NINTH JUDICIAL DISTRICT

# OMVWI SENTENCING GUIDELINES

# Incidents On or After July 6, 2023

Ninth Judicial District Office 2100 Stewart Avenue, Suite 310 Wausau WI 54401 (715) 842-3872

Ann Knox-Bauer, Chief Judge

Revised 11/1/2023

# **FIRST OFFENSE**

# SENTENCING GUIDELINES

Incidents on or After 7/6/2023

							1/0/202		
	owing factors	in all cases in addition to Intermediate	BAC or other lab Aggrava						
Mitigating Stop for non-movin	aviolation	Stop for moving violation		moving violation 6 DP					
		Failing to stop for officer 3							
$\Delta$ suffered substant		Obstructing or deceit		g or violence					
		Damage to property of an	other Operatir	ig a CMV or heavy equip	oment				
II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC									
		.109; Intermediate, 0.17 to			eu anu consider the	SEDAC			
equivalente. Intig	<b>utou</b> , 0.00 to 0		s of root, rigginitian	<b>1</b> , 0.20 and above.					
FIRST OFFENSE									
BAC Level	0.08 to 0.10	09 0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to .249	0.25 and above			
						Refusal			
Forf. + Costs	911.50	943.00	1,024.50	1,087.50	1,119.00	1,150.50			
FORF.	150.00	175.00	200.00	250.00	275.00	300.00			
CCFP	25.00	25.00	25.00	25.00	25.00	25.00			
PEN	39.00	45.50	52.00	65.00	71.50	78.00			
JAIL	10.00	10.00	10.00	10.00	10.00	10.00			
CLD	13.00	13.00	13.00	13.00	13.00	13.00			
CSS	68.00	68.00	68.00	68.00	68.00	68.00			
JINFO	21.50	21.50	21.50	21.50	21.50	21.50			
JINFO					505.00	505.00	4		
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00			
		535.00 50.00	535.00 50.00	535.00 50.00	535.00	535.00			
DRVIM									

#### PENALTY RANGE; OTHER ORDERS

7 Months

8 Months

9 Months

7 Months

**FORFEITURE:** \$150 to \$300.

**ORevocation** 

**OREVOCATION:** 6 to 9 months; except REFUSAL 1 year.

6 Months

DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s. 343.30(1).

7 Months

OCCUPATIONAL WAITING PERIOD: only REFUSAL 30 days.

◆IGNITION INTERLOCK DEVICE: BAC >=0.15 and REFUSAL Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.

#### SECOND OFFENSE

#### SENTENCING GUIDELINES

Incidents on or After 7/6/2023

Consider the following factors in all cases in addition to BAC or other lab results:								
Intermediate	Aggravating							
Stop for moving violation 4 DP	Stop for moving violation 6 DP							
Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)							
Obstructing or deceit	Resisting or violence							
Damage to property of another	Operating a CMV or heavy equipment							
	Intermediate Stop for moving violation 4 DP Failing to stop for officer 346.04(2t) Obstructing or deceit							

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109; Intermediate, 0.17 to 0.199; Aggravated, 0.25 and above.

III. 346.65(2)(bm) provides for a reduced mandatory minimum 5 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

	SECOND OFFENSE											
BAC Level	0.08 to	0.109	0.11 to	0.149	0.15 to	0.169	0.17 to	0.199	0.20 t	o .249	0.25 and	above
		346.65		346.65		346.65		346.65		346.65		346.65
Jail	5 Days	5 Days	15 Days	5 Days	25 Days	5 Days	35 Days	5 Days	45 Days	5 Days	55 Days	5 Days
Fine + Costs	1,57	9.00	1,642	2.00	1,70	5.00	1,70	5.00	1,76	00.86	1,89	4.00
FINE	350	0.00	400	.00	450	.00	450	.00	500	0.00	600	.00
CCFP	163	3.00	163	.00	163.00		163.00		163.00		163	.00
PEN	91	.00	104	.00	117	.00	117	.00	130	0.00	156	.00
JAIL	10	.00	10.	00	10.	10.00 10.00		00	10.00		10.	00
CLD	13	.00	13.00		13.00 13.00		13	.00	13.	00		
VW	67	.00	67.	00	67.	.00	67.00		67	.00	67.	00
DNAAS	250	0.00	250	.00	250	.00	250	.00	250	0.00	250	.00
DRVIM	535	5.00	535	.00	535	.00	535	.00	535	5.00	535	.00
SRPS	50	.00	50.	00	50.	.00	50.	00	50	.00	50.	00
IIDS	50	.00	50.	00	50.	00	50.	00	50	.00	50.	00
IID Period	12 Mo	onths	13 Mo	onths	14 Mo	onths	15 Mo	onths	16 M	onths	18 Mo	onths
<b>⊘</b> Revocation	12 Mo	onths	13 Mo	onths	14 Mo	onths	15 Mo	onths	16 M	onths	18 Mo	onths

