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STATE OF WISCONSIN

SEVENTH JUDICIAL DISTRICT

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OWI SENTENCING GUIDELINES

EFFECTIVE 07-01-2010
REVISED 08-06-2010

WILLIAM D. DYKE, CHIEF JUDGE

OWI SENTENCING GUIDELINES

FIRST OFFENSE
(On & After **07-01-2010**)

(For violations of §346.63(1)(a) or (am) or (b))

FIRST OFFENSE
(On & After **07-01-2010**)

NO MINOR PASSENGER

PENALTY RANGE (§346.65(2)(am)1

FORFEITURE: \$150 to \$300 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.)	\$365	Justice Information Surcharge (J.I.S.)	\$ 21.50
Court Costs	\$ 25	Crime Lab Surcharge (C.L.D.S.)	\$ 13
Court Support Surcharge (C.S.S.)	\$ 68	Jail Surcharge (J.S.)	Greater of 1% or \$ 10
Ignition Interlock Surcharge (I.I.D.)	\$ 50	Penalty Surcharge (P.S.)	(26% of Fine or Forfeiture)

REVOCAATION: 6 – 9 Months (Occupational - no waiting period; §343.30(1q)(b)2).

IGNITION INTERLOCK: Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year (§343.301(2m) beginning when license issued. \$50.00 interlock surcharge.

DRIVING FACTORS

<u>BAC LEVEL</u>	<u>MINIMUM DRIVING</u> – No Accident	<u>AGGRAVATED DRIVING</u> – Accident or Injury Bad Driving Record
.08 to .119	Forfeiture \$150.00 Total Forfeiture, Costs & Surcharges \$691.50 REVOCAATION – 6 Months PLUS Alcohol Assessment & Driver Safety Plan	Forfeiture \$150.00 Total Forfeiture, Costs & Surcharges \$691.50 REVOCAATION – 6 Months PLUS Alcohol Assessment & Driver Safety Plan
.12 to .149 OR A Detectable Amount Of a Restricted Controlled Substance	Forfeiture \$250.00 Total Forfeiture, Costs & Surcharges \$817.50 REVOCAATION – 6 Months PLUS Alcohol Assessment & Driver Safety Plan	Forfeiture \$275.00 Total Forfeiture, Costs & Surcharges \$849.00 REVOCAATION – 7 Months PLUS Alcohol Assessment & Driver Safety Plan
.15 to .249	Forfeiture \$275.00 Total Forfeiture, Costs & Surcharges \$899.00 REVOCAATION – 7 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Forfeiture \$300.00 Total Forfeiture, Costs & Surcharges \$930.50 REVOCAATION – 8 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.25 or Above OR REFUSAL **	Forfeiture \$300.00 Total Forfeiture, Costs & Surcharges \$930.50 REVOCAATION – 9 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Forfeiture \$300.00 Total Forfeiture, Costs & Surcharges \$930.50 REVOCAATION – 9 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock

** If separate finding of a refusal, 1 year revocation of operating privileges and 30 day waiting period for an occupational.

OWI SENTENCING GUIDELINES

FIRST OFFENSE

(For violations of §346.63(1)(a) or (am) or (b))

FIRST OFFENSE

(On & After **07-01-2010**)

(On & After **07-01-2010**)

**WITH MINOR PASSENGER
UNDER 16 YEARS OF AGE**

PENALTY RANGE (§346.65(2)(f)1)

JAIL: 5 Days – 6 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$350 to \$1,100 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.)	\$365	Victim Witness Surcharge – B	\$ 27
Court Costs	\$ 163	Crime Lab Surcharge (C.L.D.S.)	\$ 13
Victim Witness Surcharge – A	\$ 40	Jail Surcharge (J.S.) Greater of 1% or	\$ 10
Ignition Interlock Surcharge (I.I.D.)	\$ 50	Penalty Surcharge (P.S.) (26% of Fine or Forfeiture)	

REVOCAATION: 12 – 18 Months (doubles under (§343.30(1q)(b)4m)), plus number of days of jail sentence (Occupational – no waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

IGNITION INTERLOCK: Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 18 months beginning when license issued. \$50.00 interlock surcharge.

