

FIFTH JUDICIAL DISTRICT

OWI SENTENCING GUIDELINES

Citations Issued On or After

January 1, 2017

Hon. James P. Daley, Chief Judge

Office of Chief Judge and District Court Administrator
215 S. Hamilton Street, Room 6111
Madison, WI 53703-3295
(608) 267-8820

Dated February 13, 2017

FIFTH JUDICIAL DISTRICT

FIRST OFFENSE

(Citations Issued On or After January 1, 2017)

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
< .10 PAC or prescription meds used as prescribed	\$150-\$175 6 month revocation	\$175-\$225 6-7 month revocation	\$200-\$275 7-8 month revocation
.10-.149 or prescription meds not used as prescribed or THC	\$175-\$200 6-7 month revocation	\$175-\$225 7-8 month revocation	\$200-\$275 8-9 month revocation
.150-.199	\$175-\$225 7-8 month revocation	\$200-\$275 8-9 month revocation	\$225-\$300 9 month revocation
.20 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$200-\$275 8-9 month revocation	\$225-\$300 9 month revocation	\$250-\$300 9 month revocation

PENALTY RANGE

FINE/COSTS

\$150-\$300 Forfeiture [346.65(2)(am)1.]

REVOCAION

6-9 months [343.30(1q)(b)2.]

No waiting period for occupational license [343.30(1q)(b)2.]

PASSENGER UNDER AGE 16

An additional fine of \$350-\$1,100 and between 5 days to 6 months in jail [346.65(2)(f)1.]

REFUSAL

1 year revocation and 30 day waiting period for occupational license [343.305(10)(b)(2).]

If no refusal hearing is requested, revocation period begins 30 days after the date of refusal. If a hearing is requested, revocation begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later [343.305(10)(a)]

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- Community service for defendant unable to pay the fine [346.65(2g)(ag)]

Court May Order:

- Safety plan to include the effect on victim or victim's family [343.30(1q)(c)]
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2i)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.65(2e)]
- Restitution [346.65(2r)(a)]

Note: Ignition interlock (IID) restriction only applies if the PAC is equal to or greater than .15

FIFTH JUDICIAL DISTRICT

SECOND OFFENSE or FIRST OFFENSE WITH MINOR CHILD AS A PASSENGER (Citations Issued On or After January 1, 2017)

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
< .10 PAC or prescription meds used as prescribed	\$350-\$500 5-10 days jail 12 month revocation	\$400-\$800 10 days-1 month jail 13-17 month revocation	\$500-\$1000 20 days-2 months jail 14-18 month revocation
.10-.149 or prescription meds not used as prescribed or THC	\$400-\$800 10 days-1 month jail 13-17 month revocation	\$500-\$1000 20 days-2 months jail 14-18 month revocation	\$600-\$1000 1-3 months jail 16-18 month revocation
.150-.199	\$400-\$800 1-3 months jail 13-17 month revocation	\$500-\$1000 45 days-4 months jail 14-18 month revocation	\$600-\$1000 3-5 months jail 16-18 month revocation
.20 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$500-\$1000 3-5 months jail 14-18 month revocation	\$600-\$1100 4 months-160 days jail 16-18 month revocation	\$800-\$1100 5-6 months jail 18 month revocation

PENALTY RANGE

JAIL

- 5 days to 6 months jail [346.65(2)(am)2.]
- If probation, maximum term is 2 years, with minimum 5 days conditional jail [973.09(2)(a)1.d.]
- Maximum changes to 7 days when defendant enrolls in approved treatment court program [346.65(2)(bm)]
- Conditional jail must include good time [973.09(1)(d)]

FINE/COSTS

- \$350-\$1100 Fine [346.65(2)(am)2.]

REVOCAATION

- 12-18 months [343.30(1q)(b)3.]
- 45 day waiting period for occupational license, 1 year wait if 2 OWIs in 5 years [343.30(1q)(b)3.]

PASSENGER UNDER AGE 16

- Minimum and maximum fines, jail and length of revocation all double [346.65(2)(f)2.],[343.305(10)(b)4m.]