FINE: \$350 to \$1100.

PENALTY RANGE; OTHER ORDERS

**JAIL:** 5 days to 6 months.

**REVOCATION:** Base period of 1 year to 18 months; except REFUSAL 2 years. Add any sentence of confinement to revocation period.

OCCUPATIONAL WAITING PERIOD: 45 days by statute; except REFUSAL 90 days.

**IGNITION INTERLOCK DEVICE:** Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.

# THIRD OFFENSE

#### SENTENCING GUIDELINES

Incidents on or After 7/6/2023

I. Consider the following factors in all cases in addition to BAC or other lab results:								
Mitigating	Intermediate	Aggravating						
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP						
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)						
$\Delta$ suffered substantial injury	Obstructing or deceit	Resisting or violence						
	Damage to property of another	Operating a CMV or heavy equipment						

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109; Intermediate, 0.17 to 0.199; Aggravated, 0.25 and above.

III. 346.65(2)(cm) provides for a reduced mandatory minimum 14 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

THIRD OFFENSE									
BAC Level	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to .249	0.25 and above			
	346.65	346.65	346.65	346.65	346.65	346.65			
Jail	45 Days 14 Days	60 Days 14 Days	75 Days 14 Days	90 Days 14 Days	105 Days 14 Days	120 Days 14 Days			
Fine + Costs	1,894.00	1,957.00	2,020.00	2,652.00	3,414.00	4,176.00			
FINE	600.00	650.00	700.00	1,200.00	1,800.00	2,400.00			
CCFP	163.00	163.00	163.00	163.00	163.00	163.00			
PEN	156.00	169.00	182.00	312.00	468.00	624.00			
JAIL	10.00	10.00	10.00	12.00	18.00	24.00			
CLD	13.00	13.00	13.00	13.00	13.00	13.00			
VW	67.00	67.00	67.00	67.00	67.00	67.00			
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00			
DRVIM	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			
IIDS	50.00	50.00	50.00	50.00	50.00	50.00			
IID Period	24 Months	26 Months	27 Months	28 Months	30 Months	31 Months			
<b>⊘</b> Revocation	24 Months	26 Months	27 Months	28 Months	30 Months	31 Months			

#### PENALTY RANGE; OTHER ORDERS

FINE: \$600 to \$2000; except x2 for BAC 0.17 to 0.199, x3 for BAC 0.20 to 0.249, and x4 for BAC 0.25 and above.

JAIL: 45 days to 1 year.

REVOCATION: Base period of 2 to 3 years; except REFUSAL 3 years. Add any sentence of confinement to revocation period.

OCCUPATIONAL WAITING PERIOD: 45 days by statute; except REFUSAL 120 days.

