

ROBERT P. VANDEHEY
Chief Judge
Grant County Courthouse
130 W Maple Street
PO Box 189
Lancaster, WI 53813
Telephone: (608)723-7826

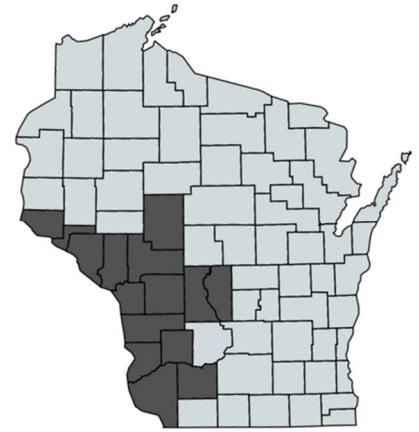
SCOTT L. HORNE
Deputy Chief Judge
La Crosse County Courthouse
333 Vine Street, Room 3400
La Crosse, WI 54601
Telephone: (608)785-9851

PATRICK G. BRUMMOND
District Court Administrator
La Crosse County Courthouse
333 Vine Street, Room 3504
LaCrosse, WI 54601
Telephone: (608) 785-9546
patrick.brummond@wicourts.gov

STATE OF WISCONSIN

SEVENTH JUDICIAL DISTRICT

LA CROSSE COUNTY COURTHOUSE
333 VINE STREET, ROOM 3504
LA CROSSE, WISCONSIN 54601
Telephone: (608)785-9546
Fax: (608)785-5530
TTY: 1-800-947-3529



OWI SENTENCING GUIDELINES EFFECTIVE 10-01-2018

(These guidelines are offered to promote consistency among the circuit court branches of the Seventh Judicial Administrative District. They are not intended to govern the decision of the court to utilize any prescribed penalty available under the law. The court is free in its discretion to depart from the guidelines.)

ROBERT P. VANDEHEY, CHIEF JUDGE

NO MINOR PASSENGER

PENALTY RANGE: (§346.65(2)(am)1)

FORFEITURE: \$150 to \$300 (plus costs & surcharges)

REVOCAATION: 6 – 9 Months (Occupational - no waiting period; (§343.30(1q)(b)2)).

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 a of one year (§343.301(2m)) beginning when license is issued. \$50.00 interlock surcharge.

DRIVING FACTORS

FIRST OFFENSE NO MINOR PASSENGER	Minimum Driving (No Accident/Record)	Aggravated Driving (Accident/Record)
BAC Level		
.08 to .119		
Forfeiture	\$150.00	\$150.00
Costs & Surcharges	\$661.50	\$661.50
Total	\$811.50	\$811.50
Revocation	6 Months	6 Months
Alcohol Asses & Driver Safety	Yes	Yes
.12 to .149		
OR		
A Detectable Amount of a Restricted Controlled Substance		
Forfeiture	\$250.00	\$275.00
Costs & Surcharges	\$687.50	\$694.00
Total	\$937.50	\$969.00
Revocation	6 Months	7 Months
Alcohol Asses & Driver Safety	Yes	Yes
.15 to .249		
Forfeiture	\$275.00	\$300.00
Costs & Surcharges	\$744.00	\$750.50
Total	\$1,019.00	\$1,050.50
Revocation	7 Months	8 Months
Alcohol Asses & Driver Safety & IID	Yes	Yes
.25 or Above		
Forfeiture	\$300.00	\$300.00
Costs & Surcharges	\$750.50	\$750.50
Total	\$1,050.50	\$1,050.50
Revocation	9 Months	9 Months
Alcohol Asses & Driver Safety & IID	Yes	Yes

**WITH MINOR PASSENGER
UNDER 16 YEARS OF AGE**

PENALTY RANGE: (§346.65(2)(f)1)

FINE: \$350 to \$1,100 (plus costs & surcharges)

JAIL: 5 Days - 6 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

REVOCAION: 12 – 18 Months (doubles under (§343.30(1q)(b)4m)), plus number of days of jail sentence.

