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STATE OF WISCONSIN

SEVENTH JUDICIAL DISTRICT

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OWI SENTENCING GUIDELINES EFFECTIVE 06-01-2017

(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)
.08 to .119 BAC Level		
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 Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety	\$350.00 \$1,029.00 \$1,379.00 5 Days 12 Months 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 Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety	\$350.00 \$1,029.00 \$1,379.00 10 Days 12 Months Yes	\$450.00 \$1,055.00 \$1,505.00 12 Days 14 Months Yes
.15 to .199 Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$450.00 \$1,105.00 \$1,555.00 10 Days 14 Months Yes	\$550.00 \$1,131.00 \$1,681.00 12 Days 16 Months Yes
.20 to .249 Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$550.00 \$1,131.00 \$1,681.00 15 Days 16 Months Yes	\$650.00 \$1,157.00 \$1,807.00 20 Days 18 Months Yes
.25 or Above Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$650.00 \$1,157.00 \$1,807.00 30 Days 18 Months 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 06-01-2017)

OWI SENTENCING GUIDELINES

(On & After 06-01-2017)

(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))]

REVOCACTION: 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	\$600.00	\$650.00
	Costs & Surcharges	\$1,144.00	\$1,157.00
	Total	\$1,744.00	\$1,807.00
	Jail	45 Days	55 Days
	Revocation	24 Months	24 Months
	Alcohol Asses & Driver Safety & IID	Yes	Yes
.12 to .169 OR A Detectable Amount of a Restricted Controlled Substance	Fine	\$600.00	\$750.00
	Costs & Surcharges	\$1,144.00	\$1,183.00
	Total	\$1,744.00	\$1,933.00
	Jail	65 Days	75 Days
	Revocation	24 Months	27 Months
	Alcohol Asses & Driver Safety & IID	Yes	Yes
.17 to .199 BAC Fine Range Doubles to \$1200 - \$4000	Fine	\$1,200.00	\$1,350.00
	Costs & Surcharges	\$1,302.00	\$1,342.50
	Total	\$2,502.00	\$2,692.50
	Jail	95 Days	125 Days
	Revocation	27 Months	30 Months
	Alcohol Asses & Driver Safety & IID	Yes	Yes
.20 to .249 BAC Fine Range Triples to \$1800 - \$6000	Fine	\$1,800.00	\$1,950.00
	Costs & Surcharges	\$1,464.00	\$1,504.50
	Total	\$3,264.00	\$3,454.50
	Jail	125 Days	155 Days
	Revocation	30 Months	33 Months
	Alcohol Asses & Driver Safety & IID	Yes	Yes
.25 or Above BAC Fine Range Quadruples \$2400 - \$8000	Fine	\$2,400.00	\$2,550.00
	Costs & Surcharges	\$1,626.00	\$1,666.50
	Total	\$4,026.00	\$4,216.50
	Jail	155 Days	185 Days
	Revocation	33 Months	36 Months
	Alcohol Asses & Driver Safety & IID	Yes	Yes
Treatment/Probation Option §346.65(2)(cm)	Fine	\$900.00	
	Costs & Surcharges	\$1,222.00	
	Total	\$2,122.00	
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.			

OWI SENTENCING GUIDELINES

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

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 Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$600.00 \$1,219.00 \$1,819.00 60 Days 24 Months Yes	\$650.00 \$1,232.00 \$1,882.00 70 Days 24 Months Yes
.08 to .119 Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$900.00 \$1,297.00 \$2,197.00 75 Days 30 Months Yes	\$1,000.00 \$1,323.00 \$2,323.00 85 Days 30 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	\$1,200.00 \$1,377.00 \$2,577.00 185 Days 36 Months Yes	\$1,350.00 \$1,417.50 \$2,767.50 215 Days 36 Months Yes
.17 to .199 BAC Fine Range Doubles to \$1200 - \$20000 Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$2,000.00 \$1,593.00 \$3,593.00 215 Days 36 Months Yes	\$2,150.00 \$1,633.50 \$3,783.50 245 Days 36 Months Yes
.20 to .249 BAC Fine Range Triples to \$1800 - \$30000 Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$2,300.00 \$1,674.00 \$3,974.00 245 Days 36 Months Yes	\$2,400.00 \$1,701.00 \$4,101.00 275 Days 36 Months Yes
.25 or Above BAC Fine Range Quadruples to \$2400 - \$40000 Fine Costs & Surcharges Total Jail Revocation Alcohol Asses & Driver Safety & IID	\$2,900.00 \$1,836.00 \$4,736.00 275 Days 36 Months Yes	\$3,000.00 \$1,863.00 \$4,863.00 305 Days 36 Months Yes
Treatment/Probation Option §346.65(2)(dm) Fine Costs & Surcharges Total	\$900.00 \$1,297.00 \$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 06-01-2017)

OWI SENTENCING GUIDELINES

(On & After 06-01-2017)

(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		