

Effective: 1/1/2017

# Alcohol, Controlled Substances and License Guidelines

346.65(2m)

As amended on: 05/05/2017

## 9th Judicial District

Alcohol		1st Offense			2nd Offense			3rd Offense			Felony Offenses			
Level	CS	OWI	Jail	Lic	Fine	Jail	Lic	Fine	Jail	Lic	4th	5-6th	7-9th	10th & >
<b>Min -- &lt;.11%</b>		<b>812</b>		<b>6</b>	<b>1,429</b>	<b>5</b>	<b>12</b>	<b>1,744</b>	<b>45</b>	<b>24</b>	Class H	Class G	Class F	Class E
346.65 Prog		IF IID, Add \$50 Surcharge			1,379	5	12	1,694	14	24	3+3=6	5+5=10	7.5+5=12.5	10+5=15
Child < 16		1,064	5	12	1,820	10	24	2,452	90	48	10,000	25,000	25,000	25,000
<b>.11-.15%</b>	<b>A</b>	<b>845</b>		<b>7</b>	<b>1,570</b>	<b>30</b>	<b>13</b>	<b>2,010</b>	<b>90</b>	<b>26</b>	60 days	6 months	3 Years	4 Years
346.65 Prog		IF IID, Add \$50 Surcharge			1,379	5	13	1,694	20	26	<b>Enhanced Fines for</b>			
Child < 16		1,253	15	14	2,104	60	26	2,985	180	52	3rd & Subsequent Offenses			
<b>.15 -- &lt;.17%</b>		<b>985</b>		<b>7</b>	<b>1,665</b>	<b>45</b>	<b>14</b>	<b>2,135</b>	<b>125</b>	<b>27</b>	=>.17%	Min	2,452	
346.65 Prog		IID Surcharge Is Included			1,379	6	14	1,694	25	27		Max	6,008	
Child < 16		1,489	25	14	2,293	90	28	3,341	250	54	=>.20%	Min	3,214	
<b>.17 -- &lt;.20%</b>	<b>B</b>	<b>1,020</b>		<b>7</b>	<b>1,760</b>	<b>60</b>	<b>14</b>	<b>2,505</b>	<b>160</b>	<b>28</b>		Max	8,548	
346.65 Prog		IID Surcharge Is Included			1,401	6	14	2,505	30	28	=>.25%	Min	3,976	
Child < 16		1,678	45	14	2,484	120	28	3,976	320	56		Max	11,088	
<b>.20 -- &lt;.25%</b>		<b>1,050</b>		<b>8</b>	<b>1,855</b>	<b>85</b>	<b>15</b>	<b>3,264</b>	<b>190</b>	<b>30</b>	<b>Immediate Incarceration</b>			
346.65 Prog		IID Surcharge Is Included			1,855	7	15	3,264	35	30	<b>at Conviction</b>			
Child < 16		1,867	60	16	2,674	170	30	5,500	380	60	<b>for 3rd &amp; Greater Offenses</b>			
<b>0.25% &gt; &amp; Refu</b>	<b>C</b>	<b>1,050</b>		<b>8</b>	<b>1,950</b>	<b>100</b>	<b>16</b>	<b>4,026</b>	<b>220</b>	<b>31</b>	Except Probation or Legal Cause			
346.65 Prog		IID Surcharge Is Included			1,950	7	16	4,026	40	31	<b>UNABLE To Pay FINE 2nd</b>			
Child < 16		2,008	90	16	2,865	200	32	7,024	440	62	defendant may perform community			
<b>Standard Max</b>		<b>1,050</b>		<b>9</b>	<b>2,375</b>	<b>180</b>	<b>18</b>	<b>3,518</b>	<b>365</b>	<b>36</b>	service in lieu of FINE at court's discretion			
Child < 16		2,200	180	18	4,000	360	36	6,008	730	72				
<b>Plea Agreements</b>		NO Probation			2 Years Probation			2 Years Probation			Probation on 4th, 5th, 6th Offense Felony			
w/346.65 Prog		<b>Plea Agreement Cannot</b>			Impose & Stay Guidelines; Minimum Jail as Condition of Probation						Others Have Min-Mandatory			
w/o 346.65 Prog		<b>Drop IID Required By Law</b>			Withheld Sentence With Two Category Drop as Conditions of Probation						Imprisonment			
<b>Ignition</b>		DURATION: 1 Year for 1st Offense; 1 Year Up to Maximum Revocation for the Offense on all Others; District Guideline Revocation = IID Duration												
<b>Interlock Device Requirements</b>		<b>Always ORDER IID if Required by Law</b>			APPLIES to motor vehicle driven, titled or registered in their name UNLESS undue financial hardship.									
<b>Occupational Wait</b>		None			45 Days			45 Days			May Delay IID for Occupatl Wait			
<b>Test Refusal</b>		1 Yr Rev -- 30 Day Wait + ▶			2 Yr Rev--90 Day Wait + ▶			3 Yr Rev--120 Day Wait + ▶			▶ + Alcohol Assessment			
<b>CONTROLLED SUBSTANCE VIOLATIONS</b>														
<b>Class A -- Mitigating</b>					<b>Class B -- Intermediate</b>					<b>Class C --Aggravated</b>				
(1) Stopped for Non-Traffic Violations					(1) Fleeing; =>20 Above the Limit; Balance Greatly Impair					(1) Test Refusal; More than 2 OWI or CS Within Last 5 Years				
(2) Stopped for Minor Traffic; Speed <20 Above, etc.					(2) Weaving Between Lanes or Shoulder of Road					(2) Collide with Other Vehicle, Tree or Object, Drive Wrong Way				
(3) Last OWI More Than 7 Yrs; Extenuating Factors					(3) Danger Present to Person or Property of Another					(3) Reckless Driving, Resisting or Other Violent Behavior				
(4) Def. suffered substantial personal injuries					(4) Caused Property Damage Only, Covered by Insurance.					(4) Extremely Dangerous Driving or Caused Personal Injury				

