



## **Underage Alcohol Possession & Consumption in Athens: Think Before you Drink**

If you are caught drinking or possessing alcohol under the age of 21 while at Ohio University, it may cost you more than you think. Consider the consequences:

**Underage alcohol consumption/possession:** Misdemeanor in the 1<sup>st</sup> degree (M1); maximum penalty of \$1,000 and six months in jail. Usually, for a **first time offense**, the consequences are:

- Standard court costs = \$104
- Fines = \$150 - \$250
- Three hour alcohol evaluation class = \$35 - \$45
- 12 to 20 hours of community service
- Fine from Ohio University Judiciaries = \$100

**Maximum Total = \$499 plus 23 hours of your time**

**Disorderly conduct by intoxication:** Minor Misdemeanor (MM); maximum penalty of \$150 and no jail time. **Persistent disorderly conduct by intoxication** is a Misdemeanor in the 4<sup>th</sup> degree (M4); maximum penalty of \$500 and 30 days in jail.

**Diversion Program:** If you are charged with underage consumption or possession of alcohol, disorderly conduct by intoxication or possession of a fake identification for the first time, you may be eligible for the Diversion Program. This is Athens County's program designed to give first time offenders the opportunity to avoid a criminal conviction. After completion of this program, the criminal record will be sealed. If you have another misdemeanor conviction outside Athens County, you will not be eligible for the Diversion Program. The program includes:

- Fee for the Diversion Program = \$195
- Standard court costs = \$104
- Three hour alcohol evaluation class = \$35 - \$45
- Fine from Ohio University Judiciaries = \$100
- Reading assignment and report
- 90 day period of good behavior
- 12 hours of community service, all **done in Athens**; 8 assigned on a Saturday, remaining 4 at an approved organization

**Maximum Total = \$444 plus 15 hours of your time**

**OVI (Operating a Vehicle under the Influence):** Misdemeanor in the 1st degree (M1); maximum penalty of \$1,000 and 6 months in jail. This means ANY vehicle, even a bicycle. Usually, for a **first time offense**, the consequences are:

- Court costs = \$170 (approximately)
- Fines = \$725
- Fine from Ohio University Judiciaries = \$100
- 180 days driver's license suspension
- Three day driver's intervention program
- 30 days in jail (suspended unless probation is violated)
- Reinstatement of driver's license = \$475
- Increased car insurance costs (thousands of dollars over many years)

**Maximum Total = \$1,470, 3 days of your time, no driver's license for 180 days and increased car insurance rates**

**Underage OVI (Operating a Vehicle under the Influence Under the Age of 21)**: Misdemeanor in the 1st degree (M1); maximum penalty of \$1,000 and 6 months in jail. This means ANY vehicle, even a bicycle. Usually, for a **first time offense**, the consequences are:

- Court costs = \$170 (approximately)
- Fines = \$250
- Driver's training class = \$100
- Fine from Ohio University Judiciaries = \$100
- 3 hour alcohol education class = \$35-\$45
- 90-180 days driver's license suspension
- Reinstatement of driver's license = \$475
- Increased car insurance costs (thousands of dollars over many years)

**Maximum Total = \$1,140, 3 hours of your time, no driver's license for 90-180 days and increased car insurance rates**

**NOTE: If your case goes to jury trial, the court will charge approximately \$800 per day.**

Having a criminal charge on your record can keep you from getting a job or other job related accreditations, such as a teaching license or medical license. If you are convicted of a misdemeanor and are not eligible for the Diversion Program, the charge will stay on your record unless you expunge it. You can apply for an expungement to remove the conviction from your record ONE YEAR after the date your case is resolved. If you are charged with a misdemeanor and NOT convicted, you may seal your record at any time after the conclusion of your case. You can expunge all minor misdemeanors but you can only expunge a higher misdemeanor (M1-M4) one time. AN OVI (OPERATING A VEHICLE UNDER THE INFLUENCE) CANNOT BE EXPUNGED FROM YOUR RECORD.

**Consequences with Ohio University:** Violating city, state or federal law is also a violation of the University Code of Conduct. The police agency that charges you with a misdemeanor will forward the charges to Ohio University, and the Ohio University Judiciaries will typically investigate the situation and enforce proper sanctions. Usually this includes probation for a first time offender plus a alcohol or drug education class and a fine of \$100. Repeat offenders face suspension from the university, especially if you are already on probation.

THE CENTER FOR STUDENT LEGAL SERVICES DOES NOT ENCOURAGE ANYONE TO VIOLATE THE LAW. WE DO NOT CONDONE OR ENCOURAGE UNDERAGE OR HIGH RISK DRINKING OR DRUG USE. WE DO BELIEVE THAT YOU SHOULD KNOW YOUR LEGAL RIGHTS AND BE FREE FROM UNDUE HARASSMENT. THIS INFORMATION DOES NOT CONSTITUTE LEGAL ADVICE, NOR IS IT INTENDED AS A SUBSTITUTE FOR LEGAL ADVICE.

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