

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed on or after July 1, 2010
PAC SENTENCING GUIDELINES
Pursuant to Sec. 346.65(2m), Wis. Stats.
1ST OFFENSE [§346.65(2)(a)]

PENALTY RANGE

FORFEITURE: \$150 - \$300 Minimum and maximum forfeiture is doubled if there was a minor passenger under 16 [§346.65(2)(f)]. The offense is a crime and penalties for a 2nd offense apply.

REVOCACTION: 6 - 9 months.

IGNITION INTERLOCK: Required if PAC. 15 or more and \$50 surcharge included in tables below for .15 or more.

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravated Driving Factors
.099 or below	\$150.00 Forf + Costs 6 months revocation \$691.50 Total	\$175.00 Forf + Costs 7 months revocation \$723.00 Total
.10 to .149	\$175.00 Forf + Costs 7 months revocation \$723.00 Total	\$200.00 Forf + Costs 8 months revocation \$754.50 Total
.15 to .199	\$200.00 Forf + Costs 8 months revocation \$804.50 Total	\$225.00 Forf + Costs 9 months revocation \$836.00 Total
.20 to .249	\$225.00 Forf + Costs 9 months revocation \$836.00 Total	\$250.00 Forf + Costs 9 months revocation \$867.50 Total
.25 or above	\$250.00 Forf + Costs 9 months revocation \$867.50 Total	\$275.00 Forf + Costs 9 months revocation \$899.00 Total
Refusal	\$300.00 Forf + Costs 9 months revocation \$930.50 Total	\$300.00 Forf + Costs 9 months revocation \$930.50 Total

**If separate finding of a refusal, 1 year revocation of operating privileges and 30 day waiting period for an occupational. Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m].

8TH JUDICIAL ADMINISTRATIVE DISTRICT
PAC SENTENCING GUIDELINES

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after July 1, 2010

Pursuant to Sec. 346.65(2m), Wis. Stats.

COSTS

FIRST OFFENSE

SECOND & SUBSEQUENT OFFENSES

Driver Improvement Surcharge (DIS)	\$365	\$365
Court Costs	\$ 25	\$163
Court Support Fee (CSF)	\$ 68	
Crime Lab & Drug Assessment (CLDA)	\$ 13	\$ 13
Justice Information Fee (JIF)	\$ 21.50	
Victim Witness Surcharge-Misdemeanor		\$ 67
Victim Witness Surcharge - Felony		\$ 92
Jail Assessment (JA)	\$ 10	1% or \$10, whichever is greater
Penalty Assessment (PA)	26%	26%
Ignition Interlock Surcharge (IIDS)	\$50 .15 or more	\$50 included in tables

ADDITIONAL OWI PENALTIES

ALCOHOL ASSESSMENT:

The Court shall order the person to submit to and comply with an assessment by an approved public treatment facility for examination of the person's use of alcohol, controlled substances or controlled substance analogs and development of a driver safety plan for the person [§343.30(1q)(c)]. If the Court finds that the person is already covered by an assessment or is participating in a driver safety plan or has evidence presented to it by a County Department under §51.42 that the person has recently completed assessment, a driver safety plan or both, the Court is not required to make such an Order. [343.30(1q)(e)]

Court may order a reduction in court costs, fine or forfeiture to allow the offender to pay the difference for an alcohol assessment and driver safety plan [(§346.65)(2e)].

Court may order community service to reduce the amount of a fine or forfeiture [§346.65(2g)], or may order community service that demonstrates the adverse effects of substance abuse or driving under the influence, and may order a site visit that demonstrates the effects of substance abuse [§346.65(2g), §346.65(2i)].

Court may also order restitution [§346.65(2r)(a)].