REFUSAL

- 2 year revocation and 90 day waiting period for occupation license, unless 2nd offense in 5 years, then waiting period is 1 year [343.305(10)(b)3.]
- If no refusal hearing is requested, revocation period begins 30 days after the date of refusal. If a hearing is requested, revocation begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later [343.305(10)(a)]

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT SHALL ORDER

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 18 months, beginning 1 year after revocation begins [343.301(1)(a)2.],[343.301(1)(b)]
- Community service for defendant unable to pay the fine [346.65(2g)(ag)]
- Ignition interlock device for not less than 1 year nor more than 18 months [343.301(1g)(b)]

COURT MAY ORDER

- Safety plan to include effect on victim or victim's family [343.30(1q)(c)]
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2i)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.54(2r)(a)]

FIFTH JUDICIAL DISTRICT

THIRD OFFENSE

Citations Issued On or After January 1, 2017

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
< .10 PAC or prescription meds used as prescribed	\$600-\$1200 45 days-3 months jail 24 month revocation	\$700-\$1500 2-5 months jail 26-30 month revocation	\$800-\$2000 3-6 months jail 28-32 month revocation
.10-.149 or prescription meds not used as prescribed or THC	\$700-\$1500 2-5 months jail 26-30 month revocation	\$1200-\$2500 3-6 months jail 28-32 month revocation	\$1600-\$4000 5-8 months jail 30-36 month revocation
.150-.199	\$1800-\$4000 4-7 months jail 28-32 month revocation	\$2000-\$5000 5-8 months jail 30-36 month revocation	\$2200-\$6000 6-9 months jail 32-36 month revocation
.20 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$2400-\$6000 6-10 months jail 30-36 month revocation	\$2600-\$7000 7-11 months jail 32-36 month revocation	\$2800-\$8000 8-12 months jail 36 month revocation

PENALTY RANGE

JAIL

- 45 days to 12 months jail [346.65(2)(am)3.]
- If probation, maximum term is 2 years, with minimum 45 days conditional jail [973.09(2)(a)1.d.]
- Maximum changes to 14 days when defendant enrolls in approved treatment court program [346.65(2)(cm)]
- Conditional jail must include good time [973.09(1)(d)]

FINE/COSTS

- \$600-\$2000 Fine [346.65(2)(am)3.]

REVOCAATION

- 24-36 months [343.30(1q)(b)4.]
- 45 day waiting period for occupational license, 1 year wait if 2 OWIs in 5 years [343.30(1q)(b)4.]

PASSENGER UNDER AGE 16

- Minimum and maximum fines, jail and length of revocation all double [346.65(2)(f)2.],[343.305(10)(b)4m.]

REFUSAL

- 3 year revocation and 120 day waiting period for occupation license, unless 2nd offense in 5 years, then waiting period is 1 year [343.305(10)(b)4.]
- If no refusal hearing is requested, revocation period begins 30 days after the date of refusal. If a hearing is requested, revocation begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later [343.305(10)(a)]

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT SHALL ORDER

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 36 months, beginning 1 year after revocation begins [343.301(1)(a)2.],[343.301(1)(b)]
- Community service for defendant unable to pay the fine [346.65(2g)(ag)]
- Ignition interlock device for not less than 1 year nor more than 36 months [343.301(1g)(b)]

COURT MAY ORDER

- Safety plan to include effect on victim or victim's family [343.30(1q)(c)]
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2i)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.54(2r)(a)]
- Restitution [346.65(2r)(a)]
- Seizure and forfeiture of motor vehicle owned and used by the defendant, unless the court orders interlock or immobilization, or unless seizure results in undue hardship or endangers health and safety [346.65(6)(a)]

Note: If PAC \geq .17, then minimum and maximum fines double
 If PAC \geq .20, then minimum and maximum fines triple
 If PAC \geq .25, minimum and maximum fines quadruple [346.65(2)(g)]
 This may be incongruent with the above table, in certain situations

