

**NINTH JUDICIAL DISTRICT**

**OMVWI**  
**SENTENCING GUIDELINES**

Citation Issued On or After  
**March 1, 2020**

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

Gregory B. Huber, Chief Judge

**FIRST OFFENSE**

**SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After  
3/1/2020

<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>811.50</b>	<b>843.00</b>	<b>924.50</b>	<b>987.50</b>	<b>1,019.00</b>	<b>1,050.50</b>
Forfeiture	150.00	175.00	200.00	250.00	275.00	300.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00
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	39.00	45.50	52.00	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
<b>DNA Surcharge</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>
<b>IID Period</b>			<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>
<b>Revocation</b>	<b>6 mos</b>	<b>7 mos</b>	<b>7 mos</b>	<b>7 mos</b>	<b>8 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. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of 12 months beginning when license issued. \$50.00 interlock surcharge . Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT**

**CONTROLLED SUBSTANCE VIOLATIONS**

**Class A - Mitigating Range .11-.15**

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

**Class B - Intermediate Range .17-<.20**

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Propety Damage Only, Covered by Insurance

**Class C - Aggravated Range >.25**

- (1) Collide with Other Vehilce, Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Driving or Caused Personal Injury

**SECOND OFFENSE**

**SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After  
3/1/2020

<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+</b>	
		346.65 Prog.		346.65 Prog.		346.65 Prog.		346.65 Prog.		346.65 Prog.		346.65 Prog.
<b>Jail</b>	<b>5 Days</b>	<b>5 Days</b>	<b>15 Days</b>	<b>5 Days</b>	<b>25 Days</b>	<b>6 Days</b>	<b>35 Days</b>	<b>6 Days</b>	<b>45 Days</b>	<b>7 Days</b>	<b>55 Days</b>	<b>7 Days</b>
<b>Fine + Costs</b>	<b>1,429.00</b>		<b>1,492.00</b>		<b>1,555.00</b>		<b>1,555.00</b>		<b>1,618.00</b>		<b>1,744.00</b>	
Fine	350.00		400.00		450.00		450.00		500.00		600.00	
DIS	435.00		435.00		435.00		435.00		435.00		435.00	
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	91.00		104.00		117.00		117.00		130.00		156.00	
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	
<b>ltd Period</b>	<b>12 mos</b>		<b>13 mos</b>		<b>14 mos</b>		<b>15 mos</b>		<b>16 mos</b>		<b>18 mos</b>	
<b>Revocation</b>	<b>12 mos</b>		<b>13 mos</b>		<b>14 mos</b>		<b>15 mos</b>		<b>16 mos</b>		<b>18 mos</b>	

**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 180 days.  
**JAIL PROBATION & TREATMENT OPTION:** 2 years probation, impose and stay guidelines; minimum jail as condition of probation.  
**REVOCAION/DISQUALIFICATION:** 12 - 18 months. (Occupational wait = 45 days.)  
**REFUSAL:** 2 year revocation, 90 day waiting period and AODA.  
**IGNITION INTERLOCK DEVICE**  
 The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles driven, titled or registered in their name shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law, unless undue financial hardship. Wis. Stat. s. 343.301(1)(a)1.  
**ALCOHOL AND DRUG ASSESSMENT**

**CONTROLLED SUBSTANCE VIOLATIONS**

**Class A - Mitigating Range .11-.15**

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

**Class B - Intermediate Range .17-<.20**

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Propety Damage Only, Covered by Insurance

**Class C - Aggravated Range >.25**

- (1) Collide with Other Vehilce, Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Driving or Caused Personal Injury

**THIRD OFFENSE**

**SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After  
3/1/2020

BAC Level	.08 to <.11		.11 to .149		.15 to .169		.17 to .199		.20 to .249		.25 plus	
		346.65 Prog.		346.65 Prog.		346.65 Prog.		346.65 prog.		346.65 Prog.		346.65 Prog.
Jail	45 Days	14 Days	60Days	20 Days	75 Days	25 Days	90 Days	30 Days	105 Days	35 Days	120 Days	40 Days
Fine + Costs	1,744.00		1,807.00		1,870.00		2,500.00		3,256.00		4,012.00	
Fine	600.00		650.00		700.00		1,200.00		1,800.00		2,400.00	
DIS	435.00		435.00		435.00		435.00		435.00		435.00	
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	156.00		169.00		182.00		312.00		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	24 mos		26 mos		27 mos		28 mos		30 mos		31 mos	
Revocation	24 mos		26 mos		27 mos		28 mos		30 mos		31 mos	

**PENALTY RANGE**

**FINE AMOUNT:** \$600 minimum to \$2000 maximum , **EXCEPTION:** \$1200 minimum and \$4000 maximum if BAC is .17 to .199; \$1800 minimum and \$6000 maximum if BAC is .20 to .249; and \$2400 minimum and \$8000 maximum if BAC is .25 or above.

