

**SIXTH JUDICIAL DISTRICT**

**OMVWI**  
**SENTENCING GUIDELINES**

Citation Issued On or After  
**July 1, 2010**

Sixth Judicial District Office  
3317 Business Park Drive, Suite A  
Stevens Point, WI 54481-5210  
(715) 345-5295

John R. Storck, Chief Judge

**FIRST OFFENSE**

**SENTENCING GUIDELINES - STANDARD  
NO MINOR PASSENGER**

Citations Issued On or After  
July 1, 2010

BAC Level	<b>.08 to .099</b>		<b>.10 to .149</b>		<b>.15 to .169</b>		<b>.17 to .199</b>		<b>.20 to .249</b>		<b>.25 and above</b>	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Penalty</b>	<b>691.50</b>	<b>723.00</b>	<b>691.50</b>	<b>754.50</b>	<b>804.50</b>	<b>867.50</b>	<b>867.50</b>	<b>930.50</b>	<b>867.50</b>	<b>930.50</b>	<b>867.50</b>	<b>930.50</b>
Forfeiture	150.00	175.00	150.00	200.00	200.00	250.00	250.00	300.00	250.00	300.00	250.00	300.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00
CSS	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00
(26% of Forf.) PA	39.00	45.50	39.00	52.00	52.00	65.00	65.00	78.00	65.00	78.00	65.00	78.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
JISF	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Ign. Int. Surch.					50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
<b>Revocation</b>	<b>6 mos</b>	<b>6 mos</b>	<b>6 mos</b>	<b>7 mos</b>	<b>7 mos</b>	<b>8 mos</b>	<b>8 mos</b>	<b>9 mos</b>	<b>9 mos.</b>	<b>9 mos</b>	<b>9 mos.</b>	<b>9 mos</b>

**PENALTY RANGE**

**FORFEITURE:** \$150 minimum to \$300 maximum

**REVOCAION/DISQUALIFICATION:** 6-9 months (no waiting period for occupational license).

**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

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court may**, after a finding of inability to pay, reduce the costs or forfeiture and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.

**SECOND OFFENSE**

**SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After  
July 1, 2010

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
Jail	5 Days	10 Days	10 Days	23 Days	17 Days	28 Days	22 Days	37 Days	28 Days	50 Days	38 Days	60 Days
<b>Fine + Costs</b>	<b>1,109.00</b>	<b>1,172.00</b>	<b>1,172.00</b>	<b>1,298.00</b>	<b>1,235.00</b>	<b>1,298.00</b>	<b>1,235.00</b>	<b>1,298.00</b>	<b>1,298.00</b>	<b>1,424.00</b>	<b>1,424.00</b>	<b>1,550.00</b>
Fine	350.00	400.00	400.00	500.00	450.00	500.00	450.00	500.00	500.00	600.00	600.00	700.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00
VWS-A&B	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	91.00	104.00	104.00	130.00	117.00	130.00	117.00	130.00	130.00	156.00	156.00	182.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
<b>Revocation</b>	<b>12 mos</b>	<b>18 mos</b>	<b>12 mos</b>	<b>18 mos</b>	<b>12 mos</b>	<b>18 mos</b>	<b>12 mos</b>	<b>18 mos</b>	<b>12 mos</b>	<b>18 mos</b>	<b>12 mos</b>	<b>18 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$350 minimum to \$1100 maximum

**JAIL:** Not less than 5 days nor more than 6 months, or not less than 5 days nor more than 7 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**JAIL PROBATION AND TREATMENT OPTION:** 25 days less jail, but not below 5 days if successful completion of probation and AODA treatment. 6 mos. - 2 yrs probation.

**REVOCAION/DISQUALIFICATION:** 12 - 18 months.

**IGNITION INTERLOCK DEVICE**

The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles owned shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT:**

The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10m), and shall be denied unless within two weeks of the order, the person submits proof to the sheriff that an ignition interlock device has been install in each motor vehicle to which the order applies..

