

A criminal charge of operating under the influence of intoxicating liquor (OUI) alleges that a defendant was driving her car on a public way while under the influence of intoxicating liquor. It is not illegal to drive after consuming alcohol as long as the driver is not under the influence of alcohol. However, neither does someone have to be drunk to be under the influence of alcohol. A person is under the influence of alcohol if she has consumed enough alcohol to reduce her ability to drive safely, by decreasing her alertness, judgment, and ability to respond promptly. It means a person has consumed enough alcohol to reduce her mental clarity, self-control and reflexes, and thereby left her with a reduced ability to drive safely.

Misdemeanor OUI is punishable by up to 2 ½ years in jail. For 1st and 2nd offenses, the legislature has provided for certain alternative sentences involving driver's alcohol education and treatment. Additionally, an OUI arrest and disposition may trigger significant collateral consequences with the Registry of Motor Vehicles, including license suspensions.

NOTE: in Massachusetts, you are under no legal obligation to take field sobriety tests and can refuse the tests without adverse consequences. A refusal to take field sobriety tests cannot be admitted into evidence in an OUI trial.