COUNTY OFFERING REDUCED MINIMUM PERIOD OF IMPRISONMENT FOR SUCCESSFUL COMPLETION OF PROBATION INCLUDING ALCOHOL AND DRUG TREATMENT

In any county offering reduced minimum periods of imprisonment for successful completion of probation including Alcohol and Drug Treatment, the period of imprisonment shall not be less than 5 nor more than 7 days for a second offense (346.65(2j)(bm)), not less than 14 days for a 3rd offense (346.65(2j)(cm)) and not less than 29 days for a 4th Offense (346.65(2j)(cr)).

Ignition Interlock Devices (IIDS)

Ignition Interlock Devices (IIDS) will be mandatory on

1. All repeat OWI's.
2. All refusals

3. All 1st Offense OWI's with a PAC .15 or higher.

IID must be installed on every vehicle titled or registered to the defendant unless doing so would cause an undue financial hardship. The length of IIDS restriction. Minimum 1 year, maximum possible revocation period plus actual imprisonment sentence (343.301(2m)). IID restriction begins on date DOT issues the offender any operator's license. Court has authority to impose IID installed on vehicle immediately or as of a later date. OWI offenders granted Huber law release privileges must submit proof of IID installation within 2 weeks of sentencing (303.08(10r)).

MITIGATING AND AGGRAVATING FACTORS IN SENTENCING

MITIGATING FACTORS:

- *Age of prior OAWI/BAC Offense/Conviction
- *Pre-conviction Assessment and Treatment
- *Good Driving Record; * Minimal Poor Driving
- *Cooperation with Authorities; * Positive Attitude/Steps Toward Problem Recognition
- *Blood Test Taken

AGGRAVATING FACTORS:

- *Poor Driving; * Accident or Injury Involved; *Poor Prior Driving Record; *Lack of Remorse
- *Recent Prior OAWI/BAC Offense/Conviction
- *Operating Without Valid Driving Privileges (i.e. OAR, OAS, OWL, HTO).
- *Circumstances of Consumption (Binge Drinking, Amount Consumed, Medication, Use, etc)
- *Poor/Limited Problem Recognition as Evidenced by Prior Treatment History or Lack Thereof
- *Uncooperative/Belligerent/Violent Toward Arresting Officer
- *Prior Uncounted Offenses for OAWI/BAC
- *For 3rd Plus Offenses: Previously Uncounted Offenses from January 1, 1988, per (1993 Wisconsin Act 317, Effective April 30, 1994
- *Combination of alcohol and controlled substance use

**7/1/10 Outagamie County Guidelines Amending
8TH JUDICIAL ADMINISTRATIVE DISTRICT
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after July 1, 2010

Pursuant to Sec. 346.65(2m), Wis. Stats.

2nd OFFENSE [§346.65(2)(b)] or

***SSTOP amended 3/14/11**

1st Offense with passenger under age 16

(lu = lock up)

PENALTY RANGE

Ignition Interlock Device:

Minimum 1 year to a maximum of 18 months.

PROBATION:

Probation for up to 2 years may be used if the person is subjected to at least the mandatory minimum period of imprisonment [973.09(1)(d)(1)].

JAIL: 5 days (1) - 6 months

Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)]. [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$350 - \$1100

Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)]

