

**8TH JUDICIAL ADMINISTRATIVE DISTRICT
PAC SENTENCING GUIDELINES**

Offenses committed
after **July 7, 2023**

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

COSTS

| | FIRST OFFENSE | SECOND & THIRD MISDEMEANOR | FELONY |
|--|-----------------------------------|------------------------------------|--------------------------------------|
| Driver Improvement Surcharge (DIS) | \$535 | \$535 | \$535 |
| Safe Ride Surcharge (SRS) | \$ 50 | \$ 50 | \$ 50 |
| Court Costs | \$ 25 | \$163 | \$163 |
| Court Support Fee (CSF) | \$ 68 | | |
| Crime Lab & Drug Assessment (CLDA) | \$ 13 | \$ 13 | \$ 13 |
| Justice Information Fee (JIF) | \$ 21.50 | | |
| Victim Witness Surcharge – Misdemeanor | | \$ 67.00 | |
| Victim Witness Surcharge – Felony | | | \$ 92 |
| Jail Assessment (JA) | \$ 10 | 1% or \$10 whichever Is greater | 1% or \$10 which- ever is greater |
| Penalty Assessment (PA) | 26% | 26% | 26% |
| Ignition Interlock Surcharge (IIDS) | \$50 .15 or more | \$50 included in tables | \$50 included in Tables |
| DNA Analysis | | \$200 | \$250 |
| Blood withdrawal cost | needs to be added to tables | needs to be added to tables | needs to be added to tables |

ADDITIONAL OWI PENALTIES AND MISCELLANEOUS INFORMATION

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 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 Court 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 work for a public agency or non-profit charitable organization in lieu of part or all of fines or forfeitures imposed to reduce the amount of a fine or forfeiture [§346.65(2g)], or the court may reduce fine/forfeiture for such visit but depending on ability to pay may order defendant to pay a reasonable fee to offset costs of establishing, maintaining, and monitoring the visits 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 (Safe Streets Option)

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

A person may be sentenced only once in his or her lifetime under these provisions.

Ignition Interlock Devices (IIDS)

Ignition Interlock Devices (IIDS) are mandatory on

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

IID requirement must be imposed for each motor vehicle for which person's name appears on title or registration (§343.301(1g)(am)1). (Except if equipping such vehicle would cause an undue hardship, court may order 1 or more vehicles not be equipped (§343.301(1m)).

Length of IID Requirement

Minimum: 1 year

Maximum: The maximum period of revocation plus actual imprisonment. IID requirement begins upon date DOT issues the offender a license. The court may order the immediate installation upon entry of order for installation (§343.301(2m)(a)).

(2m)(a) MITIGATING AND AGGRAVATING FACTORS IN SENTENCING

MITIGATING FACTORS:

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

AGGRAVATING FACTORS:

- *Poor Driving; *Accident or Injury Involved; *Poor Prior Driving Record; *Lack of Remorse
- *Recent Prior OWI/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 OWI/BAC
- *Previously Uncounted Offenses from January 1, 1988
- *Combination of alcohol and controlled substance use
- *Note: Use with caution prior uncounted OWI/BAC. See State v. Dalton, 383 Wis. 2d 147, 914 N.W. 2nd 120
State v. Forrett 2022 WI 37. Birchfield v. North Dakota 136 S.Ct. 2160(2016)

Lifetime revocations. While not imposed by the Court, the DOT shall revoke permanently a person's operating privilege if four (4) or more countable convictions and the 4th occurs within 15 years of previous convictions (§343.31(1m)(b))

HUBER RELEASE PROVISIONS

The Sheriff may not release a person from jail on Huber if the person fails to obtain assessment or to comply with driver safety plan. (Doesn't apply if prisoner doesn't have sufficient funds to make payments necessary for assessment or to comply with driver safety plan.)(§303.08(10m).

The Sheriff may not release the person from jail or Huber if IID order exists unless within two (2) weeks the court issues the order the person submits proof to the Sheriff that an IID has been installed in each vehicle. (§303.08(10r).

May not stay execution of imprisonment on a 3rd or subsequent offense. (§937.15(8)(a)3).

Bail is revoked upon conviction for a 3rd or subsequent offense. (§969.01(2)(a).

Any person convicted of 2nd or subsequent offense must serve at least 48 consecutive hours in the county jail. (§346.65(7)).

