

**Penalties for Driving Under the Influence of Alcohol or Drugs
Violation of High-Tier Provisions of RC 4511.19
As of 1-1-04**

Judge Mark P. Painter, 10-26-04 g

Offense within 6 years ¹	Jail	Fine	Driving suspension	Time w/o limited driving privileges ² .	Impoundment of plates ³	Immobilization of vehicle ³	Forfeiture of Vehicle ³	Immediate Vehicle~Seizure ³
First	3 (or 6) days-6 months ⁴	\$250-\$1,000	Class 5 6 months-3 years	15 days	No ⁵	No	No	No
Second	20 days-6 months	\$350-\$1,500	Class 4 1 year-5 years	30 days	90 days	90 days	No	Yes
Third	60 days-1 year	\$550-\$2,500	Class 3 2-10 years ⁷	180 days ⁸	Yes	No	Yes	Yes
Fourth (first felony)	120 days-1 year jail or 120 days to optional 6-30 months prison ⁶	\$800-\$10,000	Class 2 3 years-life	3 years ⁹	Yes	Yes	Yes	Yes
Second Felony	120 days-5 years ⁶	\$800-\$10,000	Class 2 3 years-life	3 years ⁸	Yes	Yes	Yes	Yes
Fifth Offense¹⁰	1-5 years	\$800-\$10,000	Class 2 3 years-life	3 years	Yes	Yes	Yes	Yes

¹Six 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.

²If privileges granted, must require special plates. RC 4510.13(A)(7). But legislation pending to delete this requirement for first offenders.

³Impoundment, immobilization, and forfeitures are mandatory, but only if vehicle is registered to offender. RC 4511.19(G), RC 4510.13.

⁴May substitute three days of jail for the mandatory three-day driver intervention program (DIP). Jail and DIP must be minimum of 6 days. DIP must be state-certified program.

⁵Not required, but RC 4507.164 allows court to impound all of offender's plates and registration whenever license is suspended.

⁶But 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.

⁷A Class 3 is 2-10 years, but a judge may "suspend" all but first year, making it really 1-10 years. See RC 4510.13(A)(2)(b).

⁸If privileges granted, must use immobilizing or disabling device. RC 4510.13(A)(5)(d-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.

⁹May at any time after first felony. See penalties for 3rd degree felonies.

¹⁰Look-back period of 20 years. Created by 2004 H.B. 163, effective 9-23-04