**IGNITION INTERLOCK DEVICE:** Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.

# FOURTH OFFENSE

# SENTENCING GUIDELINES

Incidents On or After

GENERAL GUIDELINES and MITIGATED OFFENSES

7/6/2023

		GENER		INES and MIT	IGATED OFF	ENSES		7/6/2023				
I. Determine wheth					ring these factors	5:						
Mitigating Stop for non-movin		Intermediate Stop for moving vio		Aggravating Stop for moving vio	lation 6 DP							
Stop for moving vio				Fleeing/eluding office								
$\Delta$ suffered substant		Dbstructing or dece		Resisting or violence								
		Damage to property		Operating a CMV o		t						
<ul> <li>II. A. If the offense is mitigated, the presumption is probation with conditional jail (below).</li> <li>B. If the offense is intermediate with a low BAC, the presumption is also probation with conditional jail (next page.)</li> <li>C. If the offense is intermediate with a high BAC (&gt;=.17), the presumption is prison (next page).</li> <li>D. If the offense is aggravated, the presumption is prison (next page.) Refusal of probation is aggravating.</li> </ul>												
III. For non-alcohol	III. For non-alcohol offenses consider using the 0.15 to 0.169 BAC column on the relevant chart as a starting point.											
		•				0.						
IV. 346.65(2)(dm) pi a defendant can o					on and a treatme	nt program in ap	propriate cases but					
			PENALTY R	ANGE; OTHER OF	RDERS							
FINE: \$600 to \$1000			99, <b>x3</b> for BAC 0.2	20 to 0.249, and <b>x4</b>		above.						
CONFINEMENT: CI												
REVOCATION: 2 to							to operation webields	that are				
IGNITION INTERLO	DEVICE: Or	der that the persor	s provided in sub	ege for the operation (1m) shall order the	on of "Class D" ver	ncles be restricted	to operating vehicles person's name appea	s that are				
vehicle's certificate c							person's name appea					
ALCOHOL AND DR	UG ASSESSME	NT, DRIVER SAF	ETY PLAN			()((())))						
		МІТ		URTH OFFEN	SE							
BAC Level	0.02 to .079	0.08 to 0.109		0.15 to 0.169		0.20 to 0.249	0.25 and above					
				tion with Condit								
Confinement	60 Days	90 Days	120 Days	150 Days	180 Days	210 Days	240 Days					
Supervision	,	2 Years	2 Years	3 Years	3 Years	3 Years	3 Years					
Fine + Costs		2,108.00	2,297.00	2,486.50	2,677.00	3,439.00	4,201.00					
FINE	600.00	750.00	900.00	1,050.00	1,200.00	1,800.00	2,400.00					
CCFP	163.00	163.00	163.00	163.00	163.00	163.00	163.00					
PEN	156.00	195.00	234.00	273.00	312.00	468.00	624.00					
JAIL	10.00	10.00	10.00	10.50	12.00	18.00						
CLD	10.00	10.00	10.00	10.50	12.00	10.00	24.00					
ULDI ULDI							24.00 13.00					
VW	13.00	13.00	13.00	13.00	13.00	13.00	13.00					
VW	13.00 92.00	13.00 92.00	13.00 92.00	13.00 92.00	13.00 92.00	13.00 92.00	13.00 92.00					
VW DNAAS	13.00 92.00 250.00	13.00 92.00 250.00	13.00 92.00 250.00	13.00 92.00 250.00	13.00 92.00 250.00	13.00 92.00 250.00	13.00 92.00 250.00					
VW	13.00 92.00	13.00 92.00	13.00 92.00	13.00 92.00	13.00 92.00	13.00 92.00	13.00 92.00					

# FOURTH OFFENSE

# SENTENCING GUIDELINES INTERMEDIATE and AGGRAVATED OFFENSES

Incidents On or After 7/6/2023

	INTERMEDIATE FOURTH OFFENSE										
BAC Level	0.02 to .079	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to 0.249	0.25 and above				
		Probation with	<b>Conditional Jai</b>		Prison (IC & ES)						
Confinement	90 Days	120 Days	180 Days	240 Days	12 Months	18 Months	24 Months				
Supervision	3 Years	3 years	3 Years	3 Years	24 Months	30 Months	36 Months				
Fine + Costs	1,919.00	2,108.00	2,297.00	2,486.50	2,677.00	3,439.00	4,201.00				
FINE	600.00	750.00	900.00	1,050.00	1,200.00	1,800.00	2,400.00				
CCFP	163.00	163.00	163.00	163.00	163.00	163.00	163.00				
PEN	156.00	195.00	234.00	273.00	312.00	468.00	624.00				
JAIL	10.00	10.00	10.00	10.50	12.00	18.00	24.00				
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00				
VW	92.00	92.00	92.00	92.00	92.00	92.00	92.00				
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00	250.00				
DRVIM	535.00	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	50.00				
IIDS	50.00	50.00	50.00	50.00	50.00	50.00	50.00				