**FIFTH JUDICIAL DISTRICT
FOURTH OFFENSE—FELONY H**

Citations Issued On or After January 1, 2017

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
< .10 PAC or prescription meds used as prescribed	\$600-\$1200 2-3 months jail ≥ 2 months conditional jail 24 month revocation	\$700-\$1500 3-6 months jail ≥ 2 months conditional jail 26-30 month revocation	\$800-\$2000 4-7 months jail ≥ 2 months conditional jail 30-36 months revocation
.10-.149 or prescription meds not used as prescribed or THC	\$860-\$1500 3-6 months jail ≥ 3 months conditional jail 26-30 month revocation	\$1000-\$2000 4-7 months jail ≥ 3 months conditional jail 25-34 month revocation	\$1200-\$3000 6-8 months jail ≥ 3 months conditional jail 30-36 month revocation
.150-.199	\$2000-\$4000 5-8 months jail ≥ 4 months conditional jail 30-36 month revocation	\$2400-\$5000 6-9 months jail ≥ 4 months conditional jail 32-36 month revocation	\$2800-\$6000 7-10 months jail ≥ 4 months conditional jail 36 month revocation
.20 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$2400-\$6000 8-11 months jail ≥ 5 months conditional jail 36 month revocation	\$2800-\$7000 9-12 months jail ≥ 5 months conditional jail 36 month revocation	\$3000-\$10000 11-12 months jail ≥ 5 months conditional jail 36 month revocation

PENALTY RANGE

JAIL

- At least 60 days jail [346.65(2)(am)4.]
- If probation, maximum term is 2 years, with minimum 60 days conditional jail [973.09(2)(a)1.d.]
- Maximum changes to 29 days when defendant enrolls in approved treatment court program [346.65(2)(cm)]
- Conditional jail must include good time [973.09(1)(d)]

FINE/COSTS

- \$600+ Fine [346.65(2)(am)4.]

REVOCAION

- 24-36 months [343.30(1q)(b)4.]
- 45 day waiting period for occupational license, 1 year wait if 2 OWIs in 5 years [343.30(1q)(b)4.]

PASSENGER UNDER AGE 16

- Minimum and maximum fines, jail and length of revocation all double [346.65(2)(f)2.],[343.305(10)(b)4m.]

REFUSAL

Same as OWI 3

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT SHALL ORDER

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 36 months, beginning 1 year after revocation begins [343.301(1)(a)2.],[343.301(1)(b)]
- Community service for defendant unable to pay the fine [346.65(2g)(ag)]
- Ignition interlock device for not less than 1 year nor more than 36 months [343.301(1g)(b)]

COURT MAY ORDER

- Safety plan to include effect on victim or victim's family [343.30(1q)(c)]
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2i)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.54(2r)(a)]
- Restitution [346.65(2r)(a)]
- Seizure and forfeiture of motor vehicle owned and used by the defendant, unless the court orders interlock or immobilization, or unless seizure results in undue hardship or endangers health and safety [346.65(6)(a)]

Note: If PAC ≥ .17, then fine doubles; if PAC ≥ .20, then fine triples; if PAC ≥ .25, fine quadruples. [346.65(2)(g)]

**FIFTH JUDICIAL DISTRICT
FIFTH/SIXTH OFFENSES—FELONY G**

Citations Issued On or After January 1, 2017

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
< .10 PAC or prescription meds used as prescribed	\$600-\$1200 2-3 months jail ≥ 2 months conditional jail 24 month revocation	\$700-\$1500 3-6 months jail ≥ 2 months conditional jail 26-30 month revocation	\$800-\$2000 4-7 months jail ≥ 2 months conditional jail 30-36 months revocation
.10-.149 or prescription meds not used as prescribed or THC	\$860-\$1500 3-6 months jail ≥ 3 months conditional jail 26-30 month revocation	\$1000-\$2000 4-7 months jail ≥ 3 months conditional jail 25-34 month revocation	\$1200-\$3000 6-8 months jail ≥ 3 months conditional jail 30-36 month revocation
.150-.199	\$2000-\$4000 5-8 months jail ≥ 4 months conditional jail 30-36 month revocation	\$2400-\$5000 6-9 months jail ≥ 4 months conditional jail 32-36 month revocation	\$2800-\$6000 7-10 months jail ≥ 4 months conditional jail 36 month revocation
.20 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$2400-\$6000 8-11 months jail ≥ 5 months conditional jail 36 month revocation	\$2800-\$7000 9-12 months jail ≥ 5 months conditional jail 36 month revocation	\$3000-\$25000 11-12 months jail ≥ 5 months conditional jail 36 month revocation

PENALTY RANGE

JAIL

- At least 6 months jail [346.65(2)(am)5.]
- No more than 10 years imprisonment [939.50(3)(g)]
- If probation, maximum term is 2 years, with minimum 60 days conditional jail [973.09(2)(a)1.d.]

FINE/COSTS

- \$600+ Fine [346.65(2)(am)5.]