REVOCAATION: 12 - 18 months. Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]. (Occupational - 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravating Driving Factors
.099 or below	\$ 350.00 Fine + Costs 10 days jail; 2 days lockup, 8 days Huber Law	\$ 400.00 Fine + Costs 20 days jail; 2 days lockup 18 days Huber Law
SSTOP	5 days Huber, 5 days stayed; 2 days lu \$ 1,109.00 Total 12 months revocation	5 days Huber, 15 days stayed, 2 days lu \$ 1,172.00 Total 13 months revocation
.10 to .169	\$ 450.00 Fine + Costs 20 days jail; 2 days lockup 18 days Huber Law	\$ 500.00 Fine + Costs 30 days jail, 2 days lockup 28 days Huber Law
SSTOP	7 days Huber, 13 days stayed, 2 days lu \$ 1,235.00 Total 13 months revocation	10 days Huber, 20 days stayed, 2 days lu \$ 1,298.00 Total 14 months revocation
.17 to .199	\$ 550.00 Fine + Costs 30 days jail; 2 days lockup 28 days Huber Law	\$ 600.00 Fine + Costs 50 days jail; 2 days lockup 48 days Huber Law
SSTOP	10 days Huber, 20 days stayed, 2 days lu \$ 1,361.00 Total 14 months revocation	15 days Huber, 35 days stayed, 2 days lu \$ 1,424.00 Total 15 months revocation
.20 to .249	\$ 650.00 Fine + Costs 50 days jail; 2 days lockup 48 days Huber Law	\$ 700.00 Fine + Costs 70 days jail; 2 days lockup 68 days Huber Law
SSTOP	15 days Huber, 35 days stayed, 2 days lu \$ 1,487.00 Total 15 months revocation	25 days Huber, 45 days stayed; 2 days lu \$ 1,550.00 Total 16 months revocation
.25 or above	\$ 750.00 Fine + Costs 70 days jail; 2 days lockup 68 days Huber Law	\$ 800.00 Fine & Costs 100 days jail; 5 days lockup 95 days Huber Law
SSTOP	25 days Huber, 45 days stayed, 2 days lu \$ 1,613.00 Total 17 months revocation	35 days Huber, 65 days stayed; 5 days lu \$ 1,676.00 Total 18 months revocation
Refusal	\$ 850.00 Fine + Costs 100 days jail; 5 days lockup 95 days Huber Law	\$ 900.00 Fine + Costs 120 days jail; 5 days lockup 115 days Huber Law
SSTOP	35 days Huber, 65 days stayed, 5 days lu \$ 1,739.00 Total 18 months revocation	40 days Huber, 80 days stayed; 5 days lu \$1,802.00 Total 18 months revocation

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

Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m].

(1)§346.65(2g)(d) The Court shall ensure that the person is imprisoned for not less than 5 days or ordered to perform not less than 30 days of community service work under §973.03(3)(a).

SSTOP: Safe Streets Treatment Option Program. If successful completion of SSTOP, stayed jail time is lifted

**7/1/10 Outagamie County Guidelines Amending
8TH JUDICIAL ADMINISTRATIVE DISTRICT
PAC SENTENCING GUIDELINES**

Offenses committed on or
after July 1, 2010

Pursuant to Sec. 346.65(2m), Wis. Stats.

3RD OFFENSE [§346.65(2)(c)]

***SSTOP amended 3/14/11 8/15/11**
(lu = lock up)

PENALTY RANGE

Ignition Interlock Device:

PROBATION:

JAIL: 45 days - 12 months

FINE: \$600 - \$2000

Minimum 1 year to a maximum of 18 months.

Probation for up to 2 years may be used if the person is subjected to at least the mandatory minimum period of imprisonment [973.09(1)(d)(1)].

Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [346.65(2)(f)]. Offense is a felony and place of imprisonment determined under §973.02.

[Minimum 48 consecutive hours in jail (§346.65(7))]

Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)]

(1) Minimum and maximum fine is doubled if PAC .17 to .199.

(2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.

(3) Minimum and maximum fine is quadrupled if PAC 0.25 or above.

REVOCAATION: 24 - 36 months. Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]. *** (Occupational - 45 day waiting period, must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