	AGGRAVATED FOURTH OFFENSE										
BAC Level	0.02 to .079	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to 0.249	0.25 and above				
		Prison (Initial Confinement and Extended Supervision)									
Confinement	12 Months	15 Months	18 Months	21 Months	24 Months	30 Months	36 Months				
Supervision	36 Months	36 Months	36 Months	36 Months	36 Months	36 Months	36 Months				
Fine + Costs	1,919.00	2,108.00	2,297.00	2,486.50	2,677.00	3,439.00	4,201.00				
FINE	600.00	750.00	900.00	1,050.00	1,200.00	1,800.00	2,400.00				
CCFP	163.00	16300%	163.00	163.00	163.00	163.00	163.00				
PEN	156.00	195.00	234.00	273.00	312.00	468.00	624.00				
JAIL	10.00	10.00	10.00	10.50	12.00	18.00	24.00				
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00				
VW	92.00	92.00	92.00	92.00	92.00	92.00	92.00				
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00	250.00				
DRVIM	535.00	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	50.00				
IIDS	50.00	50.00	50.00	50.00	50.00	50.00	50.00				

#### FIFTH & SUBSEQUENT OFFENSES

#### SENTENCING GUIDELINES

OFFENSE	INCARCERATION	PROBATION	REVOCATION	INTERLOCK	FINE	
<b>5TH &amp; 6TH</b> Class G Felony	18 Mos 10 Yrs.* (5 Yrs. IC, 5 Yrs. ES)	Not applicable	Permanent** or 2 years to 3 years	2 years to 3 years (tied to Court-ordered revocation period)	BAC < .17 .17199 .20249 .25+	600-25,000 1,200-50,000 1,800-75,000 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 5)	Permanent** or 2 years to 3 years	2 years to 3 years (tied to Court-ordered revocation period)	BAC<.17 .17199 .20249 .25+	Max \$25,000 Max \$50,000 Max \$75,000 Max \$100,000
10TH AND SUBSEQUENT Class E Felony	4-15 Years (10 Yrs. IC, 5 Yrs. ES	Not applicable	Permanent** or 2 years to 3 years	2 years to 3 years (tied to Court-ordered revocation period)	BAC <.17 .17199 .20249 .25+	Max \$50,000 Max \$100,000 Max \$150,000 Max \$200,000

\*Court may impose as little as 1 year, which must be the initial confinement portion of a bifurcated sentence to the Wisconsin State Prison system, only if the Court finds on the record (1) The best interests of the community are served, and (2) the public will not be harmed.

\*\*Not eligible for occupationl. May apply for reinstatement after 10 years. Doesn't apply if the last conviction >15 years old in which case the usual Court-ordered revocation period remains the same.

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

#### MINOR PASSENGER SENTENCING GUIDELINES

Incidents on or After 7/6/2023

	owing factors i	in all cases in addition to				
Mitigating	a violetien	Intermediate	Aggravat			
Stop for non-movin Stop for moving vio		Stop for moving violation Failing to stop for officer 3		noving violation 6 DP		
$\Delta$ suffered substant		Obstructing or deceit		or violence		
	lannjury	Damage to property of an		a CMV or heavy equi	oment	
				,,.,.,.,.,.,		
		mine whether the offens			ed and consider the	ese BAC
equivalents: Mitig	ated, 0.08 to 0	109; Intermediate, 0.17 to	0.199; Aggravated	<b>1</b> , 0.25 and above.		
		educed mandatory minim			unent program in a	phiophate cases bu
defendant can onl	y receive the l	benefit of (bm), (cm), or (	dm) once in their li	fetime.		
		FIRST OFFE	NSE - MINOR	PASSENGER		
BAC Level	0.08 to 0.10	09 0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to .249	0.25 and above
Jail	5 Days	15 Days	25 Days	35 Days	45 Days	55 Days
Fine + Costs	1,579.00	1,642.00	1,705.00	2,020.00	2,461.50	2,906.00
FINE	350.00	400.00	450.00	700.00	1,050.00	1,400.00
CCFP	163.00	163.00	163.00	163.00	163.00	163.00
PEN	91.00	104.00	117.00	182.00	273.00	364.00
JAIL	10.00	10.00	10.00	10.00	10.50	14.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00
VW	67.00	67.00	67.00	67.00	67.00	67.00
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00
	50.00	50.00	50.00	50.00	50.00	50.00