**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; minimum jail as condition of probation.

**REVOCAION/DISQUALIFICATION:** 24 - 31 months. (Occupational wait = 45 days)

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

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles driven, titled or registered in their name shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law, unless undue financial hardship. Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT**

**CONTROLLED SUBSTANCE VIOLATIONS**

**Class A - Mitigating Range .11-.15**

- (1) Stopped for Non-Traffic Violations Way
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

**Class B - Intermediate Range .17-<.20**

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another

**Class C - Aggravated Range >.25**

- (1) Collide with Other Vehilce,Tree or Object, Drive Wrong
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Driving or Caused Personal Injury

**FOURTH & SUBSEQUENT OFFENSES**

**SENTENCING GUIDELINES**

Citations Issued On or After  
3/1/2020

OFFENSE	INCARCERATION	PROBATION	REVOICATION	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	Permanent**	24 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)	Up to 5 Years 6 Months Minimum Conditional Time	Permanent**	24 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	Permanent**	24 Months to Max Revocation Period	PAC<.17 Max \$25,000 .17-.199 Max \$50,000 .20-.249 Max \$75,000 .25+ Max \$100,000
<b>10TH AND SUBSEQUENT</b> Class E Felony	4-15 Years (10 Yrs. IC, 5 Yrs. ES)	Not applicable	Permanent**	24 Months to Max Revocation Period	PAC <.17 Max \$50,000 .17-.199 Max \$100,000 .20-.249 Max \$150,000 .25+ Max \$200,000

\*If Court imposes less than 18 months, must find on the record (1) The best interets of the community is served, and (2) the public will not be harmed.

\*\*Doesn't apply if the last conviction >15 years old. May apply for reinstatement after 10 years. Not eligible for occupational.

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

**FIRST OFFENSE - MINOR PASSENGER**

**SENTENCING GUIDELINES**

Citations Issued On or After  
3/1/2020

BAC Level	.08 to <.11	.11 to .149	.15 to .169	.17 to .199	0.2 to 0.49	.25 plus
<b>Jail</b>	<b>5 Days</b>	<b>15 Days</b>	<b>25 Days</b>	<b>35 Days</b>	<b>45 Days</b>	<b>55Days</b>
<b>Fine + Costs</b>	<b>1,429.00</b>	<b>1,492.00</b>	<b>1,555.00</b>	<b>1,870.00</b>	<b>2,311.00</b>	<b>2,752.00</b>
Fine	350.00	400.00	450.00	700.00	1,050.00	1,400.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00
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	91.00	104.00	117.00	182.00	273.00	364.00
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>12 mos</b>	<b>14 mos</b>	<b>14 mos</b>	<b>14 mos</b>	<b>16 mos</b>	<b>16 mos</b>
<b>Revocation</b>	<b>12 mos</b>	<b>14 mos</b>	<b>14 mos</b>	<b>14 mos</b>	<b>16 mos</b>	<b>16 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$350 minimum to \$1400 maximum. **EXCEPTION:** \$2400 minimum and \$8000 maximum if BAC is .17 to .199; \$3000 minimum and \$10,000 maximum if BAC is .20 to .249; and \$3600 minimum and \$12,000 maximum if BAC is .25 or above.

**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 AND TREATMENT OPTION. 2 years probation, impose and stay guidelines; minimum jail as condition of probation.**

**REVOCAION/DISQUALIFICATION:** 12 - 18 months.

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equiped with an ignition interlock device and all vehicles driven, titled or registered in their name shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law, unless undue financial hardship. Wis. Stat. s. 343.301(1)(a)1

**CONTROLLED SUBSTANCE VIOLATIONS**

**Class A - Mitigating Range .11-.15**

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

**Class B - Intermediate Range .17-<.20**

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Propety Damage Only, Covered by Insurance

**Class C - Aggravated Range >.25**

- (1) Collide with Other Vehilce, Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Drivingor Caused Personal Injury