**THIRD OFFENSE**

**SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After July 1, 2010

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
Jail	45 Days	50 Days	50 Days	75 Days	60 Days	90 Days	75 Days	105 Days	90 Days	135 Days	120 Days	220 Days
Fine + Costs	1,424.00	1,618.00	1,487.00	1,747.00	1,550.00	1,938.00	2,182.00	2,399.00	2,944.00	3,238.00	3,706.00	4,140.00
Fine	600.00	750.00	650.00	850.00	700.00	1,000.00	1,200.00	1,350.00	1,800.00	2,000.00	2,400.00	2,700.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00
VWS-A & B	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	156.00	195.00	169.00	221.00	182.00	260.00	312.00	351.00	468.00	520.00	624.00	702.00
JA	10.00	15.00	10.00	18.00	10.00	20.00	12.00	40.00	18.00	60.00	24.00	80.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Revocation	12 mos	18 mos	12 mos	18 mos	12 mos	18 mos	18 mos	18 mos	12 mos	18 mos	12 mos	18 mos

**PENALTY RANGE**

**FINE AMOUNT:** \$600 minimum to \$2000 maximum , **EXCEPTION:** \$1200 minimum and \$4000 maximum if BAC is .17 to .199; \$1800 minimum and \$6000 maximum if BAC is .20 to .249; and \$2400 minimum and \$8000 maximum if BAC is .25 or above.

**JAIL :** 45 days minimum and 12 months maximum. 14 days minimum if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**JAIL PROBATION AND TREATMENT OPTION. 45 days less, but not less than minimum, if successful completion of probation and AODA treatment. 6 mos. - 2 yrs probation.**

**REVOCAION/DISQUALIFICATION:** 24 - 36 months.

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equiped with an ignition interlock device, and shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)2.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order a **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (and a reasonable fee).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Court may** order a motor vehicle owned and used by a violator to be used but **must order** ignition interlock or immobilization if **vehicle is not seized** unless undue hardship, extreme inconvenience or endangerment of person's health and safety is found.
7. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and driver safety plan pursuant to Wis. Stats. 303.08(10m).

**FOURTH OFFENSE**

**STANDARD MISDEMEANOR**

Citations Issued On or After July 1, 2010

BAC Level	.02 to .049		.05 to .079		.08 to .099		.10 to .149		.15 to .169	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
Jail	60 days	70 days	60 days	90 days	70 days	120 days	100 days	150 days	120 days	180 days
Fine + costs	1,424.00	1,613.00	1,613.00	1,802.00	1,802.00	2,182.00	1,928.00	2,436.00	2,118.50	2,944.00
Fine	600.00	750.00	750.00	900.00	900.00	1,200.00	1,000.00	1,400.00	1,150.00	1,800.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00
VWS-A & B	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	156.00	195.00	195.00	234.00	234.00	312.00	260.00	364.00	299.00	468.00
JA	10.00	10.00	10.00	10.00	10.00	12.00	10.00	14.00	11.50	18.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Revocation	24 mos	27 mos	27 mos	27 mos	27 mos	30 mos	30 mos	30 mos	30 mos	33 mos

BAC Level	.17 to .199		.20 to .249		.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
Jail	150 days	210 days	180 days	240 days	220 days	360 days
Fine + costs	2,182.00	3,198.00	2,944.00	4,468.00	3,706.00	5,738.00
Fine	1,200.00	2,000.00	1,800.00	3,000.00	2,400.00	4,000.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00
VWS-A & B	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	312.00	520.00	468.00	780.00	624.00	1,040.00
JA	12.00	20.00	18.00	30.00	24.00	40.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00
Revocation	33 mos	33 mos	33 mos	36 mos	36 mos	36 mos

**FINE AMOUNT:** \$600 minimum to \$2000 maximum, *EXCEPTION: \$1200 minimum and \$4000 maximum if BAC is .17 to .199; \$1800 minimum and \$6000 maximum if BAC is .20 to .249; and \$2400 minimum and \$8000 maximum if BAC is .25 or above.*

**JAIL:** 60 days - 12 months; 29 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail).

**REVOCAION/DISQUALIFICATION:** 24 - 36 months (90 day waiting period and completion of alcohol assessment/driver safety plan for occupational license and absolute sobriety during use). Effective 09/30/05, revocation applies to all driving privileges -- commercial and noncommercial; disqualification for one (1) year from operation of commercial vehicles.

**PROBATION OPTION:** 50 days less, but not less than minimum, if successful completion of probation and AODA treatment. 6 mos. - 3 yrs probation.

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device, and shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)2.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drug

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (and a reasonable fee).
3. Court may order a visit to a site that demonstrates adverse effects of abuse (and a reasonable fee).
4. Court shall, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), require the defendant to perform community service work in lieu of paying the fine imposed or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. Court may order a motor vehicle owned and used by a violator to be seized but **must order** ignition interlock or immobilization if vehicle is not seized unless undue hardship, extreme inconvenience or endangerment of person's health and safety is found.
7. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10)m.

