

ORDER IN THE ISSUANCE OF DISTRICT OWI SENTENCING GUIDELINES

In order to provide a set of guidelines for sentencing in OWI offenses to be used throughout the Fourth Judicial District;

IT IS THEREFORE ORDERED that the Fourth Judicial District OWI Sentencing Guidelines attached to this order are effective as of March 1st, 2024.

DATED: February 15, 2024

GUY DUTCHER, Chief Judge



FOURTH JUDICIAL DISTRICT

Hon. Guy Dutcher, Chief Judge

**OMVWI
SENTENCING GUIDELINES**

Citation Issued On or After
March 1, 2024

Fourth Judicial District Office
201 Main street, Suite 103
Menasha, WI 54952
(920) 424-0027

FIRST OFFENSE

SENTENCING GUIDELINES - STANDARD

Citations Issued On or After
3/1/2024

BAC Level	.08 to <.11	.11 to .149	.15 to .169	.17 to .199	.20 to .249	.25 and Above
Penalty	943.00	974.50	1,056.00	1,087.50	1,119.00	1,150.50
Forfeiture	175.00	200.00	225.00	250.00	275.00	300.00
DIS	535.00	535.00	535.00	535.00	535.00	535.00
Costs	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
(26% of Forf.) PA	45.50	52.00	58.50	65.00	71.50	78.00
JA	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
SRPS	50.00	50.00	50.00	50.00	50.00	50.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00
Ign. Int. Surch.			50.00	50.00	50.00	50.00
DNA Surcharge	n/a	n/a	n/a	n/a	n/a	n/a
IID Period			12 mos	12 mos	12 mos	12 mos
Revocation	7 mos	7 mos	8 mos	8 mos	9 mos	9 mos

PENALTY RANGE

FORFEITURE: \$150 minimum to \$300 maximum

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

REFUSAL: 1 year revocation, 30 day waiting period and AODA.

IGNITION INTERLOCK: Mandatory interlock for all alcohol concentration of .15 or more, or when there is a prior OWI conviction

ALCOHOL AND DRUG ASSESSMENT

AGGRAVATING FACTORS

- Speeding 15mph or higher
- No valid driver's license
- On bond at the time
- Dismissed but read in charges
- Accident / Poor driving
- No IID if required
- Uncooperative w/police
- Illegal drugs in system

ALCOHOL and DRUGGED DRIVING

- 1 or 2 factors move 1 column right
- 3 or 4 factors move 2 columns right
- 5 or 6 factors move 3 columns right
- 7 or 8 factors move 4 columns right

**SECOND OFFENSE &
1st OFFENSE MINOR IN CAR**

SENTENCING GUIDELINES - STANDARD

Citations Issued On or After
3/1/2024

BAC Level	<.11			.11 to .149			.15 to .169			.17 to .199			.20 to .249			.25+		
	Probation	Treatment Ct.	SSTOP	Probation	Treatment Ct.	SSTOP	Probation	Treatment Ct.	SSTOP	Probation	Treatment Ct.	SSTOP	Probation	Treatment Ct.	SSTOP	Probation	Treatment Ct.	SSTOP
Jail	10 Days	5 Days	5 Days	20 Days	8 Days	5 Days	30 Days	12 Days	6 Days	40 Days	16 Days	6 Days	50 Days	20 Days	7 Days	60 Days	24 Days	7 Days
Fine + Costs	1,592.00			1,781.00			1,970.00			2,222.00			2,411.00			2,852.00		
Fine	400.00			550.00			700.00			900.00			1,050.00			1,400.00		
DIS	535.00			535.00			535.00			535.00			535.00			535.00		
Costs	163.00			163.00			163.00			163.00			163.00			163.00		
VWS	67.00			67.00			67.00			67.00			67.00			67.00		
Ign. Int. Surch. (26% of Fine) PA	50.00			50.00			50.00			50.00			50.00			50.00		
JA	104.00			143.00			182.00			234.00			273.00			364.00		
CL/DL	10.00			10.00			10.00			10.00			10.00			10.00		
SRPS	13.00			13.00			13.00			13.00			13.00			13.00		
DNA Surcharge	50.00			50.00			50.00			50.00			50.00			50.00		
	200.00			200.00			200.00			200.00			200.00			200.00		
ltd Period	13 mos			14 mos			15 mos			16 mos			17 mos			18 mos		
Revocation	13 mos			14 mos			15 mos			16 mos			17 mos			18 mos		

