

CRIMINAL, LICENSE & ADMINISTRATIVE CONSEQUENCES FOR DRUNK DRIVING

(See Chart 5.2 at ICLE, pp. 5-36,37)

	<i>OWI</i> <i>257.625(1): x>.08 BAC</i>	<i>OWVI</i> <i>257.625(3)</i>	<i>OWPCS</i> <i>257.625(8)</i>	<i>Child Endangerment</i> <i>257.625(7)</i>
1 st Offense (No prior 257.625 crime)	<p>Misdemeanor</p> <p>One or more of following: <u>Fine</u>: \$100-\$500 <u>Jail</u>: Up to 93 days <u>Comm Serv</u>: up to 360hrs</p> <p><u>License</u>: 180 rstr; 0-1st 30days <u>Points</u>: 6 points <u>Vehicle Immob</u>: permissive up to 180days, following any imprisonment <u>Ignition Interlock</u>: permissive 257.625(24) <u>Plate Confisc</u>: No discussion <u>Regstr Denial</u>: No discussion <u>Forfeiture</u>: No discussion</p>	<p>Misdemeanor</p> <p>One or more of following: <u>Fine</u>: \$300 <u>Jail</u>: Up to 93 days <u>Comm Serv</u>: up to 360hrs</p> <p><u>License</u>: 90 rstr <u>Points</u>: 4 points <u>Vehicle Immob</u>: permissive up to 180days, following any imprisonment <u>Ignition Interlock</u>: NOT INDICATED <u>Plate Confisc</u>: No discussion <u>Regstr Denial</u>: No discussion <u>Forfeiture</u>: No discussion</p>	<p>Misdemeanor</p> <p>One or more of following: <u>Fine</u>: \$100-\$500 <u>Jail</u>: Up to 93 days <u>Comm Serv</u>: up to 360hrs</p> <p><u>License</u>: 180 rstr; 0-1st 30days <u>Points</u>: 6 points <u>Vehicle Immob</u>: permissive up to 180days, following any imprisonment <u>Ignition Interlock</u>: permissive 257.625(24) <u>Plate Confisc</u>: No discussion <u>Regstr Denial</u>: No discussion <u>Forfeiture</u>: No discussion</p>	<p>Misdemeanor</p> <p><u>Fine</u>: \$200-\$1000 AND One or more of following: <u>Jail</u>: 5 days TO 1 YEAR <u>Comm Serv</u>: 30-90 DAYS</p> <p><u>License</u>: 180 rstr; 0-1st 90days <u>Points</u>: 6 points <u>Vehicle Immob</u>: permissive up to 180days, following any imprisonment <u>Ignition Interlock</u>: NOT INDICATED <u>Plate Confisc</u>: No discussion <u>Regstr Denial</u>: No discussion <u>Forfeiture</u>: PERMISSIVE</p>
2 nd Offense (or offense with history of prior 625 crime within 7 years)	<p>Misdemeanor</p> <p><u>Fine</u>: \$200-\$1000 AND One or more of following: <u>Jail</u>: 5 days TO 1 YEAR <u>Comm Serv</u>: 30-90 DAYS</p> <p><u>License</u>: Minimum 1 year revocation/denial <u>Points</u>: NOT INDICATED <u>Vehicle Immob</u>: REQUIRED 90-180days – unless forfeited; following any imprisonment <u>Ignition Interlock</u>: NOT INDICATED <u>Plate Confisc</u>: REQUIRED <u>Regstr Denial</u>: No discussion <u>Forfeiture</u>: PERMISSIVE</p>	<p>Misdemeanor</p> <p><u>Fine</u>: \$200-\$1000 AND One or more of following: <u>Jail</u>: 5 days TO 1 YEAR <u>Comm Serv</u>: 30-90 DAYS</p> <p><u>License</u>: Minimum 1 year revocation/denial <u>Points</u>: NOT INDICATED <u>Vehicle Immob</u>: REQUIRED 90-180days – unless forfeited, following any imprisonment <u>Ignition Interlock</u>: NOT INDICATED <u>Plate Confisc</u>: REQUIRED <u>Regstr Denial</u>: No discussion <u>Forfeiture</u>: PERMISSIVE</p>	<p>Misdemeanor</p> <p><u>Fine</u>: \$200-\$1000 AND One or more of following: <u>Jail</u>: 5 days TO 1 YEAR <u>Comm Serv</u>: 30-90 DAYS</p> <p><u>License</u>: Minimum 1 year revocation/denial <u>Points</u>: NOT INDICATED <u>Vehicle Immob</u>: REQUIRED 90-180days – unless forfeited, following any imprisonment <u>Ignition Interlock</u>: NOT INDICATED <u>Plate Confisc</u>: REQUIRED <u>Regstr Denial</u>: No discussion <u>Forfeiture</u>: PERMISSIVE</p>	<p>FELONY</p> <p><u>Fine</u>: \$500-\$5000 AND EITHER of following: <u>Jail</u>: (1-5 YEARS) OR (probation with 30days to 1 year in jail AND <u>Comm Serv</u>: 60-180 DAYS)</p> <p><u>License</u>: Minimum 1 year revocation/denial <u>Points</u>: NOT INDICATED <u>Vehicle Immob</u>: REQUIRED 90-180days – unless forfeited, following any imprisonment <u>Ignition Interlock</u>: NOT INDICATED <u>Plate Confisc</u>: REQUIRED <u>Regstr Denial</u>: No discussion <u>Forfeiture</u>: PERMISSIVE</p>
3 rd Offense (or two prior 625)	FELONY	FELONY	FELONY	Endangerment – Zero tolerance with occupant 16 or younger