**SECOND OFFENSE - MINOR PASSENGER**

**SENTENCING GUIDELINES**

Citations Issued On or After  
3/1/2020

BAC Level	.08 to <.11	.11 to .149	.15 to .169	.17 to .199	.20 to .249	.25 plus
<b>Jail</b>	<b>10 Days</b>	<b>27 Days</b>	<b>44 Days</b>	<b>61 Days</b>	<b>78 Days</b>	<b>95 Days</b>
<b>Fine + Costs</b>	<b>1,870.00</b>	<b>1,996.00</b>	<b>2,122.00</b>	<b>2,752.00</b>	<b>3,193.00</b>	<b>3,634.00</b>
Fine	700.00	800.00	900.00	1,400.00	1,750.00	2,100.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00
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	182.00	208.00	234.00	364.00	455.00	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>24 mos</b>	<b>26 mos</b>	<b>28 mos</b>	<b>28 mos</b>	<b>30 mos</b>	<b>32 mos</b>
<b>Revocation</b>	<b>24 mos</b>	<b>26 mos</b>	<b>28 mos</b>	<b>28 mos</b>	<b>30 mos</b>	<b>32 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$700 minimum to \$2200 maximum...**EXCEPTION:** \$2400 minimum and \$8000 maximum if BAC is .17 to .199; \$3000 minimum and \$10,000 maximum if BAC is .20 to .249; and \$3600 minimum and \$12,000 maximum if BAC is .25 or above.

**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; minimum jail as condition of probation.**

**REVOCAION/DISQUALIFICATION:** 24-36 months.

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles driven, titled or registered in their name shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law, unless undue financial hardship. Wis. Stat. s. 343.301(1)(a)1

**CONTROLLED SUBSTANCE VIOLATIONS**

**Class A - Mitigating Range .11-.15**

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

**Class B - Intermediate Range .17-<.20**

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Propety Damage Only, Covered by Insurance

**Class C - Aggravated Range >.25**

- (1) Collide with Other Vehilce, Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Driving or Caused Personal Injury

### THIRD OFFENSE - MINOR PASSENGER

### SENTENCING GUIDELINES

BAC Level	.08 to <.11	.11 to .149	.15 to .169	.17 to .199	.20 to .249	.25 plus
<b>Jail</b>	<b>90 Days</b>	<b>180 Days</b>	<b>250 Days</b>	<b>320 Days</b>	<b>380 Days</b>	<b>440 Days</b>
<b>Fine + Costs</b>	<b>2,500.00</b>	<b>2,500.00</b>	<b>2,500.00</b>	<b>4,012.00</b>	<b>4,768.00</b>	<b>5,524.00</b>
Fine	1,200.00	1,200.00	1,200.00	2,400.00	3,000.00	3,600.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00
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. (26% of Fine) PA	312.00	312.00	312.00	624.00	780.00	936.00
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>48 mos</b>	<b>52 mos</b>	<b>54 mos</b>	<b>56 mos</b>	<b>60 mos</b>	<b>62 mos</b>
<b>Revocation</b>	<b>48 mos</b>	<b>52 mos</b>	<b>54 mos</b>	<b>56 mos</b>	<b>60 mos</b>	<b>62 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$1200 minimum to \$3600 maximum, **EXCEPTION:** \$2400 minimum and \$8000 maximum if BAC is .17 to .199; \$3000 minimum and \$10,000 maximum if BAC is .20 to .249; and \$3600 minimum and \$12,000 maximum if BAC is .25 or above.

**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; minimum jail as condition of probation.

**REVOCAION/DISQUALIFICATION:** 24-36 months.

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles driven, titled or registered in their name shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of

### CONTROLLED SUBSTANCE VIOLATIONS

**Class A - Mitigating Range .11-.15**

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

**Class B - Intermediate Range .17-<.20**

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Property Damage Only, Covered by Insurance

**Class C - Aggravated Range >.25**

- (1) Collide with Other Vehicle, Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Driving or Caused Personal Injury



**FIRST OFFENSE****COMMERCIAL MOTOR VEHICLES  
SENTENCING GUIDELINES**Citations Issued On or After  
3/1/2020

<b>BAC Level</b>	<b>.040 to .08</b>
	Mitigated
<b>Penalty</b>	<b>1,019.50</b>
Forfeiture	150.00
DIS	435.00
SRPS	50.00
Costs	25.00
CSF	68.00
(26% of Forfeiture) PA	39.00
JA	10.00
JISF	21.50
CL/DL	13.00
TDEA	8.00
DNA Surcharge	200.00
<b>Suspension</b>	<b>6 mos</b>

**PENALTY RANGE****FORFEITURE:** \$150 minimum to \$400 maximum**SUSPENSION:** NOT MANDATORY**ALCOHOL AND DRUG ASSESSMENT**

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.