#### PENALTY RANGE; OTHER ORDERS

50.00

50.00

14 Months

14 Months

50.00

50.00

16 Months

16 Months

50.00

50.00

16 Months

16 Months

50.00

50.00

14 Months

14 Months

FINE: \$350 to \$1400; except x2 for BAC 0.17 to 0.199, x3 for BAC 0.20 to 0.249, and x4 for BAC 0.25 and above.

50.00

50.00

14 Months

14 Months

JAIL: 5 days to 6 months.

IID Period

**Revocation** 

SRPS

IIDS

REVOCATION: Base period of 1 year to 18 months; except REFUSAL 2 years. Add any sentence of confinement to revocation period.

OCCUPATIONAL WAITING PERIOD: 45 days by statute; except REFUSAL 90 days.

**IGNITION INTERLOCK DEVICE:** Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.

ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

50.00

50.00

12 Months

12 Months

### MINOR PASSENGER SENTENCING GUIDELINES

Incidents on or After 7/6/2023

5	in all cases in addition to BAC or o Intermediate	
Mitigating		Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
∆ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment
	mine whether the offense is mitig 109; Intermediate, 0.17 to 0.199; A	ated, intermediate, or aggravated and consider these BAC ggravated, 0.25 and above.

SECOND OFFENSE - MINOR PASSENGER										
BAC Level	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to .249	0.25 and above				
Jail	10 Days	27 Days	44 Days	61 Days	78 Days	95 Days				
Fine + Costs	2,020.00	2,146.00	2,272.00	2,906.00	3,350.50	3,795.00				
FINE	700.00	800.00	900.00	1,400.00	1,750.00	2,100.00				
CCFP	163.00	163.00	163.00	163.00	163.00	163.00				
PEN	182.00	208.00	234.00	364.00	455.00	546.00				
JAIL	10.00	10.00	10.00	14.00	17.50	21.00				
CLD	13.00	13.00	13.00	13.00	13.00	13.00				
VW	67.00	67.00	67.00	67.00	67.00	67.00				
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00				
DRVIM	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				
IIDS	50.00	50.00	50.00	50.00	50.00	50.00				
IID Period	24 Months	26 Months	28 Months	28 Months	30 Months	32 Months				
<b>⊘</b> Revocation	24 Months	26 Months	28 Months	28 Months	30 Months	32 Months				

#### PENALTY RANGE; OTHER ORDERS

FINE: \$700 to \$2200; except x2 for BAC 0.17 to 0.199, x3 for BAC 0.20 to 0.249, and x4 for BAC 0.25 and above.

JAIL: 10 days to 1 year.

REVOCATION: Base period of 1 year to 18 months; except REFUSAL 2 years. Add any sentence of confinement to revocation period.

OCCUPATIONAL WAITING PERIOD: 45 days by statute; except REFUSAL 90 days.

**IGNITION INTERLOCK DEVICE:** Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.

# MINOR PASSENGER SENTENCING GUIDELINES

Incidents On or After 7/6/2023

I. Consider the following factors in all cases in addition to BAC or other lab results:									
Mitigating	Intermediate	Aggravating							
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP							
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)							
$\Delta$ suffered substantial injury	Obstructing or deceit	Resisting or violence							
	Damage to property of another	Operating a CMV or heavy equipment							

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109; Intermediate, 0.17 to 0.199; Aggravated, 0.25 and above.