**FIRST OFFENSE - MINOR PASSENGER**

**SENTENCING GUIDELINES**

Citations Issued On or After July 1, 2010

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		0.2	0.249	.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
Jail	5 Days	10 Days	10 Days	23 Days	17 Days	28 Days	22 Days	37 Days	28 Days	50 Days	38 Days	60 Days
<b>Fine + Costs</b>	<b>1,109.00</b>	<b>1,172.00</b>	<b>1,172.00</b>	<b>1,298.00</b>	<b>1,235.00</b>	<b>1,298.00</b>	<b>1,235.00</b>	<b>1,298.00</b>	<b>1,298.00</b>	<b>1,424.00</b>	<b>1,424.00</b>	<b>1,550.00</b>
Fine	350.00	400.00	400.00	500.00	450.00	500.00	450.00	500.00	500.00	600.00	600.00	700.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00
VWS-A&B	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	91.00	104.00	104.00	130.00	117.00	130.00	117.00	130.00	130.00	156.00	156.00	182.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
<b>Revocation</b>	<b>12 mos</b>	<b>18 mos</b>	<b>12 mos</b>	<b>18 mos</b>	<b>12 mos</b>	<b>18 mos</b>	<b>12 mos</b>	<b>18 mos</b>	<b>12 mos</b>	<b>18 mos</b>	<b>12 mos</b>	<b>18 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$350 minimum to \$1100 maximum

**JAIL :** Not less than 5 days nor more than 6 months, or not less than 5 days nor more than 7 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**JAIL PROBATION AND TREATMENT OPTION. 70 days less jail, but not below 5 days if successful completion of probation and AODA treatment. 6 mos. - 2 yrs probation.**

**REVOCATION/DISQUALIFICATION:** 12 - 18 months.

**IGNITION INTERLOCK DEVICE:**The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles owned shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10m), and shall be denied unless within two weeks of the order, the person submits proof to the sheriff that an ignition interlock device has been install in each motor vehicle to which the order applies..

**SECOND OFFENSE - MINOR PASSENGER**

**SENTENCING GUIDELINES**

Citations issued On or After July 1, 2010

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
Jail	10 Days	20 Days	20 Days	46 Days	34 Days	56 Days	44 Days	74 Days	56 Days	100 Days	76 Days	120 Days
Fine + Costs	1,550.00	1,676.00	1,676.00	1,928.00	1,802.00	1,928.00	1,802.00	1,928.00	1,928.00	2,180.00	2,180.00	2,436.00
Fine	700.00	800.00	800.00	1,000.00	900.00	1,000.00	900.00	1,000.00	1,000.00	1,200.00	1,200.00	1,400.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00
VWS-A&B	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	182.00	208.00	208.00	260.00	234.00	260.00	234.00	260.00	260.00	312.00	312.00	364.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	14.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Revocation	24 mos	36 mos	24 mos	36 mos	24 mos	36 mos	24 mos	36 mos	24 mos	36 mos	24 mos	36 mos

**PENALTY RANGE**

**FINE AMOUNT:** \$700 minimum to \$2200 maximum

**JAIL:** Not less than 10 days nor more than 12 months, or not less than 10 days nor more than 14 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**PROBATION AND TREATMENT OPTION. 45 days less jail, but not below 5 days if successful completion of probation and AODA treatment. 6 mos. - 2 yrs probation.**

**REVOCAION/DISQUALIFICATION:** 24-36 months.

**IGNITION INTERLOCK DEVICE:**The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles owned shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10m), and shall be denied unless within two weeks of the order, the person submits proof to the sheriff that an ignition interlock device has been install in each motor vehicle to which the order applies..

**FIRST OFFENSE****COMMERCIAL MOTOR VEHICLES**

Citations issued On or After July 1, 2010

BAC Level	<b>.040 to .08</b>	
	<b>Mitigated</b>	<b>Aggravated</b>
<b>Penalty</b>	<b>699.50</b>	<b>888.50</b>
Forfeiture	150.00	300.00
DIS	365.00	365.00
Costs	25.00	25.00
CSF	68.00	68.00
(26% of Forfeiture) PA	39.00	78.00
JA	10.00	10.00
JISF	21.50	21.50
CL/DL	13.00	13.00
<b>TDEA</b>	8.00	8.00
<b>Suspension</b>	<b>6 mos</b>	<b>7 mos</b>

**PENALTY RANGE****FORFEITURE:** \$150 minimum to \$400 maximum**SUSPENSION:** NOT MANDATORY**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a forfeiture. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum forfeiture is doubled.

