

Ohio's minimum sentencing for drunk driving is in a constant state of flux. It seems that just when able attorneys learn the new minimum sentencing guidelines, the state legislature modifies the laws and further restricts the discretionary ability of judges to work with knowledgeable attorneys. At the **Law Offices of Jack L. Moser, Jr.**, our skilled, experienced, and aggressive drunk driving lawyers and OVI attorneys can help you understand the latest round



Use the following links that will take you to sentencing charts used by defense attorneys, judges, and magistrates in Ohio. The charts have become a standard reference tool regarding minimum sentences for drunk driving and related charges.

Drunk Driving Minimum Sentencing

http://www.ghmc.org/upload/newsletter/OVIChart_SecondPage.pdf

Other Related Criminal Traffic Offenses

http://www.ghmc.org/education_penaltyCharts.asp

Under Ohio's new law, the state may enhance penalties for offenses using any combination of a prior conviction for OVI and/or BUI (Boating Under the Influence).

Most offenders charged with drunk driving are worried about the possible jail time sentence that may be ordered by a court. While Ohio's new sentencing factors set forth minimum jail sentences for a guilty offender, the minimum sentence itself does not necessarily reflect what a particular judge may order as jail time in a particular case. The knowledgeable and skilled attorneys at the **Law Offices of Jack L. Moser, Jr.**, stand ready to educate their clients as to the sentencing factors and options available if the client is found guilty of drunk driving or a related offense.

Under the new law, Ohio makes the following **Fines Mandatory**:

- 1st offense within 6 years: \$375 to \$1,075
- 2nd offense within 6 years: \$525 to \$1,625

- 3rd offense within in 6 years: \$850 to \$2,750
- 3rd offense within in 6 years: \$850 to \$2,750
- 4th or 5th offense within 6 years
or 6th offense within 20 years (F-4): \$1,350 to \$10,500
- Subsequent felony (F-3): \$1,350 to \$10,500

Under the new law, there are **Other Mandatory Sentencing Guidelines** that an Ohio court **must follow**:

- Ohio now mandates an alcohol and drug assessment of any multiple offender (2nd within 6 years or higher) as well as any recommended treatment for all multiple offenders (2nd in 6 years or higher).
- An Ohio court must order a device called an ignition interlock if a court grants limited privileges to any alcohol-related multiple offenders (2nd offense within 6 years or higher).
- Ohio's new law grants a court discretion as to the use of an ignition interlock device for 1st time offenders. The device is discretionary for all drug-related multiple offenders.
- The new law creates separate violations of the Interlock device. Such violations include operating a vehicle without the interlock, circumventing the interlock, tampering with the interlock, and having the device lock-up by a positive alcohol test.
- Under Ohio's new law, a court must order that the offender not consume alcohol and the court must also order a Secure Continuous Remove Alcohol Monitoring (SCRAM) for OVI offenders charged with their second felony and are granted pre-trial limited driving privileges.
- The new law grants a court discretion (optional, but not mandatory) to order a SCRAM device for any offender convicted of OVI. Any alcohol consumption by the offender is grounds for revocation of the limited privileges. The SCRAM order must continue until the case is wholly over (to include probation).
- Ohio's new law authorizes a court to order no alcohol consumption and Secure Continuous Remote Alcohol Monitoring (SCRAM) for third time offenders within 6 years, as well as first time felony OVI offenders who are granted limited pre-trial driving privileges.

There are several other changes to Ohio's drunk driving laws that every offender should know. Ohio's new law now requires the Department of Public Safety to create a public list of habitual OVI offenders. The posting to the public list applies only to convictions, not charges. The registry includes an internet database, searchable by name, county, and zip code; and the database list will show the offender's name, birth date, address, zip code, and number of Ohio convictions. Ohio's new law also modified the Administrative License Suspension (ALS) for offenders.

- Ohio's new law increases the "hard suspension" from 30 days to 45 days. A mandatory period where a court cannot grant limited driving privileges to second offenders within six years.
- Any prior refusals or convictions within 6 years are used to enhance a refusal ALS. Only convictions within six years are used to enhance test over ALS.

The new Ohio drunk driving and related offenses sentencing laws may appear confusing and overwhelming to one charged with a drunk driving or related offense. Our experienced, skilled, and aggressive drunk-driving lawyers, OVI attorneys, and motor vehicle traffic offense lawyers can assist offenders in understanding the new laws, as well as help protect the legal rights of the offenders. Call the Law Offices of Jack L. Moser, Jr., (614) 478-8005, 107 West Johnstown Road, Columbus / Gahanna, Ohio 43230, to find out how our knowledgeable and qualified attorneys can provide you with serious and aggressive representation.