

ORDER IN THE ISSUANCE OF DISTRICT OWI SENTENCING GUIDELINES

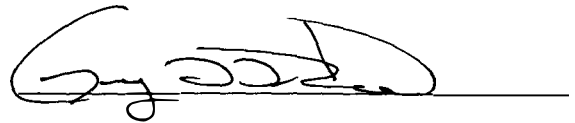
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In order to provide a set of guidelines for sentencing in OWI offenses to be used throughout the Fourth Judicial District;

IT IS THEREFORE ORDERED that the Fourth Judicial District OWI Sentencing Guidelines attached to this order are effective as of March 1<sup>st</sup>, 2024.

DATED: February 15, 2024

GUY DUTCHER, Chief Judge

A handwritten signature in black ink, appearing to read "Guy Dutcher", is written over a horizontal line.

**FOURTH JUDICIAL DISTRICT**

**Hon. Guy Dutcher, Chief Judge**

**OMVWI  
SENTENCING GUIDELINES**

Citation Issued On or After  
**March 1, 2024**

Fourth Judicial District Office  
201 Main street, Suite 103  
Menasha, WI 54952  
(920) 424-0027

# FIRST OFFENSE

# SENTENCING GUIDELINES - STANDARD

Citations Issued On or After  
3/1/2024

BAC Level	.08 to <.11	.11 to .149	.15 to .169	.17 to .199	.20 to .249	.25 and Above
<b>Penalty</b>	<b>943.00</b>	<b>974.50</b>	<b>1,056.00</b>	<b>1,087.50</b>	<b>1,119.00</b>	<b>1,150.50</b>
Forfeiture	175.00	200.00	225.00	250.00	275.00	300.00
DIS	535.00	535.00	535.00	535.00	535.00	535.00
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	45.50	52.00	58.50	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
DNA Surcharge	n/a	n/a	n/a	n/a	n/a	n/a
<b>IID Period</b>			<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>
<b>Revocation</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>

## PENALTY RANGE

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

**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, or when there is a prior OWI conviction

## ALCOHOL AND DRUG ASSESSMENT

## AGGRAVATING FACTORS

Speeding 15mph or higher	Accident / Poor driving
No valid driver's license	No IID if required
On bond at the time	Uncooperative w/police
Dismissed but read in charges	Illegal drugs in system

## ALCOHOL and DRUGGED DRIVING

1 or 2 factors move 1 column right
3 or 4 factors move 2 columns right
5 or 6 factors move 3 columns right
7 or 8 factors move 4 columns right

SECOND OFFENSE &  
1st OFFENSE MINOR IN CAR

SENTENCING GUIDELINES - STANDARD

Citations Issued On or After  
3/1/2024

BAC Level	<.11			.11 to .149			.15 to .169			.17 to .199			.20 to .249			.25+		
		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.
			SSTOP			SSTOP			SSTOP			SSTOP			SSTOP			SSTOP
Jail	10 Days	5 Days	5 Days	20 Days	8 Days	5 Days	30 Days	12 Days	6 Days	40 Days	16 Days	6 Days	50 Days	20 Days	7 Days	60 Days	24 Days	7 Days
Fine + Costs	1,592.00			1,781.00			1,970.00			2,222.00			2,411.00			2,852.00		
Fine	400.00			550.00			700.00			900.00			1,050.00			1,400.00		
DIS	535.00			535.00			535.00			535.00			535.00			535.00		
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	104.00			143.00			182.00			234.00			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		
SRPS	50.00			50.00			50.00			50.00			50.00			50.00		
DNA Surcharge	200.00			200.00			200.00			200.00			200.00			200.00		
Ild Period	13 mos			14 mos			15 mos			16 mos			17 mos			18 mos		
Revocation	13 mos			14 mos			15 mos			16 mos			17 mos			18 mos		

**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 6 months.

**JAIL PROBATION & TREATMENT OPTION:** 2 years probation, impose and stay guidelines.

**REVOCATION/DISQUALIFICATION:** 12 - 18 months. (Occupational wait = 45 days.)

**REFUSAL:** 2 year revocation, 90 day waiting period and AODA.

**IGNITION INTERLOCK DEVICE:** 12-18 months Wis. Stat. s. 343.301(1g)(a).

**ALCOHOL AND DRUG ASSESSMENT**

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AGGRAVATING FACTORS		ALCOHOL and DRUGGED DRIVING
Speeding 15mph or higher	Accident / Poor driving	1 or 2 factors move 1 column right
No valid driver's license	No IID if required	3 or 4 Factors move 2 columns right
On bond at the time	Uncooperative w/police	5 or 6 factors move 3 columns right

