



**State:**

Rhode Island

**Statute/Law:**

§ 31-27-2. *Driving under influence of liquor or drugs.*

**Per Se Law?:**

Yes

**Statute/Law Language:**

(a) Whoever drives or otherwise operates any vehicle in the state while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance as defined in chapter 28 of title 21, or any combination of these, shall be guilty of a misdemeanor except as provided in subdivision (d)(3) and shall be punished as provided in subsection (d) of this section.

**Penalties Following Conviction:**

(d) For a first violation whose blood alcohol concentration is eight one-hundredths of one percent (.08%) but less than one-tenth of one percent (.1%) by weight or who has a blood presence of any scheduled controlled substance shall be subject to a fine of \$100-\$300, shall be required to perform 10 to 60 hours of public community restitution, and/or shall be imprisoned for up to one year.

(iii) Every person convicted of a first offense whose blood alcohol concentration is fifteen hundredths of one percent (.15%) or above, or who is under the influence of a drug, toluene, or any controlled substance shall be subject to a fine of \$500 and shall be required to perform 20 to 60 hours of public community restitution and/or shall be imprisoned for up to one year.

(2) Every person convicted of a second violation within a 5- year period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above but less than fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is unknown or who has a blood presence of any controlled substance, and every person convicted of a second violation within a 5-year period regardless of whether the prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be subject to a mandatory fine \$400. The person's driving license shall be suspended for a period of one year to two (2) years, and the individual shall be sentenced to 10 days- 1 year in jail.





(ii) Every person convicted of a second violation within a 5-year period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) or above by weight as shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence of a drug, toluene, or any controlled substance shall be subject to mandatory imprisonment of 6 months-one year, a mandatory fine of no less than \$1,000 and a mandatory license suspension for a period of two (2) years from the date of completion of the sentence imposed under this subsection.

(3) Every person convicted of a third or subsequent violation within a 5-year period with a blood alcohol concentration of eight one-hundredths of one percent (.08%) or above but less than fifteen hundredths of one percent (.15%) or whose blood alcohol concentration is unknown or who has a blood presence of any scheduled controlled substance regardless of whether any prior violation and subsequent conviction was a violation and subsequent conviction under this statute or under the driving under the influence of liquor or drugs statute of any other state, shall be guilty of a felony and be subject to a mandatory fine of \$400. The person's driving license shall be suspended for a period of 2-3 years, and the individual shall be sentenced to not less than one year and not more than 3 years in jail.

(ii) Every person convicted of a third or subsequent violation within a 5-year period whose blood alcohol concentration is fifteen hundredths of one percent (.15%) above by weight as shown by a chemical analysis of a blood, breath, or urine sample or who is under the influence of a drug, toluene or any controlled substance shall be subject to mandatory imprisonment of 3 to 5 years, a mandatory fine of \$1,000-\$5,000 and a mandatory license suspension for a period of 3 years from the date of completion of the sentence imposed under this subsection.

#### **Discretionary Court-Ordered Penalties:**

The sentence may be served in any unit of the adult correctional institutions in the discretion of the sentencing judge and/or shall be required to attend a special course on driving while intoxicated or under the influence of a controlled substance; provided, however, that the court may permit a service member or veteran to complete any court-approved counseling program administered or approved by the Veterans' Administration, and his or her driver's license shall be suspended for 30-180 days.

#### **For more information:**

<http://webserver.rilin.state.ri.us/Statutes/title31/31-27/31-27-2.HTM>

*Current as of August 2016*