Persons convicted of 3rd or subsequent offense OWI: Bail is revoked and cannot be released pending sentencing (§969.01(2)

Violation of Absolute Sobriety by
Persons under 21 years of Age (§346.63(2m))

- §346.65(2q) Forfeiture: \$200 plus costs = \$389.50
If passenger under age 16: \$400 plus costs = \$641.50
- §343.30(1p) Suspension of driver's license for 3 months
If passenger under age 16: Suspension for 6 months. Four (4) points on driving record, assuming not subject to doubling.
- §346.63(2m) Immediately eligible for occupational license under §343.10.
- §343.305(10)(em) If refusal to take test, person subject to revocation of driver's license for 6 months. If passenger under age 16, revocation for 12 months.
Occupational eligibility after 15 days.
Refusal/revocation does not count as a prior refusal under §343.30(1q), §343.307, and §346.65(2)
No requirement to submit to assessment or driver safety plan.

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offences committed
PAC SENTENCING GUIDELINES after **July 07, 2023**
Pursuant to Sec. 346.65(2m), Wis. Stats.

| | |
|----------------------------|---|
| <u>PENALTY RANGE</u> | <u>1ST OFFENSE</u> [§346.65(2)(am)(1)] |
| | 1 st Offense with a minor passenger under age 16 is a crime (See 2 nd Offense) |
| <u>FORFEITURE:</u> | \$150-\$300 |
| <u>REVOCACTION:</u> | 6-9 months. |
| <u>IGNITION INTERLOCK:</u> | Required if PAC .15 or more and \$50 surcharge included in tables below for .15 or more. Length 1 year. |

| <u>PAC LEVEL</u> | Mitigating Driving Factors | Aggravated Driving Factors |
|------------------|--|--|
| .099 or Below | \$150.00 Forf + Costs \$811.50 Total 6 months revocation | \$175.00 Forf + Costs \$843.00 Total 7 months revocation |
| .10 to .149 | \$175.00 Forf + Costs \$843.00 Total 7 months revocation | \$200.00 Forf + Costs \$874.50 Total 8 months revocation |
| *.15 to .199 | \$200.00 Forf + Costs \$924.50 Total 8 months revocation | \$225.00 Forf + Costs \$956.00 Total 9 months revocation |
| *.20 to .249 | \$225.00 Forf + Costs \$956.00 Total 9 months revocation | \$250.00 Forf + Costs \$987.50 Total 9 months revocation |
| *.25 or above | \$250.00 Forf + Costs \$987.50 Total 9 months revocation | \$275.00 Forf + Costs \$1,019.00 Total 9 months revocation |

*Immediately eligible for an occupational license (§343.30(1q)(b)2)

Offences committed
after **July 07, 2023**

2nd OFFENSE [§346.65(2)(am)2] **or**
1st Offense with passenger under age 16 [§346.65(2)(f)1]

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) and (2)(a)1.d] xxx

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)] xxxx

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

| <u>PAC LEVEL</u> | Mitigating Driving Factors | | Aggravated Driving Factors | |
|-------------------------|----------------------------|-------------------------------------|----------------------------|-------------------------------------|
| < .099 | \$350.00 Fine + Costs | 10 days jail | \$400.00 Fine + Costs | 20 days jail |
| | <i>SSTOP</i> | <i>5 days Huber/5 days stayed</i> | <i>SSTOP</i> | <i>5 days Huber/15 days stayed</i> |
| | \$1,429.00 Total | 12 months revocation | \$1,492.00 Total | 13 months revocation |
| .10 to .169 | \$450.00 Fine + Costs | 20 days jail | \$500.00 Fine + Costs | 30 days jail |
| | <i>SSTOP</i> | <i>5 days Huber/15 days stayed</i> | <i>SSTOP</i> | <i>10 days Huber/20 days stayed</i> |
| | \$1,555.00 Total | 13 months revocation | \$1,618.00 Total | 14 months revocation |
| .17 to .199 | \$550.00 Fine + Costs | 40 days jail | \$600.00 Fine + Costs | 60 days jail |
| | <i>SSTOP</i> | <i>10 days Huber/30 days stayed</i> | <i>SSTOP</i> | <i>15 days Huber/45 days stayed</i> |
| | \$1,681.00 Total | 14 months revocation | \$1,744.00 Total | 15 months revocation |
| .20 to .249 | \$650.00 Fine + Costs | 60 days jail | \$700.00 Fine + Costs | 90 days jail |
| | <i>SSTOP</i> | <i>15 days Huber/45 days stayed</i> | <i>SSTOP</i> | <i>25 days Huber/65 days stayed</i> |
| | \$1,807.00 Total | 15 months revocation | \$1,870.00 Total | 16 months revocation |
| .25 or above | \$750.00 Fine + Costs | 80 days jail | \$800.00 Fine + Costs | 120 days jail |
| | <i>SSTOP</i> | <i>25 days Huber/55 days stayed</i> | <i>SSTOP</i> | <i>35 days Huber/85 days stayed</i> |
| | \$1,933.00 Total | 17 months revocation | \$1,996.00 Total | 18 months revocation |