DRIVING FACTORS

<u>BAC LEVEL</u>	<u>MINIMUM DRIVING</u> – No Accident	<u>AGGRAVATED DRIVING</u> – Accident or Injury Bad Driving Record
.08 to .119	Fine \$350.00 Total Fine, Costs & Surcharges \$1059.00 JAIL – 5 Days REVOCAATION – 12 Months PLUS Alcohol Assessment & Driver Safety Plan	Fine \$350.00 Total Fine, Costs & Surcharges \$1059.00 JAIL – 7 Days REVOCAATION – 12 Months PLUS Alcohol Assessment & Driver Safety Plan
.12 to .149 OR A Detectable Amount Of a Restricted Controlled Substance	Fine \$350.00 Total Fine, Costs, & Surcharges \$1059.00 JAIL – 10 Days REVOCAATION – 12 Months PLUS Alcohol Assessment & Driver Safety Plan	Fine \$450.00 Total Fine, Costs, & Surcharges \$1185.00 JAIL – 12 Days REVOCAATION – 14 Months PLUS Alcohol Assessment & Driver Safety Plan
.15 to .199	Fine \$450.00 Total Fine, Costs, & Surcharges \$1235.00 JAIL – 10 Days REVOCAATION – 14 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$550.00 Total Fine, Costs, & Surcharges \$1361.00 JAIL – 12 Days REVOCAATION – 16 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.20 to .249	Fine \$550.00 Total Fine, Costs, & Surcharges \$1361.00 JAIL – 15 Days REVOCAATION – 16 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$650.00 Total Fine, Costs, & Surcharges \$1487.00 JAIL – 20 Days REVOCAATION – 18 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.25 or Above OR REFUSAL **	Fine \$650.00 Total Fine, Costs, & Surcharges \$1487.00 JAIL – 30 Days REVOCAATION – 18 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$750.00 Total Fine, Costs, & Surcharges \$1613.00 JAIL – 40 Days REVOCAATION – 18 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock

** If separate finding of a refusal, 2 year revocation of operating privileges and 30 day waiting period for an occupational.

OWI SENTENCING GUIDELINES

SECOND OFFENSE
(On & After **07-01-2010**)

(For violations of §346.63(1)(a) or (am) or (b))

SECOND OFFENSE
(On & After **07-01-2010**)

PENALTY RANGE (§346.65(2)(am)2)

JAIL: 5 Days – 6 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$350 to \$1,100 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.)	\$365	Victim Witness Surcharge – B	\$ 27
Court Costs	\$163	Crime Lab Surcharge (C.L.D.S.)	\$ 13
Victim Witness Surcharge – A	\$ 40	Jail Surcharge (J.S.)	Greater of 1% or \$ 10
Ignition Interlock Surcharge (I.I.D.)	\$ 50	Penalty Surcharge (P.S.)	(26% of Fine or Forfeiture)

REVOCACTION: 12 – 18 Months, plus number of days of jail sentence. (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

PROBATION: 6 - 24 Months.

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 18 months beginning when license issued. \$50.00 interlock surcharge.