PENALTY RANGE

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

VWS: VWS may not be waived, reduced or forgiven [§973.045(1)]

JAIL: Not less than 5 days nor more than 6 months.

JAIL PROBATION & TREATMENT OPTION: 2 years probation, impose and stay guidelines.

REVOCAION/DISQUALIFICATION: 12 - 18 months. (Occupational wait = 45 days.)

REFUSAL: 2 year revocation, 90 day waiting period and AODA.

IGNITION INTERLOCK DEVICE: 12-18 months Wis. Stat. s. 343.301(1g)(a).

ALCOHOL AND DRUG ASSESSMENT

AGGRAVATING FACTORS

Speeding 15mph or higher

Accident / Poor driving

No valid driver's license

No IID if required

On bond at the time

Uncooperative w/police

ALCOHOL and DRUGGED DRIVING

1 or 2 factors move 1 column right

3 or 4 Factors move 2 columns right

5 or 6 factors move 3 columns right

THIRD OFFENSE

SENTENCING GUIDELINES - STANDARD

Citations Issued On or After
3/1/24

BAC Level	<.11			.11 to .149			.15 to .169			.17 to .199			.20 to .249			.25 plus		
		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.
			SSTOP			SSTOP			SSTOP			SSTOP			SSTOP			SSTOP
Jail	60 Days	27 Days	14 Days	90 Days	36 Days	20 Days	120 Days	48 Days	25 Days	150 Days	60 Days	30 Days	180 Days	72 Days	35 Days	210 Days	84 Days	40 Days
Fine + Costs	1,970.00			2,285.00			2,600.00			2,978.00			3,356.00			4,112.00		
Fine	700.00			950.00			1,200.00			1,500.00			1,800.00			2,400.00		
DIS	535.00			535.00			535.00			535.00			535.00			535.00		
Costs	163.00			163.00			163.00			163.00			163.00			163.00		
VWS	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	182.00			247.00			312.00			390.00			468.00			624.00		
JA	10.00			10.00			10.00			10.00			10.00			10.00		
SRPS	50.00			50.00			50.00			50.00			50.00			50.00		
CL/DL	13.00			13.00			13.00			13.00			13.00			13.00		
DNA Surcharge	200.00			200.00			200.00			200.00			200.00			200.00		
IID Period	26 mos			27 mos			28 mos			30 mos			32 mos			34 mos		
Revocation	26 mos			27 mos			28 mos			30 mos			32 mos			34 mos		

PENALTY RANGE

FINE AMOUNT: \$600 minimum to \$2000 maximum (**EXCEPTION:** Maximum increases with higher BAC, doubled tripled or quadrupled)

VWS: VWS may not be waived, reduced or forgiven [§973.045(1)]

JAIL : 45 days minimum and 365 day maximum.

JAIL PROBATION&TREATMENT OPTION. 2 years probation, impose and stay guidelines.

REVOCATION/DISQUALIFICATION: 24 - 36 months. (Occupational wait = 45 days)

REFUSAL: 3 year revocation, 120 day waiting period and AODA.

IGNITION INTERLOCK DEVICE: 12-31 months Wis. Stat. s. 343.301(1g)(a).

ALCOHOL AND DRUG ASSESSMENT

AGGRAVATING FACTORS

- Speeding 15mph or higher
- No valid driver's license
- On bond at the time
- Dismissed but read in charges
- Accident / Poor driving
- No IID if required
- Uncooperative w/police
- Illegal Drugs

ALCOHOL AND DRUGGED DRIVING

- 1 or 2 factors move 1 column right
- 3 or 4 Factors move 2 columns right
- 5 or 6 factors move 3 columns right
- 7 or more move 4 columns right

FOURTH & SUBSEQUENT OFFENSES MINIMUM AND MAXIMUM PENALTIES

Citations Issued On or After
3/1/2024

PLEASE NOTE: The DNA Surcharge increases from \$200 to \$250 for Felonies!!

