



YOUR GUIDE TO
INDIANA'S
ALCOHOL LAWS



DRUG*free*
Marion County

BUTLER



IUPUI
OFFICE OF HEALTH AND
WELLNESS PROMOTION

Whether you've lived in Indiana all of your life or are here for the first time, it's important to familiarize yourself with state and local laws concerning alcohol. Please take a few minutes to read this guide. We want you and your fellow students to stay safe and stay within the law!

The material in this guide is for informational purposes only, and it is not intended to convey or constitute legal advice.

The Indiana Lifeline Law

Every 44 hours a college-aged person dies from alcohol poisoning, because he or she drank too much, too fast (Indiana Youth Services Association). Don't let this happen to a friend!

Indiana's Lifeline Law provides immunity for the crimes of public intoxication, minor possession, minor consumption and minor transport to people who seek medical assistance for a person suffering from an alcohol-related health emergency. (The law also provides those immunities to people reporting sexual assaults.) The person making the call must provide his/her full name and other information requested by law-enforcement officers, remain on the scene until assistance arrives and cooperate with authorities at the scene.

Know the signs. If someone shows even one of these symptoms, or a combination of any of them, call or text 911 immediately! Make the call and save a life!

- Acting unusually confused
- Repeatedly throwing up
- Breathing differently than normal
- Having pale or bluish skin
- Losing bodily functions
- Snoring unusually or loudly
- Passing out (you can't wake the person up to an alert state)

The Indiana Social Host Law

Under Indiana's alcohol code, **it is a Class B misdemeanor to provide alcohol to a minor** (see next page). But you should know that **it is also your responsibility to ensure that underage students do not drink in a place you provide** – a dorm room, an apartment, a house or any other property that you own, rent or control, including a hotel room.

The penalty for being a social host in Indiana is a Class B misdemeanor, which is punishable by up to 180 days in jail and up to a \$1,000 fine. The offense increases to a Class A misdemeanor, punishable by up to one year in jail and fines reaching \$5000, for a repeat conviction.

Note that the Indiana Lifeline Law will not interfere with law enforcement procedures or limit the ability to prosecute for providing alcohol to minors. It is your responsibility to make sure underage drinking does not take place.

Other Indiana Alcohol Laws and Penalties

(IC refers to Indiana Code. These are just brief summaries of each law. The entire Indiana Code can be found at <http://www.in.gov/legislative/ic/code/>)

PUBLIC INTOXICATION, FAKE IDs

► **CRIME: PUBLIC INTOXICATION IC 7.1-5-1-3**

It is a Class B misdemeanor to be intoxicated from alcohol or a controlled substance in a public place if the person endangers his/her life, endangers the life of another person, breaches the peace or is in imminent danger of breaching the peace or harasses, annoys or alarms another person

PENALTY: Jail up to 180 days; fine up to \$1,000

► **CRIME: USING A FAKE ID IC 7.1-5-7-1**

It is a Class C misdemeanor for a minor to lie about his/her age or present a fake ID to order, purchase or otherwise obtain an alcoholic beverage.

PENALTY: Suspension of driver's license up to one year; jail up to 60 days; fine up to \$500.

► **CRIME: FURNISHING A FAKE ID IC 7.1-5-7-2**

It is a Class C misdemeanor for a person to sell, give or furnish a minor with a fake ID so that young person can order, purchase or otherwise attempt to receive an alcoholic beverage.

PENALTY: Jail up to 60 days; fine up to \$500

► **CRIME: POSSESSING A FAKE ID IC 7.1-5-7-3**

It is a Class C infraction for a minor to have in his/her possession a fake ID with the intent to violate existing alcohol laws.

PENALTY: Fine up to \$500

► **CRIME: FALSE GOVERNMENT ISSUED IDENTIFICATION IC 35-43-5-2.5**

Anyone who knowingly or intentionally possesses, produces or distributes a fake government-issued ID commits a Class A misdemeanor.

PENALTY: Jail up to one year; fine up to \$5,000

MINORS AND ALCOHOL

▶ **CRIME: MINOR POSSESSION, CONSUMPTION OR TRANSPORTATION OF ALCOHOL IC 7.1-5-7-7**

It is a Class C misdemeanor for a minor to possess or consume alcohol or to transport alcohol on a public road when not accompanied by at least one parent or guardian.

PENALTY: Suspension of driver's license for up to one year (at least 60 days if under age 18); jail up to 60 days; fine up to \$500

▶ **CRIME: FURNISHING ALCOHOL TO A MINOR IC 7.1-5-7-8**

It is a Class B misdemeanor for a person to sell or otherwise provide alcohol to a minor or to arrange for or provide a place where minors can drink alcohol.