DRIVING FACTORS

<u>BAC LEVEL</u>	<u>MINIMUM DRIVING</u> – No Accident	<u>AGGRAVATED DRIVING</u> – Accident or Injury Bad Driving Record
.08 to .119	Fine \$350.00 Total Fine, Costs & Surcharges \$1109.00 JAIL – 10 Days REVOCACTION – 12 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$400.00 Total Fine, Costs & Surcharges \$1172.00 JAIL – 10 Days REVOCACTION – 12 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.12 to .169 OR A Detectable Amount Of a Restricted Controlled Substance	Fine \$350.00 Total Fine, Costs & Surcharges \$1109.00 JAIL – 15 Days REVOCACTION – 12 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$450.00 Total Fine, Costs & Surcharges \$1235.00 JAIL – 20 Days REVOCACTION – 14 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.17 to .199	Fine \$450.00 Total Fine, Costs & Surcharges \$1235.00 JAIL – 20 Days REVOCACTION – 14 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$550.00 Total Fine, Costs & Surcharges \$1361.00 JAIL – 30 Days REVOCACTION – 16 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.20 to .249	Fine \$550.00 Total Fine, Costs & Surcharges \$1361.00 JAIL – 30 Days REVOCACTION – 16 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$650.00 Total Fine, Costs & Surcharges \$1487.00 JAIL – 40 Days REVOCACTION – 18 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.25 or Above OR REFUSAL **	Fine \$650.00 Total Fine, Costs & Surcharges \$1487.00 JAIL – 40 Days REVOCACTION – 18 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$750.00 Total Fine, Costs & Surcharges \$1613.00 JAIL – 50 Days REVOCACTION – 18 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
Treatment/Probation Option §346.65(2)(bm)	Fine \$450.00 Total Fine, Costs & Surcharges \$1235.00 Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$ _____ Jail: Guidelines from above with all but 5 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.	

** If separate finding of a refusal, 2 years revocation of operating privileges and 90 day waiting period for an occupational.

OWI SENTENCING GUIDELINES

(For violations of §346.63(1)(a) or (am) or (b))

THIRD OFFENSE

(On & After **07-01-2010**)

THIRD OFFENSE

(On & After **07-01-2010**)

PENALTY RANGE (§346.65(2)(am)3)

JAIL: 45 Days – 12 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$600 to \$2,000 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.)	\$365	Victim Witness Surcharge – B	\$ 27
Court Costs	\$163	Crime Lab Surcharge (C.L.D.S.)	\$ 13
Victim Witness Surcharge – A	\$ 40	Jail Surcharge (J.S.) Greater of 1% or	\$ 10
Ignition Interlock Surcharge (I.I.D.)	\$ 50	Penalty Surcharge (P.S.) (26% of Fine or Forfeiture)	

REVOCACTION: 24 – 36 Months, plus number of days of jail sentence (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

PROBATION: 6 - 24 Months.

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of two years to 36 months beginning when license issued. \$50.00 interlock surcharge.

BAIL & STAY: No bail after conviction (969.01(2)(a)) or stay of execution of jail sentence (973.15(8)(a)(3)) may be granted unless condition of probation.

DRIVING FACTORS

<u>BAC LEVEL</u>	<u>MINIMUM DRIVING</u> – No Accident	<u>AGGRAVATED DRIVING</u> – Accident or Injury Bad Driving Record
.08 to .119	Fine \$600.00 Total Fine, Costs & Surcharges \$1424.00 JAIL – 45 Days REVOCACTION – 24 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$650.00 Total Fine, Costs & Surcharges \$1487.00 JAIL – 45 Days REVOCACTION – 24 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.12 to .169 OR A Detectable Amount Of a Restricted Controlled Substance	Fine \$600.00 Total Fine, Costs & Surcharges \$1424.00 JAIL – 65 Days REVOCACTION – 24 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$750.00 Total Fine, Costs and Surcharges \$1613.00 JAIL – 75 Days REVOCACTION – 27 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.17 to .199 BAC Fine Range Doubles \$1200 – \$4000	Fine \$1200.00 Total Fine, Costs & Surcharges \$2182.00 JAIL – 95 Days REVOCACTION – 27 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$1350.00 Total Fine, Costs & Surcharges \$2372.50 JAIL – 125 Days REVOCACTION – 30 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.20 to .249 BAC Fine Range Triples \$1800 – \$6000	Fine \$1800.00 Total Fine, Costs & Surcharges \$2944.00 JAIL – 125 Days REVOCACTION – 30 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$1950.00 Total Fine, Costs & Surcharges \$3134.50 JAIL – 155 Days REVOCACTION – 33 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.25 or Above OR REFUSAL ** BAC Fine Range Quadruples to \$2400 – \$8000	Fine \$2400.00 Total Fine, Costs & Surcharges \$3706.00 JAIL – 155 Days REVOCACTION – 33 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$2550.00 Total Fine, Costs & Surcharges \$3896.50 JAIL – 185 Days REVOCACTION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
Treatment/Probation Option §346.65(2)(cm)	Fine \$900.00 Total Fine, Costs & Surcharges \$1802.00 Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$ _____ Jail: Guidelines from above with all but 14 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.	

