

ORDER IN THE ISSUANCE OF DISTRICT OWI SENTENCING GUIDELINES

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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 May 1<sup>st</sup>, 2024.

DATED:

April <sup>H</sup>22, 2024

GUY DUTCHER, Chief Judge



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**FOURTH JUDICIAL DISTRICT**

**Hon. Guy Dutcher, Chief Judge**

**OMVWI  
SENTENCING GUIDELINES**

Citation Issued On or After  
**May 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  
5/1/2024

<b>BAC Level</b>	<b>.08 to &lt;.11</b>	<b>.11 to .149</b>	<b>.15 to .169</b>	<b>.17 to .199</b>	<b>.20 to .249</b>	<b>.25 and Above</b>
<b>Penalty</b>	<b>968.00</b>	<b>999.50</b>	<b>1,081.00</b>	<b>1,112.50</b>	<b>1,144.00</b>	<b>1,175.50</b>
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	75.00	75.00	75.00	75.00	75.00	75.00
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
<b>IID Period</b>			<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>
<b>Revocation</b>	<b>7 mos</b>	<b>7 mos</b>	<b>8 mos</b>	<b>8 mos</b>	<b>9 mos</b>	<b>9 mos</b>

**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  
5/1/2024

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	1,617.00			1,806.00			1,995.00			2,247.00			2,436.00			2,877.00		
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	75.00			75.00			75.00			75.00			75.00			75.00		
	200.00			200.00			200.00			200.00			200.00			200.00		
IID 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  
5/1/24

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
<b>Jail</b>	<b>60 Days</b>	<b>27 Days</b>	<b>14 Days</b>	<b>90 Days</b>	<b>36 Days</b>	<b>20 Days</b>	<b>120 Days</b>	<b>48 Days</b>	<b>25 Days</b>	<b>150 Days</b>	<b>60 Days</b>	<b>30 Days</b>	<b>180 Days</b>	<b>72 Days</b>	<b>35 Days</b>	<b>210 Days</b>	<b>84 Days</b>	<b>40 Days</b>
<b>Fine + Costs</b>	<b>1,995.00</b>			<b>2,310.00</b>			<b>2,625.00</b>			<b>3,003.00</b>			<b>3,381.00</b>			<b>4,137.00</b>		
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	75.00			75.00			75.00			75.00			75.00			75.00		
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		
<b>IID Period</b>	<b>26 mos</b>			<b>27 mos</b>			<b>28 mos</b>			<b>30 mos</b>			<b>32 mos</b>			<b>34 mos</b>		
<b>Revocation</b>	<b>26 mos</b>			<b>27 mos</b>			<b>28 mos</b>			<b>30 mos</b>			<b>32 mos</b>			<b>34 mos</b>		

**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.**

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

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

**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

**FOURTH & SUBSEQUENT OFFENSES**

**MINIMUM AND MAXIMUM PENALTIES**

Citations Issued On or After  
5/1/2024

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

OFFENSE	INCARCERATION	PROBATION	REVOCATION**	INTERLOCK	FINE
<b>4TH</b> 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
<b>5TH &amp; 6TH</b> 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
<b>7TH, 8TH, 9TH</b> 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
<b>10TH AND SUBSEQUENT</b> 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  
5/1/2024

<b>BAC Level</b>	<b>&lt;.11</b>	<b>.11 to .149</b>	<b>.15 to .169</b>	<b>.17 to .199</b>	<b>.20 to .249</b>	<b>.25 plus</b>
<b>Jail</b>	<b>20 Days</b>	<b>40 Days</b>	<b>70 Days</b>	<b>100 Days</b>	<b>150 Days</b>	<b>210 Days</b>
<b>Fine + Costs</b>	<b>2,247.00</b>	<b>2,499.00</b>	<b>2,751.00</b>	<b>3,003.00</b>	<b>3,381.00</b>	<b>3,759.00</b>
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	75.00	75.00	75.00	75.00	75.00	75.00
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
<b>IID Period</b>	<b>26 mos</b>	<b>27 mos</b>	<b>28 mos</b>	<b>30 mos</b>	<b>32 mos</b>	<b>34 mos</b>
<b>Revocation</b>	<b>26 mos</b>	<b>27 mos</b>	<b>28 mos</b>	<b>30 mos</b>	<b>32 mos</b>	<b>34 mos</b>

**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**

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