



**State:**

Indiana

**Statute/Law:**

Section 9-30-5-1: *Operating a Vehicle While Intoxicated.*

**Per Se Law?:**

Yes

**Statute/Law Language:**

"Intoxicated" means under the influence of:

(2) A controlled substance;

(3) A drug other than alcohol or a controlled substance;

(4) A substance described in IC 35-46-6-2 or IC 35-46-6-3; or

(5) A combination of substances (1) through (4) so that there is an impaired condition of thought and action and the loss of normal control of a person's faculties. Per se: A person who operates a vehicle 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; Intoxicated: (b) a person who operates a vehicle while intoxicated commits a Class C misdemeanor; if the person a vehicle in a manner that endangers a person, Class A misdemeanor.

**Penalties Following Conviction:**

For first per se offense : Up to 60 days imprisonment, up to \$500 fine;

For first DUI offense : Up to 1 year imprisonment and up to \$5000 fine;

For any second offense within 5 years (felony): Up to 3 years imprisonment (5 days mandatory), not more than \$10,000 fine;

For third offense within 5 years (felony): Up to 3 years (10 days mandatory), not more than \$10,000;

Serious bodily injury offense (D felony): Up to 3 years, not more than \$10, 000 fine.

Causing death offense (C felony): Up to 8 years, not more than \$10,000 fine.

Causing death offense (B felony): Up to 20 years, not more than \$10,000 fine.





**Discretionary Court-Ordered Penalties:**

The court may order community service, a substance abuse education program, may require drug and alcohol testing, restitution of not more than \$1000 to the victim.

**For more information:**

<http://iga.in.gov/legislative/laws/2016/ic/titles/009/articles/030/>

*Current as of August 2016*