

ALCOHOL RELATED CRIME AND PUNISHMENT

CRIME: *Public Intoxication: IC 7.1-5-1-3**

It is a Class B misdemeanor for a person to be in a public place or a place of public resort in a state of intoxication caused by the person's use of alcohol or a controlled substance.

PUNISHMENT: Referral to ORLH; Jail up to 180 days; Fine: \$1000

CRIME: *Using a Fake ID: IC 7.1-5-6-4**

It is a Class C infraction for a minor to make a false statement of the minor's age, or to present or offer a false or fraudulent evidence of majority or identity for the purpose of ordering, purchasing, attempting to purchase, or to otherwise procuring or attempting to procure an alcoholic beverage.

PUNISHMENT: Referral to ORLH; Suspension of driver's license up to 1 year; Fine up to \$500.

CRIME: *Furnishing a Fake ID: IC 7.1-5-7-2**

It is a Class C misdemeanor for a person to sell, give, or furnish to a minor false or fraudulent evidence of majority or identity with the intent to violate a provision of this title.

PUNISHMENT: Referral to ORLH; Jail up to 60 days; Fine \$500

CRIME: *Possessing a Fake ID: IC 7.1-5-7-3**

It is a Class C infraction for a minor to have in his possession false or fraudulent evidence of majority or identity with the intent to violate a provision of this title.

PUNISHMENT: Referral to ORLH; Fine up to \$500

CRIME: *Minor Possession, Consumption, or Transportation of Alcohol: IC 7.1-5-7-7**

It is a Class C misdemeanor for a minor to knowingly: (1) possess an alcoholic beverage; (2) consume it; or (3) transport it on a public highway when not accompanied by at least one of his parents or guardians.

PUNISHMENT: Referral to ORLH; Suspension of driver's license for up to one year (at least 60 days if under 18 years of age); Jail up to 60 days; Fine \$500

CRIME: *Furnishing Alcohol to a Minor: IC 7.1-5-7-8**

It is a Class C misdemeanor for a person to recklessly sell, barter, exchange, provide, or furnish an alcoholic beverage to a minor.

PUNISHMENT: Referral to ORLH; Jail up to 60 days; Fine \$500

CRIME: *Minors in Taverns: IC 7.1-5-7-10**

It is a Class C misdemeanor for a minor to recklessly be in a tavern, bar, or other public place where alcoholic beverages are sold, bartered, exchanged, given away, provided, or furnished.

PUNISHMENT: Referral to ORLH; Suspension of driver's license for up to one year; Jail up to 60 days; Fine \$500

CRIME: *Inducing a Minor to Possess Alcohol: IC 7.1-5-7-15**

A person twenty-one (21) years of age or older who knowingly or intentionally encourages, aids, or induces a minor to unlawfully possess an alcoholic beverage commits a Class C infraction.

PUNISHMENT: Referral to ORLH; Fine up to \$500

Common Nuisance Defined: IC 7.1-2-6-1*

A Public Nuisance is a room, house, building, boat, structure, automobile, other vehicle or place of any kind where at least one of the following occurs: (a) An alcoholic beverage of any type is sold, possessed manufactured, bartered, or given away in violation of law or a rule of the commission. (b) A person is permitted to resort for the purpose of drinking an alcoholic beverage of any type in violation of the law.

CRIME: *Visiting or Maintaining a Common Nuisance:* IC 7.1-5-10-21*

It is a Class B misdemeanor to knowingly or intentionally visit a Common Nuisance (defined above).

PUNISHMENT: Referral to ORLH, Jail up to 180 days; Fine: \$1000

It is a Class D felony to knowingly or intentionally maintain a Common Nuisance (defined above).

PUNISHMENT: Referral to ORLH; Jail up to three (3) years; Fine up to \$10,000; Abatement

CRIME: *Open Containers in Passenger Compartment:* IC 9-30-15-3*

- (a) This section does not apply to the following: (1) A container possessed by a person who is in the: (A) passenger compartment of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or (B) Living quarters of a house coach or house trailer. (2) A container located in a fixed center console or other similar fixed compartment that is not locked. (3) A container located: (A) behind the last upright seat; or (B) in an area not normally occupied by a person; in a motor vehicle that is not equipped with a trunk.
- (b) A person in a motor vehicle who, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, possesses a container: (1) that has been opened; (2) that has a broken seal; or (3) from which some of the contents have been removed; in the passenger compartment of the motor vehicle commits a Class C infraction.