**SECOND OFFENSE**

**COMMERCIAL MOTOR VEHICLES**

Citations Issued On or After  
July 1, 2010

<b>BAC Level</b>	<b>.040 to .080</b>	
	<b>Mitigated</b>	<b>Aggravated</b>
<b>Jail</b>	<b>20 days</b>	<b>40 days</b>
<b>Penalty</b>	<b>861.00</b>	<b>1743.00</b>
Fine	300.00	1,000.00
DIS	365.00	365.00
Costs	20.00	20.00
VWS - A	67.00	67.00
VWS - B		
(26% of Fine) PA	78.00	260.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
<b>Revocation/Suspension</b>	<b>12 mos</b>	<b>14 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$300 minimum to \$1000 maximum

**JAIL:** Not less than 5 days or ordered to perform not less than 30 days of community service work nor more than 6 months.

**REVOCATION/SUSPENSION:** NOT MANDATORY

**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a fine. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of the violation, the minimum and maximum fine is doubled.

**THIRD OFFENSE**

**COMMERCIAL MOTOR VEHICLES**

Citations Issued On or After July 1, 2010

**BAC Level**

		<b>.040 to .080</b>	
		Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
<b>Jail Penalty</b>		<b>45 days 1239.00</b>	<b>120 days 3003.00</b>
Fine		600.00	2,000.00
DIS		365.00	365.00
Costs		20.00	20.00
VWS-A		67.00	67.00
VWS-B			
(26% of Fine) PA		156.00	520.00
JA		10.00	10.00
CL/DL		13.00	13.00
TDEA		8.00	8.00
<b>Revocation/Suspension</b>		<b>12 mos</b>	<b>14 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$600 minimum to \$2000 maximum

**JAIL:** 30 days - 12 months

**REVOCAION/SUSPENSION:** NOT MANDATORY

**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a fine. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of the violation, the minimum and maximum fine is doubled.

**FIRST OFFENSE**

**MUNICIPAL SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After July 1, 2010

BAC Level	<b>.08 to .099</b>		<b>.10 to .149</b>		<b>.15 to .169</b>		<b>.17 to .199</b>		<b>.20 to .249</b>		<b>.25 and above</b>	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Penalty</b>	<b>681.50</b>	<b>713.00</b>	<b>681.50</b>	<b>744.50</b>	<b>794.50</b>	<b>857.50</b>	<b>857.50</b>	<b>920.50</b>	<b>857.50</b>	<b>920.50</b>	<b>857.50</b>	<b>920.50</b>
Forfeiture	150.00	175.00	150.00	200.00	200.00	250.00	250.00	300.00	250.00	300.00	250.00	300.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00
CSS	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00
(26% of Forf.) PA	39.00	45.50	39.00	52.00	52.00	65.00	65.00	78.00	65.00	78.00	65.00	78.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
JISF	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Ign. Int. Surch.					50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
<b>Revocation</b>	<b>6 mos</b>	<b>6 mos</b>	<b>6 mos</b>	<b>7 mos</b>	<b>7 mos</b>	<b>8 mos</b>	<b>8 mos</b>	<b>9 mos</b>	<b>9 mos.</b>	<b>9 mos</b>	<b>9 mos.</b>	<b>9 mos</b>

**PENALTY RANGE**

**FORFEITURE:** \$150 minimum to \$300 maximum

**REVOCAION/DISQUALIFICATION:** 6-9 months (no waiting period for occupational license).

**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

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court may**, after a finding of inability to pay, reduce the costs or forfeiture and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.

**FIRST OFFENSE**

**MUNICIPAL SENTENCING GUIDELINES  
COMMERCIAL**

Citations Issued On or After July 1, 2010

BAC Level	<b>.040 to .080</b>	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
<b>Penalty</b>	<b>600.00</b>	<b>789.00</b>
Forfeiture	150.00	300.00
DIS	365.00	365.00
*Costs	15.00	15.00
(26% of Forfeiture) PA	39.00	78.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
<b>Suspension</b>	<b>6 mos</b>	<b>7 mos</b>

**PENALTY RANGE**

**FORFEITURE:** \$150 minimum to \$300 maximum

\* **Costs** are calculated at the minimum of \$15 but may be assessed to a maximum of \$23 pursuant to Wis. Stats. 814.65(1)

**SUSPENSION:** NOT MANDATORY

**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a forfeiture. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum forfeiture is doubled.

**Effective August 1, 2004, municipal courts will hold hearings relating to a person's refusal to provide a breath, blood or urine sample, under the implied consent law (s.343.305). This applies to refusals committed on or after August 1, 2004, but does not preclude the counting of previous suspensions, revocations, or convictions for purposes of determining the period that a person's operating privilege is revoked.**