REVOCAION

- 24-36 months [343.30(1q)(b)4.]
- 45 day waiting period for occupational license, 1 year wait if 2 OWIs in 5 years [343.30(1q)(b)4.]

PASSENGER UNDER AGE 16

- Minimum and maximum fines, jail and length of revocation all double [346.65(2)(f)2.],[343.305(10)(b)4m.]

REFUSAL

Same as OWI 3

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT SHALL ORDER

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 36 months, beginning 1 year after revocation begins [343.301(1)(a)2.],[343.301(1)(b)]
- Community service for defendant unable to pay the fine [346.65(2g)(ag)]
- Ignition interlock device for not less than 1 year nor more than 36 months [343.301(1g)(b)]

COURT MAY ORDER

- Safety plan to include effect on victim or victim's family [343.30(1q)(c)]
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2i)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.54(2r)(a)]
- Restitution [346.65(2r)(a)]
- Seizure and forfeiture of motor vehicle owned and used by the defendant, unless the court orders interlock or immobilization, or unless seizure results in undue hardship or endangers health and safety [346.65(6)(a)]

Note: If PAC ≥ .17, then fine doubles; if PAC ≥ .20, then fine triples; if PAC ≥ .25, fine quadruples [346.65(2)(g)]

**FIFTH JUDICIAL DISTRICT
SEVENTH/EIGHTH/NINTH OFFENSES—FELONY F**

Citations Issued On or After January 1, 2017

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
< .10 PAC or prescription meds used as prescribed	\$600-\$1200 2-3 months jail ≥ 2 months conditional jail 24 month revocation	\$700-\$1500 3-6 months jail ≥ 2 months conditional jail 26-30 month revocation	\$800-\$2000 4-7 months jail ≥ 2 months conditional jail 30-36 months revocation
.10-.149 or prescription meds not used as prescribed or THC	\$860-\$1500 3-6 months jail ≥ 3 months conditional jail 26-30 month revocation	\$1000-\$2000 4-7 months jail ≥ 3 months conditional jail 25-34 month revocation	\$1200-\$3000 6-8 months jail ≥ 3 months conditional jail 30-36 month revocation
.150-.199	\$2000-\$4000 5-8 months jail ≥ 4 months conditional jail 30-36 month revocation	\$2400-\$5000 6-9 months jail ≥ 4 months conditional jail 32-36 month revocation	\$2800-\$6000 7-10 months jail ≥ 4 months conditional jail 36 month revocation
.20 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$2400-\$6000 8-11 months jail ≥ 5 months conditional jail 36 month revocation	\$2800-\$7000 9-12 months jail ≥ 5 months conditional jail 36 month revocation	\$3000-\$25000 11-12 months jail ≥ 5 months conditional jail 36 month revocation

PENALTY RANGE

JAIL

- At least 3 years of initial confinement [346.65(2)(am)6.]
- No more than 12.5 years imprisonment [939.50(3)(f)]

FINE/COSTS

- No more than a \$25000 fine [346.65(2)(am)6.],[939.50(3)(f)]

REVOCAION

- 24-36 months [343.30(1q)(b)4.]
- 45 day waiting period for occupational license, 1 year wait if 2 OWIs in 5 years [343.30(1q)(b)3.]

PASSENGER UNDER AGE 16

- Minimum and maximum fines, jail and length of revocation all double [346.65(2)(f)2.],[343.305(10)(b)4m.]

REFUSAL

Same as OWI 3

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT SHALL ORDER

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 36 months, beginning 1 year after revocation begins [343.301(1)(a)2.],[343.301(1)(b)]
- Community service for defendant unable to pay the fine [346.65(2g)(ag)]
- Ignition interlock device for not less than 1 year nor more than 36 months [343.301(1g)(b)]

COURT MAY ORDER

- Safety plan to include effect on victim or victim's family [343.30(1q)(c)]
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2i)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.54(2r)(a)]
- Restitution [346.65(2r)(a)]
- Seizure and forfeiture of motor vehicle owned and used by the defendant, unless the court orders interlock or immobilization, or unless seizure results in undue hardship or endangers health and safety [346.65(6)(a)]

Note: If PAC ≥ .17, then fine doubles; if PAC ≥ .20, then fine triples; if PAC ≥ .25, fine quadruples [346.65(2)(g)]