(Occupational - no waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

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 a of one year to 18 months beginning when license is issued. \$50.00 interlock surcharge.

DRIVING FACTORS

FIRST OFFENSE WITH MINOR PASSENGER UNDER 16 BAC Level	Minimum Driving (No Accident/Record)	Aggravated Driving (Accident/Record)
.08 to .119	Fine \$350.00 Costs & Surcharges \$1,029.00 Total \$1,379.00 Jail 5 Days Revocation 12 Months Alcohol Asses & Driver Safety Yes	\$350.00 \$1,029.00 \$1,379.00 7 Days 12 Months Yes
.12 to .149 OR A Detectable Amount of a Restricted Controlled Substance	Fine \$350.00 Costs & Surcharges \$1,029.00 Total \$1,379.00 Jail 10 Days Revocation 12 Months Alcohol Asses & Driver Safety Yes	\$450.00 \$1,055.00 \$1,505.00 12 Days 14 Months Yes
.15 to .199	Fine \$450.00 Costs & Surcharges \$1,105.00 Total \$1,555.00 Jail 10 Days Revocation 14 Months Alcohol Asses & Driver Safety & IID Yes	\$550.00 \$1,131.00 \$1,681.00 12 Days 16 Months Yes
.20 to .249	Fine \$550.00 Costs & Surcharges \$1,131.00 Total \$1,681.00 Jail 15 Days Revocation 16 Months Alcohol Asses & Driver Safety & IID Yes	\$650.00 \$1,157.00 \$1,807.00 20 Days 18 Months Yes
.25 or Above	Fine \$650.00 Costs & Surcharges \$1,157.00 Total \$1,807.00 Jail 30 Days Revocation 18 Months Alcohol Asses & Driver Safety & IID Yes	\$750.00 \$1,183.00 \$1,933.00 40 Days 18 Months Yes

(For violations of §346.63(1)(a) or (am) or (b))

PENALTY RANGE: (§346.65(2)(am)2)

FINE: \$350 to \$1,100 (plus costs & surcharges)

JAIL: 5 Days - 6 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

REVOCAATION: 12 – 18 Months, plus number of days of jail sentence. (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

PROBATION: 6-24 Months

IGNITION INTERLOCK: Mandatory interlock. 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.

DRIVING FACTORS

SECOND OFFENSE BAC Level		Minimum Driving (No Accident/Record)	Aggravated Driving (Accident/Record)
.08 to .119	Fine	\$350.00	\$400.00
	Costs & Surcharges	\$1,079.00	\$1,092.00
	Total	\$1,429.00	\$1,492.00
	Jail	10 Days	15 Days
	Revocation	12 Months	12 Months
	Alcohol Asses & Driver Safety & IID	Yes	Yes
.12 to .169 OR A Detectable Amount of a Restricted Controlled Substance	Fine	\$350.00	\$450.00
	Costs & Surcharges	\$1,079.00	\$1,105.00
	Total	\$1,429.00	\$1,555.00
	Jail	15 Days	20 Days
	Revocation	12 Months	14 Months
	Alcohol Asses & Driver Safety & IID	Yes	Yes
.17 to .199	Fine	\$450.00	\$550.00
	Costs & Surcharges	\$1,105.00	\$1,131.00
	Total	\$1,555.00	\$1,681.00
	Jail	20 Days	30 Days
	Revocation	14 Months	16 Months
	Alcohol Asses & Driver Safety & IID	Yes	Yes
.20 to .249	Fine	\$550.00	\$650.00
	Costs & Surcharges	\$1,131.00	\$1,157.00
	Total	\$1,681.00	\$1,807.00
	Jail	30 Days	40 Days
	Revocation	16 Months	18 Months
	Alcohol Asses & Driver Safety & IID	Yes	Yes
.25 or Above	Fine	\$650.00	\$750.00
	Costs & Surcharges	\$1,157.00	\$1,183.00
	Total	\$1,807.00	\$1,933.00
	Jail	40 Days	50 Days
	Revocation	18 Months	18 Months
	Alcohol Asses & Driver Safety & IID	Yes	Yes
Treatment/Probation Option §346.65(2)(bm)	Fine	\$450.00	
	Costs & Surcharges	\$1,105.00	
	Total	\$1,555.00	
Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$ _____			
Jail: Guidelines from above with all but 5 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.			