PAC LEVEL

Mitigating Driving Factors

Aggravating Driving Factors

.099 or below	\$ 600.00 Fine + Costs	45 days jail; 5 days lockup	\$ 700.00 Fine + Costs	60 days jail; 5 days lockup
		40 days Huber Law		55 days Huber Law
SSTOP	\$ 1,424.00 Total	15 days Huber, 30 days stayed, 5 days lu	\$ 1,550.00 Total	20 days Huber, 40 days stayed, 5 days lu
		24 months revocation		27 months revocation
.10 to .169	\$ 800.00 Fine + Costs	60 days jail; 5 days lockup	\$ 900.00 Fine + Costs	80 days jail; 5 days lockup
		55 days Huber Law		75 days Huber Law
SSTOP	\$ 1,676.00 Total	20 days Huber, 40 days stayed, 5 days lu	\$ 1,802.00 Total	25 days Huber, 55 days stayed, 5 days lu
		27 months revocation		30 months revocation
.17 to .199	\$ 1,200.00 Fine + Costs	80 days jail; 5 days lockup	\$ 1,300.00 Fine + Costs	100 days jail; 5 days lockup
		75 days Huber Law		95 days Huber Law
SSTOP	\$ 2,182.00 Total	25 days Huber, 55 days stayed, 5 days lu	\$ 2,309.00 Total	35 days Huber, 65 days stayed, 5 days lu
		30 months revocation		33 months revocation
.20 to .249	\$ 1,800.00 Fine + Costs	100 days jail; 5 days lockup	\$ 1,900.00 Fine + Costs	130 days jail; 5 days lockup
		95 days Huber Law		125 days Huber Law
SSTOP	\$ 2,944.00 Total	35 days Huber, 65 days stayed, 5 days lu	\$ 3,071.00 Total	40 days Huber, 90 days stayed, 5 days lu
		33 months revocation		36 months revocation
.25 or above	\$ 2,400.00 Fine + Costs	130 days jail; 5 days lockup	\$ 2,500.00 Fine + Costs	160 days jail; 10 days lockup
		125 days Huber Law		150 days Huber Law
SSTOP	\$ 3,706.00 Total	40 days Huber, 90 days stayed; 5 days lu	\$ 3,833.00 Total	50 days Huber, 110 days stayed; 10 days lu
		36 months revocation		36 months revocation
Refusal	\$ 2,000.00 Fine + Costs	160 days jail; 10 days lockup	\$ 2,000.00 Fine + Costs	180 days jail; 10 days lock up
		150 days Huber Law		170 days Huber Law
SSTOP	\$ 3,198.00 Total	50 days Huber, 110 days stayed, 10 days lu	\$ 3,198.00 Total	60 days Huber, 120 days stayed, 10 days lu
		36 months revocation		36 months revocation

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

Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m].

SSTOP: Safe Streets Treatment Option Program: If successful completion of SSTOP, stayed jail time is lifted.

**7/1/10 Outagamie County Guidelines Amending
8TH JUDICIAL ADMINISTRATIVE DISTRICT
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Offenses committed on or
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Pursuant to Sec. 346.65(2m), Wis. Stats.

4TH OFFENSE [§346.65(2)(d)]

PROBATION:

Probation may be used if the person is subjected to at least the mandatory minimum period of imprisonment [973.09(1)(d)(1)].

JAIL: 60 days - 12 months (1)

Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)]. Offense is a felony and place of imprisonment determined under §973.02.

[Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$600 - \$2000

Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)]

(1) Minimum and maximum fine is doubled if PAC .17 to .199.

(2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.

(3) Minimum and maximum fine is quadrupled if PAC 0.25 or above.

REVOCATION: 24 - 36 months. Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]. *** (Occupational - 45 day waiting period and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