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<p>crimes</p>	<p><u>Fine:</u> \$500-\$5000 AND EITHER of following: <u>Jail:</u> (1-5 YEARS) OR (probation with 30days to 1 year in jail AND <u>Comm Serv:</u> 60-180 DAYS)</p> <p><u>License:</u> Minimum 1-5 year revocation or denial <u>Points:</u> NOT INDICATED <u>Vehicle Immob:</u> REQUIRED 1-3 years unless forfeited, following any imprisonment <u>Ignition Interlock:</u> NOT INDICATED <u>Plate Confisc:</u> REQUIRED <u>Regstr Denial:</u> REQUIRED <u>Forfeiture:</u> PERMISSIVE</p>	<p><u>Fine:</u> \$500-\$5000 AND EITHER of following: <u>Jail:</u> (1-5 YEARS) OR (probation with 30days to 1 year in jail AND <u>Comm Serv:</u> 60-180 DAYS)</p> <p><u>License:</u> Minimum 1-5 year revocation or denial <u>Points:</u> NOT INDICATED <u>Vehicle Immob:</u> REQUIRED 1-3 years unless forfeited, following any imprisonment <u>Ignition Interlock:</u> NOT INDICATED <u>Plate Confisc:</u> REQUIRED <u>Regstr Denial:</u> REQUIRED <u>Forfeiture:</u> PERMISSIVE</p>	<p><u>Fine:</u> \$500-\$5000 AND EITHER of following: <u>Jail:</u> (1-5 YEARS) OR (probation with 30days to 1 year in jail AND <u>Comm Serv:</u> 60-180 DAYS)</p> <p><u>License:</u> Minimum 1-5 year revocation or denial <u>Points:</u> NOT INDICATED <u>Vehicle Immob:</u> REQUIRED 1-3 years unless forfeited, following any imprisonment <u>Ignition Interlock:</u> NOT INDICATED <u>Plate Confisc:</u> REQUIRED <u>Regstr Denial:</u> REQUIRED <u>Forfeiture:</u> PERMISSIVE</p>	<p>MISDEMEANOR</p> <p>1ST Endangerment offense: one or more of following: <u>Fine:</u> up to \$500 <u>Jail:</u> up to 93 days <u>Comm Serv:</u> up to 60 DAYS) <u>License:</u> 180 rstr with 0-1st 90 <u>Vehicle Immob:</u> Permissive up to 180 days, following any imprisonment <u>Ignition Interlock:</u> NOT INDICATED <u>Plate Confisc:</u> NO DISCUSSION <u>Regstr Denial:</u> NO DISCUSSION <u>Forfeiture:</u> PERMISSIVE</p> <p>2ND OFFENSE</p> <p><u>Fine:</u> NOT INDICATED <u>Jail:</u> NOT INDICATED <u>Comm Serv:</u> up to 60 DAYS) <u>License:</u> REVOKED <u>Vehicle Immob:</u> NOT INDICATED <u>Ignition Interlock:</u> NOT INDICATED <u>Plate Confisc:</u> NOT INDICATED <u>Regstr Denial:</u> NOT INDICATED <u>Forfeiture:</u> NOT INDICATED</p>
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CRIMINAL, LICENSE & ADMINISTRATIVE CONSEQUENCES FOR DRUNK DRIVING: ANOTHER VIEW

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(See Chart 5.2 at ICLE, pp. 5-36,37)

