10th Judicial District OWI Guidelines

Revised October, 2026 **Effective for offenses on or after November 1, 2026**

		Minimum Driving & No Accident			Aggravated Driving				
	BAC	**Fine**	**Jail Days**	**Rev Mos**	**Fine**	**Jail Days**	**Rev Mos**	**Occ. Wait Days**	**IID?**
1st	Below .099	$967.00		6	$1,030.00		7	0	**No**
	.10 - .149 & RCS	$998.50		6	$1,061.50		7	0	**No**
	.15 - .199	$1,080.00		7	$1,143.00		8	0	Yes
	,20 - .249	$1,111.50		7	$1,174.50		8	0	Yes
	.25 + or Refusal of Breath Test	$1,143.00		8	$1,206.00		9	0	Yes
1st w/ minor under 16	Below .099	$1,542.00	10	12	$1,605.00	30	14	0	**No**
	.10 - .149 & RCS	$1,573.50	15	13	$1,636.50	35	15	0	**No**
	.15 - .199	$1,655.00	20	14	$1,718.00	40	16	0	Yes
	.20 - .249	$1,686.50	25	15	$1,749.50	45	17	0	Yes
	.25 + or Refusal of Breath Test	$1,718.00	40	16	$1,781.00	60	18	0	Yes
2nd	Below .099	$1,592.00	10	12	$1,655.00	30	14	45	Yes
	.10 - .149 & RCS	$1,623.50	15	13	$1,686.50	35	15	45	Yes
	.15 - .199	$1,655.00	20	14	$1,718.00	40	16	45	Yes
	.20 - .249	$1,686.50	25	15	$1,749.50	45	17	45	Yes
	.25 + or Refusal of Breath Test	$1,718.00	40	16	$1,781.00	60	18	45	Yes
2nd w/ minor under 16	Below .099	$2,033.00	60	24	$2,159.00	90	28	45	Yes
	.10 - .149 & RCS	$2,096.00	70	26	$2,222.00	100	30	45	Yes
	.15 - .199	$2,159.00	80	28	$2,285.00	110	32	45	Yes
	.20 - .249	$2,122.00	90	30	$2,348.00	120	34	45	Yes
	.25 + or Refusal of Breath Test	$2,285.00	120	32	$2,411.00	150	36	45	Yes
3rd	Below .099	$1,907.00	60	24	$2,033.00	90	28	45	Yes
	.10 - .149 & RCS	$2,033.00	70	26	$2,159.00	100	30	45	Yes
	.15 - .169	$2,159.00	80	28	$2,285.00	110	32	45	Yes
	.17 - .199	$2,665.00	100	30	$2,919.00	130	34	45	Yes
	.20 - .249	$3,427.00	110	31	$3,808.00	140	35	45	Yes
	.25 + or Refusal Breath Test	$4,189.00	120	32	$4,697.00	150	36	45	Yes
3rd w/ minor under 16	Below .099	$2,740.00	150	48	$2,740.00	170	52	45	Yes
	.10 - .149 & RCS	$2,740.00	230	50	$2,740.00	270	54	45	Yes
	.15 - .169	$2,740.00	250	52	$2,740.00	300	56	45	Yes
	.17 - .199	$4,264.00	270	54	$4,264.00	330	58	45	Yes
	.20 - .249	$5,026.00	300	56	$5,026.00	345	60	45	Yes
	.25 + or Refusal of Breath Test	$5,788.00	330	58	$5,788.00	360	60	45	Yes
4th	Below .099	$1,982.00	150	36	$1,982.00	170	36	Permanent	Yes
	.10 - .149 & RCS	$2,171.00	230	36	$2,171.00	270	36	Permanent	Yes
	.15 - .169	$2,360.00	250	36	$2,360.00	300	36	Permanent	Yes
	.17 - .199	$2,740.00	270	36	$2,740.00	330	36	Permanent	Yes
	.20 - .249	$3,502.00	300	36	$3,502.00	345	36	Permanent	Yes
	.25 + or Refusal Breath Test	$4,264.00	330	36	$4,264.00	360	36	Permanent	Yes

- Circuit Court Costs for all misdemeanors and felonies increased from $163 to $201; Circuit Court Costs for forfeitures increased from $21.50 to $24; Court Support Services Surcharge increased from $68 to $81; and Justice Information System Surcharge increased from $25 to $40 effective November 1, 2026 (2025 WI Act 179); forfeitures and fines have been updated to reflect.
- The **Safe Ride Program** surcharge increased from $50 to $75 on May 1, 2024 (2023 WI Act 73); fines have been updated to reflect
- The **IID** (Ignition Interlock Device) surcharge of $50 is included on all fines **except** for 1st offenses with a BAC below .15. §343.301(5).
- **IID** is **MANDATORY** for all vehicles registered in defendant's name §343.301(1g), **unless** doing so would cause a financial hardship. §343.301(1m).
- **Refusal Penalties** apply to breath cases only. If Blood Refusal and test, use the test result. If Blood Refusal and NO test use Below .15. *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016).
- **Refusal with minor under 16** Occupational waiting period for improper refusal are doubled. §343.305(10)(b)4m
- **Probation**: available if at least the minimum mandatory jail is imposed as a condition. §973.09(1)(d), § 973.09(2)(a)d, and 346.65(2), Stats.
    - 2nd offense: 5 days minimum jail (up to 2 years probation)
    - 3rd offense: 45 days (up to 2 years probation)
    - 4th offense: 60 days (up to 3 years probation)
- **DNA surcharge** included for 2nd and 3rd offenses. §973.046(1r).
- Court **prohibited** from staying sentences for 3rd and subsequent offenses. §973.15(8)(a)3.
- **3rd Offense with a minor passenger** is a felony. §346.65(2)(f)2.
- **4th Offense OWI** became a felony for offense dates beginning 1/1/17 (15 Wis. Act 371)
    - Court must revoke driving privilege for 2 – 3 years. § 343.31(1m)(b), Stats. DOT must revoke for Lifetime. §343.30(1q)(b)4., Stats.
- **5/6th Offense OWI** requires a bifurcated sentence with minimum term of confinement of 18 months. § 346.65(2). *State v. Shirikian,* 2023 WI App 13
- **Penalty Enhancers for Fines:** Assessed on the base fine. *State v. Neill*, 2020 WI 15
    - **2nd offense and above w/minor child:** doubles §346.65(2)(f)2
    - **3rd offense and above** §346.65(2)(g)3
        - **w/.17 - .199:** doubles
        - **w/.20 - .249:** triples
        - **w/.25+:** quadruples
- **For all convictions of OWI 2 or greater, a person shall remain in the county jail for no less than 48 consecutive hours. (346.35(7)).**