PUNISHMENT: Referral to ORLH; Fine up to \$500.

CRIME: *Consumption of Alcoholic Beverage while Motor Vehicle Being Operated on Public Highway:* IC 9-30-15-4*

The operator of a motor vehicle who knowingly consumes an alcoholic beverage while the motor vehicle is being operated upon a public highway commits a Class B infraction.

PUNISHMENT: Referral to ORLH; Fine up to \$1000

CRIME: *Operating a Vehicle While Intoxicated (OVWI):* IC 9-30-5*

A person who operates a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08_ gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per: (1) one hundred (100) milliliters of the person's blood; or (2) two hundred ten (210) liters of the person's breath; (or with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's body) commits a Class C misdemeanor. It is a Class A misdemeanor if it endangers someone. It is a Class A misdemeanor if operating with an alcohol concentration of (0.15) gram.

PUNISHMENT: Referral to ORLH; *First conviction:* Jail up to one year; suspension of driving privileges; fine up to \$5000. *Second conviction:* may be a felony with increased jail time and fines; *Accident involving injury when OVWI:* may result in felony charges

CRIME: *Operation of Vehicle by Minor with at least .02 gram alcohol by weight:* IC 9-30-5-8.5*

A person who (1) is less than twenty-one (21) years of age; and (2) operates a vehicle with an alcohol concentration equivalent to at least two-hundredths (0.02) gram but less than eight-hundredths (0.08) gram of alcohol per: (a) one hundred (100) milliliters of the person's blood; or (b) two hundred ten(210) of the person's breath; commits a Class C infraction.

PUNISHMENT: Referral to ORLH; Fine up to \$500; suspension of driver's license up to one year.

CRIME: OVWI with Previous Conviction or Minor in Vehicle: IC 9-30-5-3*

It is a Class D felony if: (1) the person has a previous conviction of operating while intoxicated that occurred within the five (5) years immediately preceding the occurrence of the violation; or (2) the person is at least twenty-one (21) years of age and operated a vehicle in which at least one passenger was less than eighteen (18) years of age.

PUNISHMENT: Referral to ORLH; Jail up to three (3) years; Fine up to \$10,000; suspension of driver's license

CRIME: OVWI + Serious Bodily Injury: IC 9-30-5-4*

Class D felony (Class C felony if a prior OVWI conviction within the last 5 years)

PUNISHMENT: Referral to ORLH; Suspension of driver's license; Jail up to 3 years (Jail up to 8 years with previous conviction); Fine up to \$10,000.

CRIME: OVWI + Death: IC 9-30-5-5*

Class C felony (Class B felony if a prior OVWI conviction within the past 5 years or if driver's license was suspended at the time due to a previous OVWI conviction)

PUNISHMENT: Referral to ORLH; Suspension of driver's license; Jail up to 8 years (Jail up to 20 years with previous conviction or suspension); Fine up to \$10,000.

IMPLIED CONSENT: IC 9-30-6-1*

A person who operates a vehicle impliedly consents to submit to the chemical test provisions of this chapter as a condition of operating a vehicle in Indiana.

IMPLIED CONSENT: IC 9-30-6-2*

A law enforcement officer who has probable cause to believe that a person has committed an offense under this chapter shall offer the person the opportunity to submit to a chemical test.

IMPLIED CONSENT: IC 9-30-6-3*

If a law enforcement officer has probable cause to believe that a person committed an offense under IC9-30-5, the person may be arrested. However, if the chemical test results in prima facie evidence that the person is intoxicated, the person shall be arrested for an offense. A person's refusal to submit to a chemical test is admissible into evidence.