THIRD OFFENSE

SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT

THIRD OFFENSE

(On & After 10-01-2018)

OWI SENTENCING GUIDELINES

(On & After 10-01-2018)

(For violations of §346.63(1)(a) or (am) or (b))

PENALTY RANGE: (§346.65(2)(am)3)

FINE: \$600 to \$2,000 (plus costs & surcharges)

JAIL: 45 Days - 12 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

REVOCAATION: 24 – 36 Months, plus number of days of jail sentence. (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

PROBATION: 6-24 Months

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 36 months beginning when license issued. \$50.00 interlock surcharge.

BAIL & STAY: No bail after conviction (§969.01(2(a)) or stay of execution of jail sentence (§973.15(8)(a)(3)) may be granted unless condition of probation.

DRIVING FACTORS

THIRD OFFENSE BAC Level	Minimum Driving (No Accident/Record)	Aggravated Driving (Accident/Record)
.08 to .119 Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$600.00 \$1,144.00 \$1,744.00 45 Days 24 Months Yes	\$650.00 \$1,157.00 \$1,807.00 55 Days 24 Months Yes
.12 to .169 OR A Detectable Amount of a Restricted Controlled Substance Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$600.00 \$1,144.00 \$1,744.00 65 Days 24 Months Yes	\$750.00 \$1,183.00 \$1,933.00 75 Days 27 Months Yes
.17 to .199 Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$1,200.00 \$1,302.00 \$2,502.00 95 Days 27 Months Yes	\$1,350.00 \$1,342.50 \$2,692.50 125 Days 30 Months Yes
BAC Fine Range Doubles to \$1200 - \$4000 Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$1,800.00 \$1,464.00 \$3,264.00 125 Days 30 Months Yes	\$1,950.00 \$1,504.50 \$3,454.50 155 Days 33 Months Yes
.20 to .249 Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$2,400.00 \$1,626.00 \$4,026.00 155 Days 33 Months Yes	\$2,550.00 \$1,666.50 \$4,216.50 185 Days 36 Months Yes
.25 or Above Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$2,400.00 \$1,626.00 \$4,026.00 155 Days 33 Months Yes	\$2,550.00 \$1,666.50 \$4,216.50 185 Days 36 Months Yes
Treatment/Probation Option §346.65(2)(cm) Fine Costs & Surcharges Total Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$ _____ Jail: Guidelines from above with all but 14 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.	\$900.00 \$1,222.00 \$2,122.00	

PENALTY RANGE: (§346.65(2)(am)4) (All OWI 4th are Class H felony.)

FINE: \$600 to \$10,000 (plus costs & surcharges)

JAIL/PRISON: 60 Days - 6 Years. [Minimum 48 consecutive hours in jail (§346.65(7))]

REVOCAATION: 24 – 36 Months, plus number of days of jail sentence. (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

PROBATION: 6-36 Months

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 36 months. \$50.00 interlock surcharge.

BAIL & STAY: No bail after conviction (§969.01(2(a)) or stay of execution of jail sentence (§973.15(8)(a)(3)) may be granted unless condition of probation.