	OWI-1ST	OWI-2ND	OWI-3RD	OWVI-1ST	OWVI-2ND	OWVI-3RD	OWPCS-1ST	OWPCS-2ND	OWPCS-3RD	Child End.-1st	Child End.-2nd	Child End.-3rd
Misd/Fel	Misdemeanor	Misdemeanor	Felony	Misdemeanor	Misdemeanor	FELONY	Misdemeanor	Misdemeanor	FELONY	Misdemeanor	FELONY	
Fine	100-500	200-1000	500-5000 and jail/prob	300	200-1000	500-5000 and jail/prob	100-500	200-1000	500-5000 and jail/prob	200-1000 and jail or comm. srv	500-5000 and jail/prob	SEE
Jail	Up to 93days	Up to 1 yr	1-5yrs or Prob w/30d – 1yr in jail plus comm. Srv	Up to 93days	5days to 1year	1-5yrs or Prob w/30d – 1yr in jail plus comm. Srv	Up to 93days	5days to 1year	1-5yrs or Prob w/30d – 1yr in jail plus comm. Srv	5days to 1year	1-5yrs or Prob w/30d – 1yr in jail plus comm. Srv	ABOVE
Comm Serv	Up to 360hrs	30-90days	60-180 days	Up to 360hrs	30-90days	60-180 days	Up to 360hrs	30-90days	60-180 days	30-90days	60-180 days	SEE
License	180rstr – no driv 1 st 30d	Min 1yr revoke/deny	1-5 yr revoke/deny	90rstr	Min 1yr revoke/deny	1-5 yr revoke/deny	180rstr – no driv 1 st 30d	Min 1yr revoke/deny	1-5 yr revoke/deny	180rstr – no driv 1 st 90d	Min 1yr revoke/deny	ABOVE
Points	6pts	Not indicated	Not indicated	4pts	Not indicated	Not indicated	6pts	Not indicated	Not indicated	6pts	Not indicated	SEE
Immob	Permissive up to 180d, following prison	Required 90-180d unless forfeited, following prison	Required 1-3 yrs, following prison	Permissive up to 180d, following prison	Required 90-180d unless forfeited, following prison	Required 1-3 yrs unless forfeited, following prison	Permissive up to 180d, following prison	Required 90-180d unless forfeited, following prison	Required 1-3 yrs unless forfeited, following prison	Permissive up to 180d, following prison	Required 90-180d unless forfeited, following prison	ABOVE
Interlock	Permissive	Not indicated	Not indicated	Not indicated	Not indicated	Not indicated	Permissive	Not indicated	Not indicated	Not indicated	Not indicated	SEE
Plate Confisc	No discussion	Required	Required	No discussion	Required	Required	No discussion	Required	Required	No discussion	Required	ABOVE
Regstr Deny	No discussion	No discussion	Required	No discussion	No discussion	Required	No discussion	No discussion	Required	No discussion	No discussion	SEE
Forfeiture	No discussion	Permissive	Permissive	No discussion	Permissive	Permissive	No discussion	Permissive	Permissive	Permissive	Permissive	ABOVE

OWI/OWVI/OUIL/UBAL/OWPCS causing death - up to 15 years in jail and/or fine between \$2,500.00 to \$10,000.00; vehicle forfeiture, mandatory immobilization up to 180 days, if no forfeiture; if prison is ordered, immobilization begins at end of prison term

OWI/OWVI/OUIL/UBAL/OWPCS causing serious impairment - up to 5 years in jail and/or fine between \$1,000.00 to \$5,000.00; vehicle forfeiture, mandatory immobilization up to 180 days, if no forfeiture; if prison is ordered, immobilization begins at end of prison term

OWI/OWVI causing death or serious impairment to emergency personnel

Failure to yield causing death or serious impairment to emergency personnel - up to 20 years in jail and/or fine between \$2,500.00 to \$10,000.00; vehicle forfeiture, mandatory immobilization up to 180 days, if no forfeiture; if prison is ordered, immobilization begins at end of prison term

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DWLS/revoked/denied, causing death – up to 15 years, and/or fine of \$2,500 to \$10k; permissive vehicle forfeiture; mandatory immobilization beginning if applicable , at the end of prison term

DWLS/revoked/denied, causing serious impairment – up to 5 years, and/or fine of \$1,000 to \$5k; permissive vehicle forfeiture; mandatory immobilization beginning if applicable , at the end of prison term

Knowingly permitting OWI/OUIL/UBAL/OWVI

No death/serious impairment – up to 93 days, and/or fine between \$100-\$500

Death – up to 5 years, and/or fine between \$1500 - \$10,000

Serious impairment – up to 2 years, and/or fine between \$1000 - \$5000

Open intoxicants

Zero tolerance

1st conviction – community service for up to 45 days, and/or fine up to \$250; now community service in terms of hours (45 days @8hrs/day)

2nd violation within 7 years - community service for up to 60 days, and/or fine up to \$500; jail up to 93 days

Minor BAC

MIP

Tampering with immobilization device – up to 93 days, and/or fine up to \$100

Driver responsibility fees, formerly applicable – now repealed

For all §625 offenses – court can impose on defendants:

Costs of prosecution, costs of immobilization and storing vehicle; no compensation for community service; mandatory reimbursement of costs of supervising community service

TAKE HOME MESSAGE:

Do not drink & drive.

Do not drive while under the influence of drugs that affect judgment/driving performance.

TAKE HOME MESSAGE:

Do not drink & drive.

Do not drive while under the influence of drugs that affect judgment/driving performance.

First time offense? Co-operate with the police. Submit to the PBT on the roadside.

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*First time offense? Submit to the in-station "DataMaster" test, or the request for blood draw (it is the officer's option – not yours).
You may lose your license if you do not.
If you have declined the DataMaster/blood draw, I can help, but you need to contact me ASAP.*

*Did the police have cause to stop you? Were you actually "operating" the vehicle?
Are you concerned about your rights, or those of someone you care about, who has a drunk driving charge?*

Give Jon Frank a call at (586) 727-1900, or email at jon@jonfranklaw.com.

Immediately.

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