BAC Level	<.11			.11 to .149			.15 to .169			.17 to .199			.20 to .249			.25 plus		
		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.		Probation	Treatment Ct.
			SSTOP			SSTOP			SSTOP			SSTOP			SSTOP			SSTOP
Jail	60 Days	27 Days	14 Days	90 Days	36 Days	20 Days	120 Days	48 Days	25 Days	150 Days	60 Days	30 Days	180 Days	72 Days	35 Days	210 Days	84 Days	40 Days
Fine + Costs	1,970.00			2,285.00			2,600.00			2,978.00			3,356.00			4,112.00		
Fine	700.00			950.00			1,200.00			1,500.00			1,800.00			2,400.00		
DIS	535.00			535.00			535.00			535.00			535.00			535.00		
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			247.00			312.00			390.00			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	26 mos			27 mos			28 mos			30 mos			32 mos			34 mos		
Revocation	26 mos			27 mos			28 mos			30 mos			32 mos			34 mos		

**PENALTY RANGE**  
**FINE AMOUNT:** \$600 minimum to \$2000 maximum (**EXCEPTION:** Maximum increases with higher BAC, doubled tripled or quadrupled)  
**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.**  
**REVOCATION/DISQUALIFICATION:** 24 - 36 months. (Occupational wait = 45 days)  
**REFUSAL:** 3 year revocation, 120 day waiting period and AODA.  
**IGNITION INTERLOCK DEVICE:** 12-31 months Wis. Stat. s. 343.301(1g)(a).  
**ALCOHOL AND DRUG ASSESSMENT**

AGGRAVATING FACTORS		ALCOHOL AND DRUGGED DRIVING
Speeding 15mph or higher	Accident / Poor driving	1 or 2 factors move 1 column right
No valid driver's license	No IID if required	3 or 4 Factors move 2 columns right
On bond at the time	Uncooperative w/police	5 or 6 factors move 3 columns right
Dismissed but read in charges	Illegal Drugs	7 or more move 4 columns right

**FOURTH & SUBSEQUENT OFFENSES****MINIMUM AND MAXIMUM PENALTIES**

Citations Issued On or After  
3/1/2024

PLEASE NOTE: The DNA Surcharge increases from \$200 to \$250 for Felonies!!

OFFENSE	INCARCERATION	PROBATION	REVOCATION**	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	2-3 years	12 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)	Not Applicable	2-3 years	12 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	2-3 years	12 Months to Max Revocation Period	Max \$25,000
<b>10TH AND SUBSEQUENT</b> Class E Felony	4-15 Years ## (10 Yrs. IC, 5 Yrs. ES)	Not applicable	2-3 years	12 Months to Max Revocation Period	Max \$50,000

\* Court must impose 18 months of initial confinement unless the best interests of the community is served and the public will not be harmed, but there must be initial confinement of at least 1 year

# Court must impose 3 years of initial confinement.

## Court must impose 4 years of initial confinement.

\*\*DOT revokes license permanently, not the Court.

May apply for reinstatement after 10 years and they are not eligible for occupational license.

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

## SECOND OFFENSE - MINOR PASSENGER

## SENTENCING GUIDELINES

Citations Issued On or After  
3/1/2024

BAC Level	<.11	.11 to .149	.15 to .169	.17 to .199	.20 to .249	.25 plus
Jail	20 Days	40 Days	70 Days	100 Days	150 Days	210 Days
Fine + Costs	2,222.00	2,474.00	2,726.00	2,978.00	3,356.00	3,734.00
Fine	900.00	1,100.00	1,300.00	1,500.00	1,800.00	2,100.00
DIS	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
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	234.00	286.00	338.00	390.00	468.00	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
IID Period	26 mos	27 mos	28 mos	30 mos	32 mos	34 mos
Revocation	26 mos	27 mos	28 mos	30 mos	32 mos	34 mos

### PENALTY RANGE

**FINE AMOUNT:** \$700 minimum to \$2200 maximum..(**EXCEPTION:** minimum and maximum increase with higher BAC)

**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

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

**IGNITION INTERLOCK DEVICE:** 12 - 36 months Wis. Stat. s. 343.301(1g)(a)

**ALCOHOL AND DRUG ASSESSMENT**

### AGGRAVATING FACTORS

Speeding 15mph or higher	Accident / Poor driving
No valid driver's license	No IID if required
On bond at the time	Uncooperative w/police
Dismissed but read in charges	Illegal Drugs

### ALCOHOL AND DRUGGED DRIVING

1 or 2 factors move 1 column right  
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