** If separate finding of a refusal, 3 years revocation of operating privileges and 120 day waiting period for an occupational.

OWI SENTENCING GUIDELINES

FOURTH OFFENSE

(For violations of §346.63(1)(a) or (am) or (b))

FOURTH OFFENSE

(On & After **07-01-2010**)

(On & After **07-01-2010**)

PENALTY RANGE (§346.65(2)(am)4) (Non-felony = last offense more than 5 years prior to current offense.)

JAIL: 60 Days – 12 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$600 to \$2,000 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.)	\$365	Victim Witness Surcharge – B	\$ 27
Court Costs	\$163	Crime Lab Surcharge (C.L.D.S.)	\$ 13
Victim Witness Surcharge – A	\$ 40	Jail Surcharge (J.S.)	Greater of 1% or \$ 10
Ignition Interlock Surcharge (I.I.D.)	\$ 50	Penalty Surcharge (P.S.)	(26% of Fine or Forfeiture)

REVOCACTION: 24 – 36 Months, plus number of days of jail sentence (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

PROBATION: 6 - 36 Months.

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of two years to 36 months beginning when license issued. \$50.00 interlock surcharge.

BAIL & STAY: No bail after conviction (969.01(2)(a)) or stay of execution of jail sentence (973.15(8)(a)(3)) may be granted unless condition of probation.

DRIVING FACTORS

<u>BAC LEVEL</u>	<u>MINIMUM DRIVING</u> – No Accident	<u>AGGRAVATED DRIVING</u> – Accident or Injury Bad Driving Record
.02 to .079	Fine \$600.00 Total Fine, Costs & Surcharges \$1424.00 JAIL – 60 Days REVOCACTION – 24 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$650 Total Fine, Costs & Surcharges \$1487.00 JAIL – 70 Days REVOCACTION – 24 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.08 to .119	Fine \$900.00 Total Fine, Costs & Surcharges \$1802.00 JAIL – 75 Days REVOCACTION – 30 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$1000.00 Total Fine, Costs & Surcharges \$1928.00 JAIL – 85 Days REVOCACTION – 30 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.12 to .169 OR A Detectable Amount Of a Restricted Controlled Substance	Fine \$1200.00 Total Fine, Costs & Surcharges \$2182.00 JAIL – 185 Days REVOCACTION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$1350.00 Total Fine, Costs & Surcharges \$2372.50 JAIL – 215 Days REVOCACTION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.17 to .199 BAC Fine Range Doubles \$1200 – \$4000	Fine \$2000.00 Total Fine, Costs, & Surcharges \$3198.00 JAIL – 215 Days REVOCACTION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$2150.00 Total Fine, Costs, & Surcharges \$3388.50 JAIL – 245 Days REVOCACTION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.20 to .249 BAC Fine Range Triples \$1800 – \$6000	Fine \$2300.00 Total Fine, Costs, & Surcharges \$3579.00 JAIL – 245 Days REVOCACTION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$2400.00 Total Fine, Costs, & Surcharges \$3706.00 JAIL – 275 Days REVOCACTION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
.25 or Above OR REFUSAL ** BAC Fine Range Quadruples to \$2400 – \$8000	Fine \$2900.00 Total Fine, Costs, & Surcharges \$4341.00 JAIL – 275 Days REVOCACTION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	Fine \$3000.00 Total Fine, Costs, & Surcharges \$4468.00 JAIL – 305 Days REVOCACTION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock
Treatment/Probation Option §346.65(2)(dm)	Fine \$900.00 Total Fine, Costs & Surcharges \$1802.00 Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$ _____ Jail: Guidelines from above with all but 29 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.	

** If separate finding of a refusal, 3 years revocation of operating privileges and 120 day waiting period for an occupational.