**FIFTH JUDICIAL DISTRICT
TENTH OR HIGHER OFFENSES—FELONY E**

Citations Issued On or After January 1, 2017

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
< .10 PAC or prescription meds used as prescribed	\$600-\$1200 2-3 months jail ≥ 2 months conditional jail 24 month revocation	\$700-\$1500 3-6 months jail ≥ 2 months conditional jail 26-30 month revocation	\$800-\$2000 4-7 months jail ≥ 2 months conditional jail 30-36 months revocation
.10-.149 or prescription meds not used as prescribed or THC	\$860-\$1500 3-6 months jail ≥ 3 months conditional jail 26-30 month revocation	\$1000-\$2000 4-7 months jail ≥ 3 months conditional jail 25-34 month revocation	\$1200-\$3000 6-8 months jail ≥ 3 months conditional jail 30-36 month revocation
.150-.199	\$2000-\$4000 5-8 months jail ≥ 4 months conditional jail 30-36 month revocation	\$2400-\$5000 6-9 months jail ≥ 4 months conditional jail 32-36 month revocation	\$2800-\$6000 7-10 months jail ≥ 4 months conditional jail 36 month revocation
.20 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$2400-\$6000 8-11 months jail ≥ 5 months conditional jail 36 month revocation	\$2800-\$7000 9-12 months jail ≥ 5 months conditional jail 36 month revocation	\$3000-\$50000 11-12 months jail ≥ 5 months conditional jail 36 month revocation

PENALTY RANGE

JAIL

- At least 4 years of initial confinement [346.65(2)(am)7.]
- No more than 15 years imprisonment [939.50(3)(e)]

FINE/COSTS

- No more than a \$50000 fine [346.65(2)(am)7.],[939.50(3)(e)]

REVOCAION

- 24-36 months [343.30(1q)(b)4.]
- 45 day waiting period for occupational license, 1 year wait if 2 OWIs in 5 years [343.30(1q)(b)3.]

PASSENGER UNDER AGE 16

- Minimum and maximum fines, jail and length of revocation all double [346.65(2)(f)2.],[343.305(10)(b)4m.]

REFUSAL

Same as OWI 3

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT SHALL ORDER

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 36 months, beginning 1 year after revocation begins [343.301(1)(a)2.],[343.301(1)(b)]
- Community service for defendant unable to pay the fine [346.65(2g)(ag)]
- Ignition interlock device for not less than 1 year nor more than 36 months [343.301(1g)(b)]

COURT MAY ORDER

- Safety plan to include effect on victim or victim's family [343.30(1q)(c)]
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2i)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.54(2r)(a)]
- Restitution [346.65(2r)(a)]
- Seizure and forfeiture of motor vehicle owned and used by the defendant, unless the court orders interlock or immobilization, or unless seizure results in undue hardship or endangers health and safety [346.65(6)(a)]

Note: If PAC ≥ .17, then fine doubles; if PAC ≥ .20, then fine triples; if PAC ≥ .25, fine quadruples [346.65(2)(g)]

**FIFTH JUDICIAL DISTRICT
FIRST OFFENSE COMMERCIAL**

Citations Issued On or After January 1, 2017

PAC	MINIMUM	AGGRAVATED
.04 to .079 PAC or prescription meds used as prescribed	\$150-\$175 6 month suspension	\$150-\$225 6-8 month suspension
.08-.099 or prescription meds not used as prescribed or THC	\$150-\$175 6 month revocation	\$150-\$225 6-8 month revocation
.10-.15	\$175-\$225 7 month revocation	\$200-\$275 7-9 month revocation
.151 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$225-\$300 8-9 month revocation	\$300 9 month revocation

PENALTY RANGE

FORFEITURE/COSTS

- \$150-\$300 forfeiture

REVOCAATION

- 6-9 months; not mandatory

PASSENGER UNDER AGE 16

- Minimum and maximum forfeiture and revocation double [346.65(2j)(d)]

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT MAY ORDER

- Community service work to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2j)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.65(2e)]
- Restitution [346.65(2r)(a)]

**FIFTH JUDICIAL DISTRICT
SECOND OFFENSE COMMERCIAL**

Citations Issued On or After January 1, 2017

PAC	MINIMUM	AGGRAVATED
.04 to .10 PAC or prescription meds used as prescribed	\$300-\$400 5 days-2 months jail 12 month revocation	\$400-\$500 1 month-130 days jail 12-17 month revocation
.10-.15 or prescription meds not used as prescribed or THC	\$350-\$500 10 days-3 months jail 13-17 month revocation	\$400-\$800 40 days-5 months jail 15-18 month revocation
.151 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$400-\$900 20 days-4 months jail 16-17 months revocation	\$500-\$1000 2-6 months jail 17-18 month revocation