PENALTY: Jail up to 180 days; fine up to \$1,000

▶ **CRIME: MINORS IN TAVERNS IC 7.1-5-7-10**

It is a Class C infraction for a minor to be in a tavern or bar.

PENALTY: Fine up to \$500

▶ **CRIME: AIDING UNLAWFUL POSSESSION OF ALCOHOL BY MINOR IC 7.1-5-7-15**

It is a Class C infraction for a person 21 or older to encourage, aid or induce a minor to possess alcohol.

PENALTY: Fine up to \$500

DRINKING AND DRIVING

▶ **CRIME: OPEN ALCOHOL CONTAINER IN THE PASSENGER COMPARTMENT: IC 9-30-15-3**

It is a Class C infraction for a person in the passenger compartment of a motor vehicle that is moving or located on the right-of-way of a public road to possess an alcoholic beverage container that has been opened, that has a broken seal or from which some of the contents have been removed. *(Exceptions: Those in living quarters of a house coach or trailer, a container located in a fixed center console or similar fixed compartment that is locked or a container located behind the last upright seat or in an area not normally occupied by a person in a vehicle that is not equipped with a trunk.)*

PENALTY: Jail up to 60 days; fine up to \$500

DRINKING AND DRIVING *continued*

▶ **CRIME: OPERATING A VEHICLE WHILE INTOXICATED (OVWI): IC 9-30-5-1**

It is a Class C misdemeanor for a person to operate a motor vehicle with an alcoholic concentration of .08 but less than 0.15 (or to drive after consuming certain controlled substances). It is a Class A misdemeanor if it endangers someone. It is a Class A misdemeanor if operating with an alcohol concentration of at least 0.15 grams.

PENALTY FIRST CONVICTION: Class C misdemeanor: Jail up to 60 days; fine up to \$500; Class A misdemeanor: Jail up to one year; fine up to \$5,000

PENALTY SECOND CONVICTION OR WHEN OVWI INVOLVES INJURY: May be a felony with increased jail time and fines.

▶ **CRIME: OVWI WITH PREVIOUS CONVICTION OR MINOR IN VEHICLE: IC 9-30-5-3**

It is a Level 6 felony if a person had another OVWI within the last five years or if the person is at least 21 and operated a vehicle in which at least one passenger was younger than 18. It is a Level 5 felony if the person has a previous OVWI causing death or resulting in serious bodily injury.

PENALTY: Jail up to 2 ½ years (Level 6) or up to six years (Level 5); fine up to \$10,000

▶ **CRIME: OVWI + SERIOUS BODILY INJURY: IC 9-30-5-4**

A Level 6 felony. It's a Level 5 felony if the person had a prior OVWI within the last five years.

PENALTY: Jail up to 2 ½ years (Level 6) or up to six years (Level 5); fine up to \$10,000

▶ **CRIME: OVWI + DEATH: IC 9-30-5-5**

A Level 5 felony. It's a level 4 if the person had a prior OVWI conviction within the past five years or if the driver's license was suspended at the time due to a previous OVWI conviction.

PENALTY: Jail up to six years (Level 5) or up to 12 years (Level 4); fine up to \$10,000

PENALTY SUMMARY

Category	Jail Time	Fines
Murder	45-65 years	Up to \$10,000
Level 1 Felony	20-40 years	Up to \$10,000
Level 2 Felony	10-30 years	Up to \$10,000
Level 3 Felony	3-16 years	Up to \$10,000
Level 4 Felony	2-12 years	Up to \$10,000
Level 5 Felony	1-6 years	Up to \$10,000
Level 6 Felony	6 months-2 ½ years	Up to \$10,000
Class A Misdemeanor	Up to one year	Up to \$5,000
Class B Misdemeanor	Up to 180 days	Up to \$1,000
Class C Misdemeanor	Up to 60 days	Up to \$500

INDIANAPOLIS NOISE ORDINANCE

The City of Indianapolis has an ordinance against “loud, unnecessary or unusual noises” within the city limits that have increased to the level of being a public nuisance by annoying, disturbing, injuring and endangering “the comfort, repose, health and peace or safety of others.”

The first violation in any calendar year results in a \$50 fine. The second offense results in at least a \$250 fine, and a third offense involves a fee of at least \$500.

Drug Free Marion County advocates for a healthier, safer Marion County through prevention and education to reduce substance abuse among youth and adults.



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