

**Adams Superior Court**  
**OWI Driver's License Suspensions Under I.C. 9-30-5, et seq.**  
***General Process***

**REFUSAL CASES\***

At Initial Hearing

- BMV Admin Suspension for 1 year, unless prior, than 2 years. **IC 9-30-6-9(b)**.
- Immediate suspension under IC 9-30-16-1(a)(2); ineligible for SDP order under IC 9-30-16-1(a)(2).
- Adams Superior Ct Policy: Court generally will not grant ignition interlock in lieu of suspension under IC 9-30-6-8(d) in refusal cases. If Court grants an ignition interlock in lieu of order, no administrative suspension is imposed by the BMV.

At Sentencing

- Court may impose suspension up to max confinement under IC 9-30-16-1(c).
- No suspension time **credit**, except in the rare circumstance when the Court grants ignition interlock under IC 9-30-6-8(d). **ICs 9-30-16-6(a) and 9-30-16-1(e)**.
- Court-imposed suspension is **consecutive** to BMV Admin suspension (which does not terminate with disposition of charges *Compare* IC 9-30-6-9(b) and (c)), unless BMV Admin suspension is terminated per term of plea agreement, or in best interests of society. **IC 9-30-16-6(b)**.

**NON-REFUSAL CASES**

Ineligible for SDP

- Never been Indiana Resident. **IC 9-30-16-1(a)(1)**.
- Current refusal to submit to chemical breath test. **IC 9-30-16-1(a)(2)**.
- BMV has found Def. incompetent or unfit under I.C. 9-24-10-7(b)(2)(A). **IC 9-30-16-1(a)(3)**.
- If current case is a IC 9-30-5 offense that caused death. **I.C. § 9-30-16-2(c)**.
- 2 or more previous *condition* violation convictions under I.C. 9-30-16-5. **IC 9-30-16-3(e)**.
- Suspended for I.C. 9-21-8-52(e) (Reckless Driving + Property Damage) or I.C. 9-21-12-1(b) (school bus). **IC 9-30-16-1(a)(4)**.

At Initial Hearing

- For drug and alcohol cases, immediate BMV Admin Suspension for 180 days. **IC 9-30-6-9(c)**.
- **Unless**, if alcohol case, Ignition Interlock as only alternate to (*in lieu of*) suspension? **IC 9-30-6-8(d)**. If so, Court will draft Ignition Interlock In Lieu of Order and issue with Initial Hearing Order. Defendant will have 72 hours to file certification of ignition interlock installation. Credit time starts on date of installation. **IC 9-30-16-1(e)**. If indicates intention to petition under IC 9-30-16-1(g), then stay pending petition (no credit time while license suspension is stayed).
- **Unless**, if drug case, indicates intention to petition under IC 9-30-16-1(g), then stay pending petition (no credit time while license suspension is stayed).

At Sentencing

- Court may impose suspension up to max potential confinement. **IC 9-30-16-1(c)**.
- Defendant may receive **credit** on Court-imposed suspension either:
  - From time PC recommending suspension was sent to the BMV. **IC 9-30-16-6(a)**.
  - From time ignition interlock device was installed on vehicle. **IC 9-30-16-1(e)**.
- Ignition Interlock in lieu of suspension terminates at sentencing. **IC 9-30-6-8(d)**.
- BMV Administration suspension terminates upon disposition of charges. **IC 9-30-6-9(c)**.

\*Defendant may litigate refusal determination under IC 9-30-6-10