PENALTY RANGE

JAIL

- 5 days to 6 months jail, or monitored home detention in excess of mandatory minimum [973.03(4)]
- Minimum 48 consecutive hours jail
- Minimum 5 days jail or 30 days community service work [346.65(2g)(d)]

FINE/COSTS

- \$350-\$1100 fine

REVOCAION

- 12-18 months; not mandatory

PASSENGER UNDER AGE 16

- Minimum and maximum forfeiture and revocation double [346.65(2j)(d)]

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT MAY ORDER

- Community service work to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2j)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.65(2e)]
- Restitution [346.65(2r)(a)]

**FIFTH JUDICIAL DISTRICT
THIRD OFFENSE COMMERCIAL**

Citations Issued On or After January 1, 2017

PAC	MINIMUM	AGGRAVATED
.04 to .10 PAC or prescription meds used as prescribed	\$600-\$800 1 month-100 days jail 24-26 month revocation	\$700-\$900 2-6 months jail 24-30 month revocation
.10-.15 or prescription meds not used as prescribed or THC	\$700-\$1000 45 days-4 months jail 26-30 month revocation	\$800-\$1500 2 months-300 days jail 30-32 month revocation
.151 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$1800-\$2000 2-5 months jail 32-34 month revocation	\$1800-\$2000 3-12 months jail 36 month revocation

PENALTY RANGE

JAIL

- 30 days to 12 months jail, or monitored home detention in excess of mandatory minimum [973.03(4)]
- Minimum 48 consecutive hours jail
- Minimum 5 days jail or 30 days community service work [346.65(2g)(d)]

FINE/COSTS

- \$600-\$2000 fine

REVOCAION

- 24-36 months
- 90 day waiting period for occupational license with absolute sobriety; 1 year if 2 OWIs within 5 years [343.30]

PASSENGER UNDER AGE 16

- Minimum and maximum forfeiture and revocation double [346.65(2j)(d)]

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT MAY ORDER

- Community service work to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2j)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.65(2e)]
- Restitution [346.65(2r)(a)]

**FIFTH JUDICIAL DISTRICT
FIRST OFFENSE MUNICIPAL**

Citations Issued On or After January 1, 2017

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
< .10 PAC or prescription meds used as prescribed	\$150-\$175 6 month revocation	\$175-\$225 6-7 month revocation	\$200-\$275 7-8 month revocation
.10-.149 or prescription meds not used as prescribed or THC	\$175-\$200 6-7 month revocation	175\$-\$225 7-8 month revocation	\$200-\$275 8-9 month revocation
.150-.199	\$175-\$225 7-8 month revocation	\$200-\$275 8-9 month revocation	\$225-\$300 9 month revocation
.20 and above or refusal or illegal drugs, illegally obtained prescription meds, hazardous substances	\$200-\$275 8-9 month revocation	\$225-\$300 9 month revocation	\$250-\$300 9 month revocation

PENALTY RANGE

FINE/COSTS

- \$150-\$300 fine

REVOCAION

- 6-9 months
- No waiting period for occupation licenses [343.30]

PASSENGER UNDER AGE 16

- Minimum and maximum fines, jail and length of revocation double [346.65(2)(f),[343.305(10)(b)(4m)]

REFUSAL

- 1 year revocation and 30 day waiting period for occupational license [343.305(10)(b)2.]
- If no refusal hearing is requested, revocation period begins 30 days after the date of refusal. If a hearing is requested, revocation begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later [343.305(10)(a)]

ALCOHOL ASSESSMENT DRIVER SAFETY PLAN

COURT SHALL ORDER

- Community service for defendant unable to pay the fine [346.65(2g)(ag)]

COURT MAY ORDER

- Safety plan to include the effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine [346.65(2g)(a)]
- Site visit that demonstrates the effects of substance abuse [346.65(2j)]
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan [346.65(2e)]
- Restitution [346.65(2r)(a)]

Note: Ignition interlock (IID) restriction only applies if the PAC is \geq .15