REFUSAL TO SUBMIT TO A CHEMICAL TEST OR EVIDENCE OF INTOXICATION: IC 9-30-6-7*

If a person refuses to submit to a chemical test, the arresting officer shall inform the person that refusal will result in the suspension of the person's driving privileges. If a person refuses to submit to a chemical test after having been advised that the refusal will result in the suspension of driving privileges or submits to a chemical test that results in prima facie evidence of intoxication, the arresting officer shall obtain the person's driver's license or permit if the person is in possession of the document and issue a receipt valid until the initial hearing of the matter.

BLOOD OR BREATH
ALCOHOL LEVEL
IN GRAMS

HOURS AFTER INITIAL READING IS TAKEN

	1	2	3	4	5	6	7	8	9	10	11	12	13	14
.09	.075	.06	.045	.03	.015	.00	.000	.00	.000	.00	.000	.00	.000	.00
.10	.085	.07	.055	.04	.025	.01	.000	.00	.000	.00	.000	.00	.000	.00
.11	.095	.08	.065	.05	.035	.02	.005	.00	.000	.00	.000	.00	.000	.00
.12	.105	.09	.075	.06	.045	.03	.015	.00	.000	.00	.000	.00	.000	.00
.13	.115	.10	.085	.07	.055	.04	.025	.01	.000	.00	.000	.00	.000	.00
.14	.125	.11	.095	.08	.065	.05	.035	.02	.005	.00	.000	.00	.000	.00
.15	.135	.12	.105	.09	.075	.06	.045	.03	.015	.00	.000	.00	.000	.00
.16	.145	.13	.115	.10	.085	.07	.055	.04	.025	.01	.000	.00	.000	.00
.17	.155	.14	.125	.11	.095	.08	.065	.05	.035	.02	.005	.00	.000	.00
.18	.165	.15	.135	.12	.105	.09	.075	.06	.045	.03	.015	.00	.000	.00
.19	.175	.16	.145	.13	.115	.10	.085	.07	.055	.04	.025	.01	.000	.00
.20	.185	.17	.155	.14	.125	.11	.095	.08	.065	.05	.035	.02	.005	.00
.21	.195	.18	.165	.15	.135	.12	.105	.09	.075	.06	.045	.03	.015	.00
.22	.205	.19	.175	.16	.145	.13	.115	.10	.085	.07	.055	.04	.025	.01
.23	.215	.20	.185	.17	.155	.14	.125	.11	.095	.08	.065	.05	.035	.02
.24	.225	.21	.195	.18	.165	.15	.135	.12	.105	.09	.075	.06	.045	.03
.25	.235	.22	.205	.19	.175	.16	.145	.13	.115	.10	.085	.07	.055	.04
.26	.245	.23	.215	.20	.185	.17	.155	.14	.125	.11	.095	.08	.065	.05

Note: In order to find when a person will reach the legal blood or breath alcohol level, find the blood or breath alcohol level reading in the left hand column, go across and find where the blood or breath alcohol level reading is an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to below eight-hundredths (0.08) gram of alcohol per one hundred (100) milliliters of the person's blood or per two hundred ten (210) liters of the person's breath, then read up that column to find the minimum number of hours before the person can be released.

As added by P.L. 77-1984, SEC.15. Amended by P.L.33-1997, SEC.21; P.L.1-2000, SEC.18; P.L.175-2001, SEC.17.

Miscellaneous Laws

Class	Presumptive	Add	Subtract	Range	Fines
Murder	55 years	10 years	10 years	45-65 years	\$10,000
A Felony	30 years	20 years	10 years	20-50 years	\$10,000
B Felony	10 years	10 years	4 years	6-20 years	\$10,000
C Felony	4 years	4 years	2 years	2-8 years	\$10,000
D Felony	1 ½ years	1 ½ years	1 year	½ -3 years	\$10,000
A Misdemeanor	Up to 1 year			0-1 year	\$5,000
B Misdemeanor	Up to 180 days			0-180 days	\$1,000
C Misdemeanor	Up to 60 days			0-60 days	\$500

Infraction Judgments

Class	Judgment
Class A	Up to \$10,000
Class B	Up to \$1,000
Class C	Up to \$500
Class D	Up to \$25

*IC refers to Indiana Code. The entire Indiana Code can be found at

<http://www.in.gov/legislative/ic/code/>