DRIVING FACTORS

FOURTH OFFENSE BAC Level		Minimum Driving (No Accident/Record)	Aggravated Driving (Accident/Record)
.02 to .079	Fine	\$600.00	\$650.00
	Costs & Surcharges	\$1,219.00	\$1,232.00
	Total	\$1,819.00	\$1,882.00
	Jail	60 Days	70 Days
	Revocation	24 Months	24 Months
Alcohol Asses & Driver Safety & IID		Yes	Yes
.08 to .119	Fine	\$900.00	\$1,000.00
	Costs & Surcharges	\$1,297.00	\$1,323.00
	Total	\$2,197.00	\$2,323.00
	Jail	75 Days	85 Days
	Revocation	30 Months	30 Months
Alcohol Asses & Driver Safety & IID		Yes	Yes
.12 to .169 OR A Detectable Amount of a Restricted Controlled Substance	Fine	\$1,200.00	\$1,350.00
	Costs & Surcharges	\$1,377.00	\$1,417.50
	Total	\$2,577.00	\$2,767.50
	Jail	185 Days	215 Days
	Revocation	36 Months	36 Months
Alcohol Asses & Driver Safety & IID		Yes	Yes
.17 to .199 BAC Fine Range Doubles to \$1200 - \$20000	Fine	\$2,000.00	\$2,150.00
	Costs & Surcharges	\$1,593.00	\$1,633.50
	Total	\$3,593.00	\$3,783.50
	Jail	215 Days	245 Days
	Revocation	36 Months	36 Months
Alcohol Asses & Driver Safety & IID		Yes	Yes
.20 to .249 BAC Fine Range Triples to \$1800 - \$30000	Fine	\$2,300.00	\$2,400.00
	Costs & Surcharges	\$1,674.00	\$1,701.00
	Total	\$3,974.00	\$4,101.00
	Jail	245 Days	275 Days
	Revocation	36 Months	36 Months
Alcohol Asses & Driver Safety & IID		Yes	Yes
.25 or Above BAC Fine Range Quadruples to \$2400 - \$40000	Fine	\$2,900.00	\$3,000.00
	Costs & Surcharges	\$1,836.00	\$1,863.00
	Total	\$4,736.00	\$4,863.00
	Jail	275 Days	305 Days
	Revocation	36 Months	36 Months
Alcohol Asses & Driver Safety & IID		Yes	Yes
Treatment/Probation Option §346.65(2)(dm)	Fine	\$900.00	
	Costs & Surcharges	\$1,297.00	
	Total	\$2,197.00	

Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$_____ Jail: Guidelines from above with all but 29 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.

SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT

(On & After 10-01-2018)

OWI SENTENCING GUIDELINES

(On & After 10-01-2018)

(For violations of §346.63(1)(a) or (am) or (b))

OWI SENTENCING GUIDELINES FORFEITURE COSTS & SURCHARGES

FORFEITURE COSTS & SURCHARGES

Driver Improvement Surcharge (D.I.S.)	\$435	Justice Information Surcharge	\$21.50
Court Costs	\$25	Crime Lab Surcharge (C.L.D.S.)	\$13
Court Support Surcharge	\$68	Jail Surcharge (J.S.) Greater of (1% fine) or \$10	
Ignition Interlock Surcharge (I.I.D.)	\$50	Penalty Surcharge (P.S.) (26% of Fine/Forfeiture)	0.26
Safe Ride Program Surcharge (SRPS)	\$50		

OWI SENTENCING GUIDELINES CRIMINAL COSTS & SURCHARGES

CRIMINAL COSTS & SURCHARGES

Driver Improvement Surcharge (D.I.S.)	\$435	Victim Witness Surcharge (Misdemeanor)	\$67
Court Costs	\$163	Crime Lab Surcharge (C.L.D.S.)	\$13
Ignition Interlock Surcharge (I.I.D.)	\$50	Jail Surcharge (J.S.) Greater of (1% fine) or \$10	
Penalty Surcharge (P.S.) (26% of Fine/Forfeiture)	0.26	DNA Surcharge (Misdemeanor)	\$200
Safe Ride Program Surcharge (SRPS)	\$50	DNA Surcharge (Felony)	\$250
Victim Witness Surcharge (Felony)	\$92		