xxx Note reduced jail for counties offering reduced imprisonment as described on page 1 of these guidelines (Safe Streets Option).

xxxx If separate finding of a refusal, 2 year revocation of operating privileges and 90 day waiting period for an occupational however, if 2 convictions, suspensions or revocations within 5 year period, 1 year waiting period [§343.305(10)(b)3] must have completed assessment and complied with driver safety plan.

***Doubling of imprisonment, fine and revocation with a minor passenger is not applicable to 1st offense with a minor passenger.

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).

8TH JUDICIAL ADMINISTRATIVE DISTRICT**PAC SENTENCING GUIDELINES***Pursuant to Sec. 346.65(2m), Wis. Stats.*

Offences committed

after **July 07, 2023**PENALTY RANGE**3rd OFFENSE** [§346.65(2)(am)3]If minor passenger see 3rd offense with minor passenger guidelinesIGNITION INTERLOCK DEVICE

Minimum 1 year to a maximum of 36 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) and (2)(a)1.d] xxx

JAIL: 45 days– 12 monthsFINE: \$600 - \$2000

- (1) Minimum and maximum fine is doubled if PAC .17 to .199.
[§346.65(2)(g)1]
- (2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.
[§346.65(2)(g)2]
- (3) Minimum and maximum fine is quadrupled if PAC .025 or above.
[§346.65(2)(g)3]

REVOCAION: 24 – 36 months (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.[§343.30(1q)(b)(4)])

| <u>PAC LEVEL</u> | Mitigating Driving Factors | Aggravated Driving Factors |
|------------------|--|--|
| <.099 | \$600.00 Fine + Costs 60 days jail <i>SSTOP 15 days Huber/45 days stayed</i> \$1,744.00 Total 24 months revocation | \$700.00 Fine + Costs 90 days jail <i>SSTOP 20 days Huber/70 days stayed</i> \$1,870.00 Total 27 months revocation |
| .10 to .169 | \$800.00 Fine + Costs 80 days jail <i>SSTOP 20 days Huber/60 days stayed</i> \$1,996.00 Total 27 months revocation | \$900.00 Fine + Costs 120 days jail <i>SSTOP 25 days Huber/95 days stayed</i> \$2,122.00 Total 30 months revocation |
| .17 to .199 | \$1,200.00 Fine + Costs 110 days jail <i>SSTOP 25 days Huber/85 days stayed</i> (1) \$2,502.00 Total 30 months revocation | \$1,300.00 Fine + Costs 150 days jail <i>SSTOP 35 days Huber/115 days stayed</i> \$2,629.00 Total 33 months revocation |
| .20 to .249 | \$1,800.00 Fine + Costs 140 days jail <i>SSTOP 35 days Huber/105 days stayed</i> (2) \$3,264.00 Total 33 months revocation | \$1,900.00 Fine + Cost 180 days jail <i>SSTOP 40 days Huber/140 days stayed</i> \$3,391.00 Total 36 months revocation |

| | | | | |
|--------------|---|---|---|---|
| .25 or above | \$2,400.00 Fine + Costs <i>SSTOP</i> | 170 days jail <i>40 days Huber/130 days stayed</i> | \$2,500.00 Fine + Costs <i>SSTOP</i> | 210 days jail <i>50 days Huber/160 days stayed</i> |
| (3) | \$4,026.00 Total | 36 months revocation | \$4,153.00 Total | 36 months revocation |

xxx Note reduced jail for counties offering reduced imprisonment as described on page 2 of these guidelines (Safe Streets Option).

** If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational however, 2 convictions, suspensions or revocations within 5 year period, 1 year waiting period [§343.305(10)(b)4] must have completed assessment and complied with driver safety plan.