BAC Level	.040 to .080	
	Mitigated	Aggravated
<b>Jail</b>	<b>20 days</b>	<b>40 days</b>
<b>Penalty</b>	<b>1181.00</b>	<b>2063.00</b>
Fine	300.00	1,000.00
DIS	435.00	435.00
SRPS	50.00	50.00
Costs	20.00	20.00
VWS	67.00	67.00
(26% of Fine) PA	78.00	260.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
DNA Surcharge	200.00	200.00
<b>Revocation/Suspension</b>	<b>12 mos</b>	<b>14 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$300 minimum to \$1000 maximum

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

**JAIL:** Not less than 5 days or ordered to perform not less than 30 days of community service work nor more than 6 months.

**REVOCATION/SUSPENSION:** NOT MANDATORY

**ALCOHOL AND DRUG ASSESSMENT**

1. Court may order community service work to reduce the amount of a fine. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of the violation, the minimum and maximum fine is doubled.

**THIRD OFFENSE**

**COMMERCIAL MOTOR VEHICLES  
SENTENCING GUIDELINES**

Citations Issued On or After  
3/1/2020

<b>BAC Level</b>	<b>.040 to .080</b>	
	Minimum Driving <i>No Accident</i>	Aggravated Driving <i>Accident or Injury</i>
		<i>Bad Driving Record</i>
<b>Jail</b>	<b>45 days</b>	<b>120 days</b>
<b>Penalty</b>	<b>1559.00</b>	<b>3323.00</b>
Fine	600.00	2,000.00
DIS	435.00	435.00
SRPS	50.00	50.00
Costs	20.00	20.00
VWS	67.00	67.00
(26% of Fine) PA	156.00	520.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
DNA Surcharge	200.00	200.00
<b>Revocation/Suspension</b>	<b>12 mos</b>	<b>14 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$600 minimum to \$2000 maximum

**JAIL:** 30 days - 12 months

**DIS:** Increase per §346.655    **SRPS:** Safe Ride Program Surcharge 346.657 effective on offenses committed on or after 7-14-2015

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

**REVOCAION/SUSPENSION:** NOT MANDATORY

**ALCOHOL AND DRUG ASSESSMENT**

1. Court may order community service work to reduce the amount of a fine. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of the violation, the minimum and maximum fine is doubled.

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 and above	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Penalty</b>	<b>712.00</b>	<b>743.50</b>	<b>712.00</b>	<b>775.00</b>	<b>825.00</b>	<b>888.00</b>	<b>888.00</b>	<b>951.00</b>	<b>888.00</b>	<b>951.00</b>	<b>888.00</b>	<b>951.00</b>
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
DIS	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00
*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
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
(26% of Forf.) PA	39.00	45.50	39.00	52.00	52.00	65.00	65.00	78.00	65.00	78.00	65.00	78.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	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	13.00	13.00	13.00	13.00	13.00	13.00
Ign. Int. Surch.					50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
<b>IID Period</b>					<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>
<b>Revocation</b>	<b>6 mos</b>	<b>6 mos</b>	<b>6 mos</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>	<b>9 mos</b>	<b>9 mos.</b>	<b>9 mos</b>

**PENALTY RANGE**

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

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

**REVOCATION/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. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 18 months beginning when license issued. \$50.00 interlock surcharge

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse **(and a reasonable fee)**.
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court may**, after a finding of inability to pay, reduce the costs or forfeiture and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.

Revised 05/08/2019

<b>BAC Level</b>	<b>.040 to .080</b>	
	Minimum Driving	Aggravated Driving
	<i>No Accident</i>	<i>Accident or Injury</i>
		<i>Bad Driving Record</i>
<b>Penalty</b>	<b>720.00</b>	<b>909.00</b>
Forfeiture	150.00	300.00
DIS	435.00	435.00
SRPS	50.00	50.00
*Costs	15.00	15.00
(26% of Forfeiture) PA	39.00	78.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
<b>Suspension</b>	<b>6 mos</b>	<b>7 mos</b>

**PENALTY RANGE**

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

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

**SUSPENSION:** NOT MANDATORY

**ALCOHOL AND DRUG ASSESSMENT**

1. Court may order community service work to reduce the amount of a forfeiture. Court may also order restitution.
2. 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.