driving privileges<sup>3</sup></b>	<b>Impoundment of plates<sup>4</sup></b>	<b>Immobilization of Vehicle<sup>4</sup></b>	<b>Forfeiture of Vehicle<sup>4</sup></b>	<b>Immediate Vehicle Seizure<sup>4</sup></b>
<b>First</b>	3 days-6 months <sup>5</sup>	\$250-\$1,000	Class 5 6 months-3 years	15 days	No	No	No	No
<b>Second</b>	10 days-6 months	\$350-\$1,500	Class 4 1 year-5 years	30 days	90 days	90 day.	No	Yes
<b>Third<sup>7</sup></b>	30 days-1 year <sup>8</sup>	\$550-\$2,500	Class 3 1 year-10 years	180 days <sup>8</sup>	Yes	Yes	Yes	Yes
<b>Fourth (first felony)</b>	60 days-1 year jail or 60 days prison plus optional prison of 6-30 months <sup>6</sup>	\$800-\$10,000	Class 2 3 years-life	3 years <sup>9</sup>	Yes	Yes	Yes	Yes
<b>Second Felony<sup>10</sup></b>	60 days-5 years <sup>6</sup>	\$800-\$10,000	Class 2 3 years -life	3 years <sup>9</sup>	Yes	Yes	Yes	Yes
<b>Fifth offense<sup>11</sup></b>	1-5 years	\$800-\$10,000	Class 2 3 years-life	3 years	Yes	Yes	Yes	Yes

<sup>1</sup>Six years is computed from date of prior conviction(s) to date of present offense. RC 4511.19(G). Violation of RC 4511.19(A) or (B) and some other offenses.

<sup>2</sup>See generally RO 4510.13.

<sup>3</sup>If privileges granted, must require special plates. RC 4510.13(A)(7). But legislation pending to delete this requirement for first offenders.

<sup>4</sup>Impoundment, immobilization, and forfeitures are *mandatory*, but only if registered to offender. RC 4511.19(G), RC 4510.13. Also court *may* impound plates of all *other* vehicles registered to offender. RC 4507.164.

<sup>5</sup>May substitute driver intervention program (DIP) for jail. DIP must be state-certified program.

<sup>6</sup>But if the defendant is also convicted of or pleads guilty to the new RC 2941.1413 specification contained in 2004 H.B. 163, effective 9-23-04, that additional sentence can reach 1-5 years.

<sup>7</sup>RC 4511.19(G)(1)(c).

<sup>8</sup>No longer a "petty offense." Requires written jury waiver and additional Rule 11 advice to defendant.

<sup>9</sup>If privileges granted, must use immobilizing or disabling device. RC 4510.13(A)(5)(e). But see RC 4510.13(A)(3), which prohibits *any* limited driving privileges for anyone who, at the time of the request for privileges, has three priors within six years. So unless one or more of the prior offenses has "dropped off" during the three years of "hard" suspension, no privileges may be granted.

<sup>10</sup>May be *any* time after first felony. See penalties for 3rd degree felonies.

<sup>11</sup>RC 2941.1413(A). Look-back period of 20 years. Created by 2004 H.B. 163, effective 9-23-04.