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

3rd Offense with minor passenger under 16 and all 4th and subsequent offenses are felonies. Guidelines are attached for 3rd offense with minor passenger under 16 and for 4th offense as it relates to all felony offenses.

Ignition Interlock Device: see IID information page three of these guidelines but remember revocation doubles if minor passenger under 16 therefore, IID length may also increase.

Revocation: 24-36 months but doubles with minor passenger under 16.

Offences committed
after **July 07, 2023**

3rd OFFENSE WITH MINOR PASSENGER UNDER 16
[§346.65(2)(am)3 and §346.65(2)(f)2] Felony Offense

IGNITION INTERLOCK DEVICE PROBATION

Minimum 1 year to 6 years plus confinement length
 Probation for not less than 1 year but not greater than 3 years may be used if the person is subjected to at least the mandatory minimum period of imprisonment. [§973.09(1)(d) and (2)(b)1]

IMPRISONMENT:

Offense is a felony and place of imprisonment
determined under §973.02 [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$1200 - \$4000

- (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 .025 or above.

REVOCACTION: 48 – 72 months *** (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 | Aggravated Driving Factors |
|-------------------------|--|--|
| .099 or Below | \$1,200.00 Fine + Costs 120 days jail \$2,577.00 Total 48 months revocation | \$1,400.00 Fine + Costs 180 days jail \$2,831.00 Total 48 months revocation |
| .10 to .169 | \$1,600.00 Fine + Costs 160 days jail \$3,085.00 Total 52 months revocation | \$1,700.00 Fine + Costs 240 days jail \$3,212.00 Total 52 months revocation |
| .17 to .199 (1) | \$2,400.00 Fine + Costs 220 days jail \$4,101.00 Total 56 months revocation | \$2,500.00 Fine + Costs 300 days jail \$4,228.00 Total 56 months revocation |
| .20 to .249 (2) | \$3,000.00 Fine + Costs 330 days jail \$4,863.00 Total 60 months revocation | \$3,100.00 Fine + Costs 350 days jail \$4,990.00 Total 60 months revocation |
| .25 or above (3) | \$3,250.00 Fine + Costs 365 days jail or prison \$5,180.50 Total 72 months revocation | \$3,500.00 Fine + Costs 365 days jail or prison \$5,498.00 Total 72 months revocation |

****If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational however, 2 convictions, suspensions or revocations within 5 year period, 1 year waiting period [§343.305(10)(b)4] must have complied with driver safety plan.**

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offences committed
PAC SENTENCING GUIDELINES after **July 07, 2023**
Pursuant to Sec. 346.65(2)(am)4, Wis. Stats.

PENALTY RANGE **4th OFFENSE** [§346.65(2)(am)4]

IGNITION INTERLOCK DEVICE Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16) plus confinement length.

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
60 days to 6 years xxx COURT'S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. (Recall that upon conviction, bail must be revoked in 3rd or subsequent convictions. §969.01(2)(a). Therefore, ordering PSI places defendant in jail pending sentencing.)
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 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 .025 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.)

| <u>PAC LEVEL</u> | Mitigating Driving Factors | Aggravated Driving Factors |
|-------------------------|---|---|
| .099 or Below | \$1,000.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$2,323.00 Total 36 months revocation | \$1,100.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$2,450.00 Total 36 months revocation |
| .10 to .169 | \$1,200.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$2,577.00 Total 36 months revocation | \$1,300.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$2,604.00 Total 36 months revocation |
| .17 to .199 ABOVE) | \$1,600.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$3,085.00 Total 36 months revocation | \$1,700.00 Fine + Costs (INCARCERATION –SEE) \$3,212.00 Total 36 months revocation |
| .20 to .249 | \$2,200.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$3,847.00 Total 36 months revocation | \$2,300.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$3,974.00 Total 36 months revocation |

| | | |
|--------------|---|---|
| .25 or above | \$2,800.00 Fine + Costs (INCARCERATION –SEE ABOVE) | \$2,900.00 Fine + Costs (INCARCERATION –SEE ABOVE) |
| | \$4,609.00 Total 36 months revocation | \$4,736.00 Total 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].

xxx Note reduced jail for counties offering reduced imprisonment as described on page 2 of these guidelines (Safe Streets Option).