III. 346.65(2)(cm) provides for a reduced mandatory minimum 14 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

THIRD OFFENSE - MINOR PASSENGER - FELONY								
BAC Level	0.02 to .079	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to 0.249	0.25 and above	
Confinement	90 Days	90 Days	180 Days	250 Days	320 Days	380 Days	440 Days	
Fine + Costs	2,677.00	2,677.00	2,677.00	2,677.00	4,201.00	5,725.00	7,249.00	
FINE	1,200.00	1,200.00	1,200.00	1,200.00	2,400.00	3,600.00	4,800.00	
CCFP	163.00	163.00	163.00	163.00	163.00	163.00	163.00	
PEN	312.00	312.00	312.00	312.00	624.00	936.00	1,248.00	
JAIL	12.00	12.00	12.00	12.00	24.00	36.00	48.00	
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00	
VW	92.00	92.00	92.00	92.00	92.00	92.00	92.00	
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00	250.00	
DRVIM	535.00	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	50.00	
IIDS	50.00	50.00	50.00	50.00	50.00	50.00	50.00	
IID Period	24 Months	26 Months	28 Months	28 Months	30 Months	32 Months	32 Months	
Revocation	24 Months	26 Months	28 Months	28 Months	30 Months	32 Months	32 Months	

#### PENALTY RANGE; OTHER ORDERS

FINE: \$1200 to \$4000; except x2 for BAC 0.17 to 0.199, x3 for BAC 0.20 to 0.249, and x4 for BAC 0.25 and above.

**CONFINEMENT:** 90 days to 2 years.

REVOCATION: Base period of 2 to 3 years; except REFUSAL 3 years. Add any sentence of confinement to revocation period.

OCCUPATIONAL WAITING PERIOD: 45 days by statute; except REFUSAL 120 days.

**IGNITION INTERLOCK DEVICE:** Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.

# COMMERCIAL MOTOR VEHICLES SENTENCING GUIDELINES

BAC Level	0.04 to 0.079				
	Mitigated	Aggravated			
	No Accident	Accident or Injury			
		Bad Driving Record			
Forfeiture + Costs	919.50	1108.50			
FORF.	150.00	300.00			
CCFP	25.00	25.00			
PEN	39.00	78.00			
JAIL	10.00	10.00			
CLD	13.00	13.00			
CSS	68.00	68.00			
JINFO	21.50	21.50			
DRVIM	535.00	535.00			
SRPS	50.00	50.00			
TRUCK	8.00	8.00			
Disqualification	12 months	12 months			

#### **PENALTY RANGE; OTHER ORDERS**

FORFEITURE: \$150 to \$300.

DISQUALIFICATION: 1 year (12 months.)

**DISCRETIONARY 343.30(1) SUSPENSION:** Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1). **MINOR PASSENGER:** If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum forfeiture is doubled.

# COMMERCIAL MOTOR VEHICLES SENTENCING GUIDELINES

BAC Level	0.04 to 0.079				
	Mitigated	Aggravated			
	No Accident	Accident or Injury			
		Bad Driving Record			
Jail	20 Days	40 Days			
Forfeiture + Costs	1308.50	2190.50			
FORF.	300.00	1,000.00			
CCFP	25.00	25.00			
PEN	78.00	260.00			
JAIL	10.00	10.00			
CLD	13.00	13.00			
CSS	68.00	68.00			
JINFO	21.50	21.50			
DNAAS	200.00	200.00			
DRVIM	535.00	535.00			
SRPS	50.00	50.00			
TRUCK	8.00	8.00			
Disqualification	12 months	12 months			

#### **PENALTY RANGE; OTHER ORDERS**

**FINE:** \$300 to \$1000.

JAIL: 5 days to 6 months.

DISQUALIFICATION: 1 year (12 months.)

**DISCRETIONARY 343.30(1)** SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1)... **MINOR PASSENGER:** If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum fine and jail time are doubled.