PAC LEVEL Mitigating Driving Factors

Aggravating Driving Factors

.099 or below	\$ 800.00 Fine + Costs	100 days jail; 10 days lockup 90 days Huber Law 36 month revocation	\$ 900.00 Fine + Costs	125 days jail; 10 days lockup 115 days Huber Law 36 month revocation
	\$1,483.00 Total		\$1,609.00 Total	
.10 to .169	\$1,000.00 Fine + Costs	125 days jail; 10 days lockup 115 days Huber Law 36 month revocation	\$1,100.00 Fine + Costs	150 days jail; 10 days lockup 140 days Huber Law 36 month revocation
	\$1,735.00 Total		\$1,862.00 Total	
.17 to .199	\$1,400.00 Fine + Costs	150 days jail; 10 days lockup 140 days Huber Law 36 month revocation	\$1,500.00 Fine + Costs	175 days jail; 10 days lockup 165 days Huber Law 36 month revocation
(1)	\$2,243.00 Total		\$2,370.00 Total	
.20 to .249	\$2,000.00 Fine + Costs	175 days jail; 10 days lockup 165 days Huber Law 36 month revocation	\$2,100.00 Fine + Costs	200 days jail; 10 days lockup 190 days Huber Law 36 month revocation
(2)	\$3,005.00 Total		\$3,132.00 Total	
.25 or above	\$2,600.00 Fine + Costs	200 days jail; 10 days lockup 190 days Huber Law 36 month revocation	\$2,700.00 Fine + Costs	225 days jail; 15 days lockup 210 days Huber Law 36 month revocation
(3)	\$3,767.00 Total		\$3,894.00 Total	
Refusal	\$2,000.00 Fine + Costs	250 days jail; 15 days lockup 235 days Huber Law 36 month revocation	\$2,000.00 Fine + Costs	275 days jail; 15 days lockup 260 days Huber Law 36 month revocation
	\$3,005.00 Total		\$3,005.00 Total	

If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational. * Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m]
SSTOP: Safe Streets Treatment Option Program. If successful completion of SSTOP, stayed jail time is lifted.

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Pursuant to Sec. 346.65(2m), Wis. Stats.

4TH IF FELONY AND SUBSEQUENT OFFENSES [§346.65(2)(e)]

Ignition Interlock Device: Minimum of 1 year to a maximum of 36 months.
PROBATION: Probation may be used for Class H felony only if the person is subjected to at least the mandatory minimum period of imprisonment [973.09(1)(d)(1)].

INCARCERATION: [Offense is a Felony and place of imprisonment determined under §973.02].

6-Months - 6 years (a) Class H*
3 years - 10 years (a) Class G*
4 years - 12.5 years(a) Class F*
COURT'S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRE-SENTENCE REPORT.

(a) Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)].

[Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$600 - \$10,000 Class H
\$0 - \$25,000 Class G
\$0 - \$25,000 Class F
Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)]

(1) Minimum and maximum fine is doubled if PAC .17 to .199.

(2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.

(3) Minimum and maximum fine is quadrupled if PAC .25 or above.

REVOCAION: 24 - 36 months. Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m].

*** (Occupational - 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravating Driving Factors
.099 or	\$1,000.00 Fine + Costs	\$1,100.00 Fine + Costs
	INCARCERATION	INCARCERATION
	\$1,953.00 Total SEE ABOVE 36 month revocation	\$2,080.00 Total SEE ABOVE 36 month revocation
.10 to .169	\$1,200.00 Fine + Costs	\$1,300.00 Fine + Costs
	INCARCERATION	INCARCERATION
	\$2,207.00 Total SEE ABOVE 36 month revocation	\$2,334.00 Total SEE ABOVE 36 month revocation
.17 to .249 (1)	\$1,600.00 Fine + Costs	\$1,700.00 Fine + Costs
	INCARCERATION	INCARCERATION
	\$2,715.00 Total SEE ABOVE 36 month revocation	\$2,842.00 Total SEE ABOVE 36 month revocation
.20 to .249 (2)	\$2,200.00 Fine + Costs	\$2,300.00 Fine + Costs
	INCARCERATION	INCARCERATION
	\$3,477.00 Total SEE ABOVE 36 month revocation	\$3,604.00 Total SEE ABOVE 36 month revocation
.25 or above (3)	\$2,800.00 Fine + Costs	\$2,900.00 Fine + Costs
	INCARCERATION	INCARCERATION
	\$4,239.00 Total SEE ABOVE 36 month revocation	\$4,366.00 Total SEE ABOVE 36 month revocation
Refusal	\$3,000.00 Fine + Costs	\$3,500.00 Fine + Costs
	INCARCERATION	INCARCERATION
	\$4,493.00 Total SEE ABOVE 36 month revocation	\$5,128.00 Total SEE ABOVE 36 month revocation

** If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational. *** Revocation period doubled if there was a minor passenger under age 16 [343.305(10)(b)4m].