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offences committed
PAC SENTENCING GUIDELINES after **July 07, 2023**
Pursuant to Sec. 346.65(2)(am)5, Wis. Stats.

| | |
|---------------------------------------|--|
| <u>PENALTY RANGE</u> | 5TH AND 6TH OFFENSE [§346.65(2)(am)5] Class G Felony |
| <u>IGNITION INTERLOCK DEVICE</u> | Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16) plus length of confinement. |
| <u>CLASS G FELONY 10 YEAR MAX</u> | Probation may not be used. The court shall impose a bifurcated sentence and the confinement portion not less than 1 year and 6 months. However, it may impose a confinement of less than 1 year and 6 months if the court finds that the best interest of the community will be served and the public will not be harmed and the court puts the reasons on the record (but watch <i>State v. Latimer</i> , Case 22 AP 1063-CR, awaiting Court of Appeals decision). |
| <u>INCARCERATION:</u> Max 10 years | Offense is a felony and place of imprisonment determined under §973.02 COURT'S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRESENTENCE REPORT. (Recall that upon conviction, bail must be revoked in 3 rd or subsequent convictions. §969.01(2)(a). Therefore, ordering PSI places defendant in jail pending sentencing.) 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))] |
| <u>FINE:</u> \$600-\$25,000 Class G | 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 .025 or above. |
| <u>REVOCACTION:</u> 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 | Aggravated Driving Factors |
|------------------|---|---|
| .099 or | \$1,000.00 Fine + Costs (INCARCERATION –SEE ABOVE) | \$1,100.00 Fine + Costs (INCARCERATION –SEE ABOVE) |
| Below | \$2,323.00 Total 36 months revocation | \$2,450.00 Total 36 months revocation |
| .10 to .169 | \$1,200.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$2,577.00 Total 36 months revocation | \$1,300.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$2,604.00 Total 36 months revocation |

| | | |
|--------------|--|--|
| .17 to .199 | \$1,600.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$3,085.00 Total 36 months revocation | \$1,700.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$3,212.00 Total 36 months revocation |
| .20 to .249 | \$2,200.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$3,847.00 Total 36 months revocation | \$2,300.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$3,974.00 Total 36 months revocation |
| .25 or above | \$2,800.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$4,609.00 Total 36 months revocation | \$2,900.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$4,736.00 Total 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].

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offences committed
PAC SENTENCING GUIDELINES after **July 07, 2023**
Pursuant to Sec. 346.65(2)(am)6, Wis. Stats.

PENALTY RANGE **7TH, 8TH OR 9TH OFFENSE** [§346.65(2)(am)6] Class F Felony

IGNITION INTERLOCK DEVICE Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger
Under age 16) plus confinement time.

PROBATION Probation is not available. Must impose bifurcated sentence

INCARCERATION: Offense is a felony and place of imprisonment determined under §973.02
Max 12 ½ years COURT'S DISCRETION AS TO LENGTH OF PRISON

COURT SHALL IMPOSE SENTENCE. COURT SHOULD CONSIDER ORDERING
BIFURCATED SENTENCE WITH PRESENTENCE REPORT.

CONFINEMENT NOT LESS THAN (a) Minimum and maximum imprisonment doubled if there was a
3 YEARS minor passenger under age 16 [§346.65(2)(f)].

FINE: Not more than See prior felony charts for fines.
\$25,000 Class F Maximum fine is doubled if there was a minor passenger
Under age 16 [§346.65(2)(f)]
See note at bottom

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.)

Note: Depending on the financial circumstances of the defendant and length of sentence, the court may wish to
consider costs only.

\$518.00 Base Felony Costs
+585.00 Driver Improvement Surcharge and Safe Ride
+ 50.00 IID surcharge
\$1,153.00

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offences committed
PAC SENTENCING GUIDELINES after **July 07, 2023**
Pursuant to Sec. 346.65(2)(am)7, Wis. Stats.

PENALTY RANGE **10TH OR SUBSEQUENT OFFENSE** [§346.65(2)(am)7] Class E Felony

| | |
|--|---|
| <u>IGNITION INTERLOCK DEVICE</u> | Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16) |
| <u>PROBATION</u> | Probation is not available. Must impose bifurcated sentence with confinement of not less than 4 years. |
| <u>INCARCERATION:</u> Max 15 years | [Offense is a felony and place of imprisonment determined under §973.02 COURT'S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRESENTENCE 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))] |
| <u>FINE:</u> Not more than \$50,000 Class E | Maximum fine is doubled if there was a minor passenger Under age 16 [§346.65(2)(f)] See note at bottom. |
| <u>REVOCATION:</u> 24 – 36 months | Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m] |

Note: Depending on the financial circumstances of the defendant and length of sentence, the court may wish to consider costs only.