# COMMERCIAL MOTOR VEHICLES SENTENCING GUIDELINES

BAC Level	0.04 to 0.079				
	Mitigated	Aggravated			
	No Accident	Accident or Injury			
		Bad Driving Record			
Jail	45 Days	120 Days			
Forfeiture + Costs	1686.50	3460.50			
FORF.	600.00	2,000.00			
CCFP	25.00	25.00			
PEN	156.00	520.00			
JAIL	10.00	20.00			
CLD	13.00	13.00			
CSS	68.00	68.00			
JINFO	21.50	21.50			
DNAAS	200.00	200.00			
DRVIM	535.00	535.00			
SRPS	50.00	50.00			
TRUCK	8.00	8.00			
Disqualification	12 months	12 months			

#### PENALTY RANGE; OTHER ORDERS

FINE: \$600 to \$2000. JAIL: 30 days to 1 year. DISQUALIFICATION: 1 year (12 months.) DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1).

MUNICIPAL - FIRST OFFENSE												
BAC Level	0.08 tc	0.099	0.10 to	o 0.149	0.15 to	o 0.169	0.17 to	o 0.199	0.20 to	o 0.249	0.25 and and R	
	Mitigated	Aggravated	Mitigated	Aggravated								
Penalty	812.00	843.50	812.00	875.00	925.00	988.00	988.00	1,051.00	988.00	1,051.00	988.00	1,051.00
FORFEITURE	150.00	175.00	150.00	200.00	200.00	250.00	250.00	300.00	250.00	300.00	250.00	300.00
*COSTS	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00
PEN	39.00	45.50	39.00	52.00	52.00	65.00	65.00	78.00	65.00	78.00	65.00	78.00
JAIL	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00	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	50.00	50.00	50.00	50.00	50.00	50.00
IIDS					50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
IID Period					12 mos	12 mos	12 mos	12 mos	12 mos	12 mos	12 mos	12 mos
<b>⊘</b> Revocation	6 mos	6 mos	6 mos	7 mos	7 mos	8 mos	8 mos	9 mos	9 mos.	9 mos	9 mos	9 mos

PENALTY RANGE; OTHER ORDERS

**FORFEITURE:** \$150 minimum to \$300 maximum.

\*COSTS are calculated at the minimum of \$15 but may be assessed up to a maximum of \$38 pursuant to Wis. Stat. s. 814.65(1).

**REVOCATION:** 6 to 9 months; **except REFUSAL** 1 year.

DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year.

OCCUPATIONAL WAITING PERIOD: none; except REFUSAL 30 days.

◆IGNITION INTERLOCK DEVICE: BAC >=0.15 and REFUSAL 1 year (12 months). Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.

ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN: Order that the defendant submit to and comply with an assessment for the use of alcohol and drugs and the resulting driver safety plan.

1. a. Court may order community service work in lieu of part or all of the forfeiture.

b. Court shall order community service work in lieu of part or all of the forfeiture if the defendant is indigent.

2. When the Court orders **community service work** it may order work that demonstrates the adverse effects of substance abuse.

### MUNICIPAL SENTENCING GUIDELINES COMMERCIAL MOTOR VEHICLES

BAC Level	0.04 to 0.079				
	Mitigated	Aggravated			
	No Accident	Accident or Injury			
		Bad Driving Record			
Forfeiture + Costs	820.00	1009.00			
FORFEITURE	150.00	300.00			
*COSTS	15.00	15.00			
PEN	39.00	78.00			
JAIL	10.00	10.00			
CLD	13.00	13.00			
DRVIM	535.00	535.00			
SRPS	50.00	50.00			
TRUCK	8.00	8.00			
Disqualification	12 months	12 months			

#### **PENALTY RANGE; OTHER ORDERS**

**FORFEITURE:** \$150 to \$300.

\*COSTS are calculated at the minimum of \$15 but may be assessed up to a maximum of \$38 pursuant to Wis. Stat. s. 814.65(1). DISQUALIFICATION: 1 year (12 months.)

**DISCRETIONARY 343.30(1)** SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1). **MINOR PASSENGER:** If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum forfeiture is doubled.