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IN THE MATTER OF:

ORDER

OAR/OAS GUIDELINES FOR THE  
THIRD JUDICIAL DISTRICT

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WHEREAS, as required by Wis. Stat 343.44(2) (d),

AND WHEREAS, the Chief Judge desires a district-wide procedure for the handling of OAR/OAS guidelines,

AND WHEREAS, the Chief Judge of the Third Judicial Administrative District, under the authority of SCR 70.19 (1), (3)(f), and SCR 70.20 finds it both desirous and in the best interest of judicial administration to adopt the OAR/OAS guidelines,

NOW, THEREFORE, IT IS ORDERED that, the attached OAR/OAS Guidelines for violations on or after July 1, 2009 be adopted by the Third Judicial Administrative District:

IT IS SO ORDERED this 6 day of Nov., 2009.

J. MAC DAVIS

CHIEF JUDGE

THIRD JUDICIAL DISTRICT



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## District 3 OAR/OAS Guidelines

as required by Wis. Stat 343.44(2)(d) & SCR 70.34

Offense Type	Effective Date	Aggravated Nature of Offense	Monetary Penalty (+ Costs)	Jail	Drivers License
<b>OAR Non-Criminal</b> §343.44(1)(b) & §343.44(2)(as) Statutory Range <ul style="list-style-type: none"> <li>▪ \$0 - \$2,500</li> <li>▪ No Jail</li> <li>▪ 0-6 Months Suspension</li> <li>▪ 6 Mo. Revocation for 4<sup>th</sup> or +</li> </ul>	Violations on or after July 1, 2009	Low	\$100 - \$200	N/A	0 Months Suspension.
		Moderate	\$100 - \$400	N/A	0 - 3 Months Suspension
		High	\$150 - \$1,000	N/A	0 - 6 Months Revocation*
<b>OAR Criminal</b> §343.44(1)(b) & §343.44(2)(b) Statutory Range <ul style="list-style-type: none"> <li>▪ \$0 - \$2,500</li> <li>▪ Jail: 0 Days to 1Year</li> <li>▪ 0-6 Months Suspension</li> <li>▪ 6 Mo. Revocation for 4<sup>th</sup> or +</li> </ul>	Violations on or after July 1, 2009	Low	\$150 - \$500	0 - 60 Days	0 - 2 Months Suspension
		Moderate	\$150 - \$750	0 - 180 Days	0 - 4 Months Suspension
		High	\$250 - \$2,500	0 - 360 Days	0 - 6 Months Revocation*
<b>OAS</b> §343.44(1)(a),(am) & §343.44(2)(a) Statutory Range <ul style="list-style-type: none"> <li>▪ \$50 - \$200</li> <li>▪ No Jail</li> <li>▪ 0-6 Mo. Suspension</li> <li>▪ 6 Mo. Revocation for 4<sup>th</sup> or +</li> </ul>	Violations on or after July 27, 2005	Offense # 1, 2 or 3	\$50	N/A	0 - 3 Months Suspension
		Offense # 4 or more	\$50	N/A	0 - 6 Months Revocation*

### Aggravating Factors

- Number of Prior OAR/OAS convictions
- Accident, Aggravated Driving
- Injury to Person/Property
- Alcohol, Controlled Substances Present
- Attempted to Elude Officer
- For OAS - Prior OWI/PAC Convictions
- Record of Unsafe Driving

### Mitigating Factors

- No Prior OAR/OAS Convictions
- For OAS - Not OWI Related
- No Unsafe Driving/Prior Record Good
- Cooperation with Arresting Officer
- Reinstated DL Before Hearing
- History of Payment of Fines
- Remedial Action Since Incident

\*For 4<sup>th</sup> Offense or higher OAR or OAS, a 6 month revocation is the presumptive driver's license penalty. If the revocation is less than 6 months, the statutes require the Court to state, on the record, the reasons for a shorter revocation period. [§343.30(1g); 343.31(1)(hm)]

Prior to July 1, 2009, there were two kinds of OAR: OAR 1<sup>st</sup> was noncriminal and subsequent offenses were criminal. As of July 1, 2009, there are two kinds of OAR based on the reason for the underlying revocation: §343.44(2)(as) provides that if the revocation was not alcohol or drug related the penalty is a forfeiture (TR); §343.44(2)(b) provides that if the revocation was alcohol or drug related there is a criminal penalty (CT, CM). §343.307(2) defines which offenses are alcohol and drug related.

For OAR violations prior to July1, 2009, see the guidelines "For violations after July 27, 2005".