



State:

Iowa

Statute/Law:

Section 321J.2: *Operating While Under the Influence of Alcohol or a Drug.*

Per Se Law?:

Yes

Statute/Law Language:

1. A person commits the offense of operating while intoxicated if the person operates a motor vehicle in this state in any of the following conditions:

a. While under the influence of an alcoholic beverage or other drug or a combination of such substances.

b. While having an alcohol concentration of .08 or more.

c. While any amount of a controlled substance is present in the person, as measured in the person's blood or urine.

Penalties Following Conviction:

For first offense: (1) Imprisonment in the county jail for not less than forty-eight hours, \$625 (mandatory) - \$1250 fine;

Second offense: (2) imprisonment for not less than 7 days with a possibility of up to one year in jail or no more than two years in prison, \$1875 (mandatory) - \$6250; not more than 5 years imprisonment (30 days mandatory), and fines of \$3125 (mandatory) - \$9375.

Discretionary Court-Ordered Penalties:

The court can sentence to a substance abuse evaluation and treatment, substance abuse education/prevention programs. The court may also order community service in lieu of the fine, restitution directly to the victim.



For more information:

<http://coolice.legis.iowa.gov/Cool-ICE/default.asp?Category=billinfo&Service=iowaCode&input=321J#321J.1>

Current as of August 2016