OFFENSE	INCARCERATION	PROBATION	REVOICATION**	INTERLOCK	FINE
4TH Class H Felony	60 Days-6 Years (3 Yrs. IC, 3 Yrs. ES)	Up to 3 Years 60 Days Minimum Conditional Time	2-3 years	12 Months to Max Revocation Period	PAC < .17 600-10,000 .17-.199 1,200-20,000 .20-.249 1,800-30,000 .25+ 2,400-40,000
5TH & 6TH Class G Felony	18 Mos. - 10 Yrs.* (5 Yrs. IC, 5 Yrs. ES)	Not Applicable	2-3 years	12 Months to Max Revocation Period	PAC < .17 600-25,000 .17-.199 1,200-50,000 .20-.249 1,800-75,000 .25+ 2,400-100,000
7TH, 8TH, 9TH Class F Felony	3-12.5 Years # (7.5 Yrs. IC, 5 Yrs. ES)	Not applicable	2-3 years	12 Months to Max Revocation Period	Max \$25,000
10TH AND SUBSEQUENT Class E Felony	4-15 Years ## (10 Yrs. IC, 5 Yrs. ES)	Not applicable	2-3 years	12 Months to Max Revocation Period	Max \$50,000

* Court must impose 18 months of initial confinement unless the best interests of the community is served and the public will not be harmed, but there must be initial confinement of at least 1 year

Court must impose 3 years of initial confinement.

Court must impose 4 years of initial confinement.

**DOT revokes license permanently, not the Court.

May apply for reinstatement after 10 years and they are not eligible for occupational license.

*** FOR MINOR IN THE VEHICLE: Minimum and maximum terms of incarceration double.
Minimum and maximum fines double. Revocation period double

SECOND OFFENSE - MINOR PASSENGER

SENTENCING GUIDELINES

Citations Issued On or After
3/1/2024

BAC Level	<.11	.11 to .149	.15 to .169	.17 to .199	.20 to .249	.25 plus
Jail	20 Days	40 Days	70 Days	100 Days	150 Days	210 Days
Fine + Costs	2,222.00	2,474.00	2,726.00	2,978.00	3,356.00	3,734.00
Fine	900.00	1,100.00	1,300.00	1,500.00	1,800.00	2,100.00
DIS	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00
VWS	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	234.00	286.00	338.00	390.00	468.00	546.00
JA	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
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
IID Period	26 mos	27 mos	28 mos	30 mos	32 mos	34 mos
Revocation	26 mos	27 mos	28 mos	30 mos	32 mos	34 mos

PENALTY RANGE

FINE AMOUNT: \$700 minimum to \$2200 maximum..(**EXCEPTION:** minimum and maximum increase with higher BAC)

VWS: VWS may not be waived, reduced or forgiven [§973.045(1)]

JAIL: Not less than 10 days nor more than 12 months.

PROBATION AND TREATMENT OPTION. 2 years probation, impose and stay guidelines

REVOCAION/DISQUALIFICATION: 24-36 months.

IGNITION INTERLOCK DEVICE: 12 - 36 months Wis. Stat. s. 343.301(1g)(a)

ALCOHOL AND DRUG ASSESSMENT

AGGRAVATING FACTORS

- Speeding 15mph or higher
- Accident / Poor driving
- No valid driver's license
- No IID if required
- On bond at the time
- Uncooperative w/police
- Dismissed but read in charges
- Illegal Drugs

ALCOHOL AND DRUGGED DRIVING

- 1 or 2 factors move 1 column right
- 3 or 4 Factors move 2 columns right
- 5 or 6 factors move 3 columns right
- 7 or more move 4 columns right