

CHART 47A: OUI AT A GLANCE

(G.L. c. 90 sec. 24, 24D, 24G, 24L) ²³⁰

| OFFENSE | FIRST CONVIC. (or assign. to a rehab pgm) (Sec. 24(1)(a)(1), ¶ 1) | SECOND CONVIC. (or assign. to a rehab pgm) (Sec. 24(1)(a)(1), ¶ 4) | THIRD CONVIC. (or assign. to a rehab pgm) (Sec. 24(1)(a)(1), ¶ 5) |
|----------------------------------|--|---|---|
| IMPRISONMENT | | | |
| <u>House of Correction</u> | Not more than 2½ yrs HC (and/or fine) | Not less than 60 days HC nor more than 2½ yrs HC (and fine) | Not less than 180 days HC nor more than 2½ yrs HC (and fine) |
| <u>State Prison</u> | N/A | N/A | 2½ to 5 yrs (and fine) |
| MANDATORY MINIMUM | N/A | 30 days | 150 days |
| FINE | \$500-5,000 | \$600-10,000 | \$1,000-15,000 |
| | -----Surfine: \$250 to Head Injury Trust Fund -----> & \$50 to Victim Trust Fund (Sec. 24(1)(a)(1), ¶¶ 2-3) | | |
| LICENSE LOSS | 1 yr loss of lic. (Sec. 24(1)(c)(1)) | 2 yr loss of lic. (Sec. 24(1)(c)(2)) | 8 yr loss of lic. (Sec. 24(1)(c)(3)) |
| (Hardship reinstat. eligibility) | After 6 mos | After 1 yr | After 4 yrs |
| (Day lic. eligibility) | After 3 mos | After 6 mos | After 2 yrs |
| ALTERNATIVE DISPOSITIONS | Alternative Disp. A (Sec. 24(1)(a)(4)) Alternative Disp. B (Sec. 24D) Sentence may be susp. or ordered served on weekends, holidays, or evenings (Sec. 24(a)(1)(3)) | Alternative Disp. A (Sec. 24(1)(a)(4)) Alternative Disp. B (Sec. 24D) only 1X in lifetime & only if 1st convic or assignm to prgm more than 10 yrs prior to 2d offense. Sentence may be served in a facility specifically designated by the DOC for the incarceration and rehab. of drinking drivers (Sec. 24(1)(a)(1), ¶ 4) | Sentence may be served in a facility specifically designated by the DOC for the incarceration & rehab. of drinking drivers (Sec. 24(1)(a)(1), ¶ 5) |
| RESTRICTIONS | A case may not be placed on file or CWF (except as provided by Alt. Disp. B) (Sec. 24(1)(a)(1), ¶ 8) | -A case may not be placed on file or CWF (Sec. 24(1)(a)(1), ¶ 8) -The min. 30 days imprisonment cannot be suspended or reduced (Sec. 24(1)(a)(1), ¶ 4) -The sentence may not be "split" and served on weekends or holidays (Sec. 24(1)(a)(3)) -The defendant may not be placed on pretrial probation (Sec. 24(1)(a)(2)) - Ignition interlock device for 2 yrs upon any license reinstatement (Sec. 241/2) | -A case may not be placed on file or CWF (Sec. 24(1)(a)(1), ¶ 8) -Min. 150 days imprisonment cannot be suspended or reduced (Sec. 24(1)(a)(1), ¶ 5) -The sentence may not be "split" and served on weekends or holidays (Sec. 24(1)(a)(3)) -The defendant may not be placed on pretrial probation (Sec. 24(1)(a)(2)) -Ignition interlock device for 2 yrs upon any license reinstatement (Sec. 241/2) |

²³⁰ Prepared by Sean Capplis & Gordon Oppenheim (1996) and updated by Timothy Maguire (2011).