*4th, 5th or 6th Offense is a Class H Felony

* 7th, 8th or 9th Offense is a Class G Felony

*10th Offense or more is a Class F Felony

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Pursuant to Sec. 346.65(2m), Wis. Stats.

1ST OFFENSE [§346.65(2j)(a)]

COMMERCIAL

PENALTY RANGE

FORFEITURE: \$150 - \$300

*Minimum and maximum forfeiture is doubled if there was a minor passenger under 16 [§346.65(2j)(d)].

Driver Improvement Surcharge (DIS)	\$365
Court Costs	\$ 25
Court Support Fee (CSF)	\$ 68
Crime Lab & Drug Assessment (CLDA)	\$ 13
Justice Information Fee (JIF)	\$ 21.50
Jail Assessment (JA) (1% or \$10, whichever is greater)	
Truck Driver Education Surcharge	\$ 8
Penalty Assessment (PA) (26%)	

REVOCATON: None, but driver subject to disqualification of CDL by DMV under §343.315

ALCOHOL ASSESSMENT: None.

POINTS: None.

Court may also order restitution [§346.65(2r)(a)].

PAC LEVEL

Mitigating Driving Factors

Aggravating Driving Factors

.04 - .079

\$150.00 Forf. + Costs

\$200.00 Forf. + Costs

\$699.50 Total

\$762.50 Total

**8TH JUDICIAL ADMINISTRATIVE DISTRICT
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Offenses committed on or
after **July 1, 2010**

Pursuant to Sec. 346.65(2m), Wis. Stats.

2ND OFFENSE [§346.65(2j)(b)]

COMMERCIAL

PENALTY RANGE

JAIL: 5 days - 6 months Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2j)(d)]. [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$300 - \$1000* Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2j)(d)]

Driver Improvement Surcharge (DIS)	\$365
Victim, Witness Surcharge (VW)	\$ 67
Court Costs	\$163
Crime Lab & Drug Assessment (CLDA)	\$ 13
Jail Assessment (JA) [1% or \$10, whichever is greater]	
Truck Driver Education Surcharge	\$ 8
Penalty Assessment (PA) [26%]	

REVOCAATION: None, but driver subject to disqualification of CDL by DMV under §343.315

ALCOHOL ASSESSMENT: None.

POINTS: None.

Court may also order restitution [§346.65(2r)(a)].

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravating Driving Factors
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.04 - .079	\$300.00 Fine + Costs	\$400.00 Fine + Costs
Jail:	\$1,054.00 Total 20 days	\$1,230.00 Total 40 days

**8TH JUDICIAL ADMINISTRATIVE DISTRICT
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Offenses committed on or
after **July 1, 2010**

Pursuant to Sec. 346.65(2m), Wis. Stats.

3RD OFFENSE [§346.65(2j)(c)]

COMMERCIAL

PENALTY RANGE

JAIL: 45 days - 12 months Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [346.65(2j)(d)]. Offense is a felony and place of imprisonment determined under §973.02.

[Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$600 - \$2000* Minimum and maximum forfeiture is doubled if there was a minor passenger under age 16 [§346.65(2j)(d)]

Driver Improvement Surcharge (DIS)	\$ 365
Victim, Witness Surcharge (VW)	\$ 67
Court Costs	\$ 163
Crime Lab & Drug Assessment (CLDA)	\$ 13
Jail Assessment (JA) [1% or \$10, whichever is greater]	
Truck Driver Education Surcharge	\$ 8
Penalty Assessment (PA) [26%]	

REVOCAATION: None, but driver subject to disqualification of CDL by DMV under §343.315

ALCOHOL ASSESSMENT: None.

POINTS: None.

Court may also order restitution [§346.65(2r)(a)].

PAC LEVEL

Mitigating Driving Factors

Aggravating Driving Factors

.04 - .079

\$600.00 Fine + Costs

\$700.00 Fine + Costs

\$1,432.00 Total

\$1,558.00 Total

Jail

120 days

180 days