\$518.00 Base Felony Costs
+585.00 Driver Improvement Surcharge and Safe Ride
+ 50.00 IID surcharge
\$1,153.00

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offences committed
PAC SENTENCING GUIDELINES after **July 07, 2023**
COMMERCIAL VEHICLE

Pursuant to Sec. 346.63(5), Wis. Stats., no person may operate a commercial motor vehicle with a BAC of 0.04 or more but less than 0.08. May also be prosecuted for OWI pursuant to §346.63(1)(a), but only one offense is counted for county convictions and sentencing if convicted for §346.63(5) only.

PENALTY RANGE

1ST OFFENSE [§346.63(5)(am)(1)]
Penalty 346.65(2j)(am)1

FORFEITURE: \$150-\$300

Minimum and maximum forfeiture is doubled if there was a minor passenger under 16

REVOCAATION:

No revocation of license, however, one (1) year disqualification of operating Commercial motor vehicles (§343.315(2)(a)2). If transporting hazardous Materials, 3 years disqualification (§343.315(2)(b))

Forfeiture

Mitigating Driving Factors

Aggravated Driving Factors

\$150.00 Forf + Costs

\$200.00 Forf + Costs

\$819.50 Total

\$882.50 Total

Use OWI 1st guidelines plus \$8 truck driver education fee if imposing different amounts.

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offences committed
PAC SENTENCING GUIDELINES after **July 07, 2023**
COMMERCIAL VEHICLE

Pursuant to Sec. 346.63(5), Wis. Stats., no person may operate a commercial motor vehicle with a BAC of 0.04 or more but less than 0.08. May also be prosecuted for OWI pursuant to §346.63(1)(a), but only one offense is counted for county convictions and sentencing if convicted for §346.63(5) only.

PENALTY RANGE

2nd OFFENSE [§346.63(5)]
Penalty 346.65(2j)(am)2

PROBATION:

Probation for up to two (2) years may be used if the person is subject to at least the
Mandatory minimum period of imprisonment. (§973.09(1)(d) and (2)(a)1.d.)

JAIL: 5 days to 6 months ***

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

FINE: \$300 -\$1,000

Minimum and maximum fine is doubled if there was a minor passenger under 16

REVOCATION:

None. However, lifetime disqualification of operating commercial Motor vehicles §343.315(2)(c)

Fine:

Mitigating Driving Factors

Aggravated Driving Factors

\$350.00 Fine + Costs

\$400.00 Fine + Costs

\$1,437.00 Total

\$1,500.00 Total

20 days jail.

40 days jail.

*** See Safe Streets Option (§346.65(2j)(bm)), not less than 5 days nor more than 7 days (See also page 2.).

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offences committed
PAC SENTENCING GUIDELINES after **July 07, 2023**
COMMERCIAL VEHICLE

Pursuant to Sec. 346.63(5), Wis. Stats., no person may operate a commercial motor vehicle with a BAC of 0.04 or more but less than 0.08. May also be prosecuted for OWI pursuant to §346.63(1)(a), but only one offense is counted for county convictions and sentencing if convicted for §346.63(5) only.

| | |
|---|---|
| <u>PENALTY RANGE</u> | <u>3rd OFFENSE</u> [§346.63(5)] Penalty 346.65(2j)(am)3 |
| <u>PROBATION:</u> | Probation for up to two (2) years may be used if the person is subject to at least the Mandatory minimum period of imprisonment. (§973.09(1)(d) and (2)(a)1.d.) |
| <u>JAIL:</u> 45 days to 1 year *** | Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2j)(d)]. Offense becomes a felony. |
| <u>FINE:</u> \$600 -\$2,000 | Minimum and maximum fine is doubled if there was a minor passenger under 16 |
| <u>REVOCATION:</u> | None. However, lifetime disqualification of operating commercial Motor vehicles §343.315(2)(c) |

| <u>Fine:</u> | Mitigating Driving Factors | Aggravated Driving Factors |
|---------------------|---|---|
| | \$600.00 Fine + Costs | \$1,000.00 Fine + Costs |
| | \$1,752.00 Total (If felony: \$1,827.00) | \$2,256.00 Total (If felony: \$2,331.00) |
| | 120 days jail. | 200 days jail. |

*** See Safe Streets Option (§346.65(2j)(bm)), not less than 45 days.