## 9th JUDICIAL DISTRICT GUIDELINES For Municipal Courts

Offenses Occur On or After **07/14/15**

Effective Date of July 14, 2015 - redistributed January 1, 2017

4th Edition

OWI & CONTROLLED SUBSTANCE GUIDELINES				
Alcohol	CS	Forfeiture	Revoke	IID Req
<.11%		735.00	6	
.11- <.15%	A	766.50	7	*
.15 - <.17%		911.00	7	1 Year
.17 - <.20%	B	942.50	7	1 Year
.20 - <.25%		974.00	8	1 Year
0.25% > Re	C	974.00	8	1 Year
Max.		974.00	9	1 Year

Court Costs > Forfeiture	Penalty Surchrg	Court Costs	Jail Surchrg	Crime Lab & Drug	Driver Impr safe	Interlock Fee	Total
150.00	39.00	38.00	10.00	13.00	485.00	50.00	735.00
175.00	45.50	38.00	10.00	13.00	485.00		766.50
250.00	65.00	38.00	10.00	13.00	485.00	50.00	911.00
275.00	71.50	38.00	10.00	13.00	485.00	50.00	942.50
300.00	78.00	38.00	10.00	13.00	485.00	50.00	974.00
300.00	78.00	38.00	10.00	13.00	485.00	50.00	974.00
300.00	78.00	38.00	10.00	13.00	485.00	50.00	974.00

<b>Ignition Interlock Device Requirements</b>	<b>Plea Agreement Cannot Avoid IID Requirement</b>	<b>Required If BAC &gt;=.15% or Upon Refusal</b>
	* Plea Drops Forfeiture But Order IID and IID Fee Occupational License if IID Installed w/in 2 Weeks	All Vehicles Titled, Registered or Driven by the Offender Unless Hardship Offender's BAC Limit is 0.02% for Duration of IID Order

CONTROLLED SUBSTANCE VIOLATIONS		
Class A -- Mitigating	Class B -- Intermediate	Class C --Aggravated
(1) Stopped for Non-Traffic Violations (2) Stopped for Minor Traffic; Speed <20 Above, etc. (3) Last OWI More Than 7 Yrs; Extenuating Factors (4) Def. suffered substantial personal injuries	(1) Fleeing; =>20 Above the Limit; Balance Greatly Impair (2) Weaving Between Lanes or Shoulder of Road (3) Danger Present to Person or Property of Another (4) Caused Property Damage Only, Covered by Insurance.	(1) Test Refusal; More than 2 OWI or CS Within Last 5 Years (2) Collide with Other Vehicle or Object, Drive Wrong Way (3) Reckless Driving, Resisting or Other Violent Behavior (4) Extremely Dangerous Driving or Caused Personal Injury
Alcohol Violations Based Upon BAC if Available; Controlled Substance Violations By Driving Behavior Limit on Plea Agreements is a One Category Reduction For Alcohol Violations BUT not IID Requirement Controlled Substance Violations; B down to A & C down to B		

OAR Guidelines		
	Forfeiture	Susp
Standard	250.00	30
Aggravated	313.00	60
Property Dmg	1,321.00	90
Cause Injury	6,361.00	120
OAS Guidelines		
No Knowledge	124.00	0
Standard	155.50	0
Aggravated	187.00	60
Property Dmg	1,321.00	90
Cause Injury	6,361.00	120

Aggravating for These  
Offenses Include  
Unsafe/Reckless Driving  
Fleeing  
Resisting/Obstructing  
Property Damage and  
Cause Injury are  
Mandatory Amounts

Forfeiture	Penalty Assess	Court Cost	Jail Surchrg	Crime Lab	Total
150.00	39.00	38.00	10.00	13.00	250.00
200.00	52.00	38.00	10.00	13.00	313.00
1000.00	260.00	38.00	10.00	13.00	1,321.00
5000.00	1300.00	38.00	10.00	13.00	6,361.00
50.00	13.00	38.00	10.00	13.00	124.00
75.00	19.50	38.00	10.00	13.00	155.50
100.00	26.00	38.00	10.00	13.00	187.00
1000.00	260.00	38.00	10.00	13.00	1,321.00
5000.00	1300.00	38.00	10.00	13.00	6,361.00