THIRD JUDICIAL DISTRICT OWI/PAC SENTENCING GUIDELINES

FOR OFFENSES COMMITTED ON OR AFTER

November 1, 2026

THIRD JUDICIAL DISTRICT
515 W. Moreland Blvd.
Waukesha, WI 53188-2428
(262) 548-7210

Hon. Paul Bugenhagen Jr
Chief Judge

Michael G. Neimon
District Court Administrator

DISTRICT OWI/PAC SENTENCING GUIDELINES COMMITTEE:

Hon. J. Arthur Melvin III, Waukesha Co., Chairman
Hon. Sandra Giernoth, Washington Co.
Hon. William V. Gruber, Jefferson Co.
Hon. Steven Cain, Ozaukee Co.
Hon. Shawn Woller, Dodge Co.

Revised 10/30/2026

SENTENCE OPTIONS/ALTERNATIVES

Alcohol Assessment and Driver Safety Plan. **(All offenses)**

- Court may order the safety plan to include effect on any victim or victim's family. **(All offenses)**
- Court may order community service work that demonstrates adverse effects of abuse (and a reasonable fee). **(All offenses)**
- Court may order a visit to a site that demonstrates adverse effects of abuse (and a reasonable fee). **(All offenses)**
- Court must order community service to pay off fine, if a finding is made that there is an inability to pay.
- Court may also order restitution. **(All offenses)**
- Court may, after a finding of inability to pay, reduce the costs or forfeiture and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan. **(All offenses)**

IGNITION INTERLOCK OF OWNED VEHICLE (IID). **Required for all offenses except for 1st offense with BAC under .15. Note: IID may start\end on a different date than revocation as revocation period is extended by any imprisonment imposed. 343.30(1r). (The law provides for reduced cost of installation if defendant is found to be indigent.)**. Court may order a motor vehicle owned and operated by a violator to be seized and forfeited. **(3rd offense and above only)**

PROBATION: **Probation may be ordered in some OWI/PAC cases. However, because it is not a "sentence" the law does not require guidelines relating to probation (346.65(2m)). In probation cases, it is suggested that a longer stayed sentence be paired with a shorter conditional time in jail. Conditional jail time in OWI/PAC cases do earn good time (973.09(1)). In-any-event, conditional time must be equal to at least the mandatory minimum jail sentence.**

RESTRICTED\CONROLLED SUBSTANCE CASES (RCS): **Restricted Controlled Substances Offenses have been broken into two columns. The committee in November of 2023 recognizing the increase in Opioid related RCS and the very dangerous nature of the increase of Opioid related accidents, and the effect of Opioids on a driver being similar to high BAC cases, agreed it would be appropriate to treat Opioid RCS cases like the highest level of BAC cases. It is the intent of the committee for this new column to be used for Heroin, Morphine, Oxycodone, and Fentanyl. Prior committees created the "drugged" driving column. The "drugged" driving column should be used for the other RCS cases. The suggested guidelines for "drugged" driving to be used as a starting point together with consideration of the type of drug used as noted in the aggravating and mitigating notes on this page.**

DRIVER IMPROVEMENT AND SAFE RIDE PROGRAM SURCHARGES: (1) a person who fails to pay the Driver Improvement Surcharge or the Safe Ride Program Surcharge within 60 days is subject to license suspension under §343.30(1z); (2) the surcharge may not be satisfied through community service work. .

MITIGATING AND AGGRAVATING FACTORS TO BE CONSIDERED IN SENTENCING

MITIGATING FACTORS:
*Age of prior OWI/PAC Offense/Conviction: *Pre-conviction assessment and treatment; *Verifiable consistent sobriety; *Good driving record; *Minimal poor driving; *Cooperation with authorities; *Positive attitude/steps toward problem recognition; *In "drugged" driving cases-pre-conviction problem recognition on treatment.

AGGRAVATING FACTORS:
*Poor driving; *Accident or injury involved; *Poor prior driving record; *Lack of remorse; *Recent prior OWI/PAC Offense/Conviction; *Combination of alcohol and controlled substance abuse; *Operating without valid driving privileges (i.e. OAR, OAS, OWL, HTO); *Circumstances of consumption (Binge drinking, amount consumed, medication use, etc.); *Poor/limited problem recognition as evidenced by prior treatment history or lack thereof; *Uncooperative/belligerent/violent toward arresting officer; *Prior uncounted offenses for OWI/PAC; *Passenger in vehicle; *If "drugged" driving is substance heroin, opioid or methamphetamine, with an understanding that opioids now have separate column and would therefore have the other aggravating factors. Also, *If "drugged" driving is substance THC, it may be mitigated if the proximity of THC use to the operation of the vehicle is remote, making the use negligible in the operation of the vehicle.

Modifications to OWI Guidelines

Act 179 increases the following:

1. Circuit Court Costs (Clerk's Fee) in forfeitures increased from $25 to $40, so first offense forfeiture offenses will increase by $15 for this surcharge. (Section 32 of Act 179, Ref. Wis. Stat. § 814.63(1)(b).
2. Court Support Services Surcharge increased from $68 to $81, so first offense forfeiture offenses will increase by $13 for this surcharge. (Section 69 of Act 179, Ref. Wis. Stat. § 814.85(1)(a).
3. Justice Information System Surcharge increased from $21.50 to $24, so first offense forfeiture offenses will increase by 2.50 for this surcharge. (Section 74 of Act 179, Ref. Wis. Stat. § 814.86(1).
4. Circuit Court Costs (Clerk's Fee) in criminal matters increased from $163 to $201, so all misdemeanor and felony offenses will increase by $38 for this surcharge. (Section 9 of Act 179, Ref. Wis. Stat. § 814.60(1).

The maximum confinement for 5th and 6th offenses was changed to 5 years.

The maximum confinement for 7th, 8th & 9th offenses was changed to 7.5 years.

The maximum confinement for 10th offenses was changed to 10 years.

Probation is impermissible for a 5th or subsequent offense. In ***State v. Shirikian***, **2023 WI App 13**, **406 Wis. 2d 633**, **987 N.W.2d 819**, the Court of Appeals (District II) held that under Wis. Stat. § 346.65(2)(am)5:

> [T]he plain statutory language requires a circuit court to impose either the presumptive mandatory minimum sentence or, if the circuit court finds the exception applies, a sentence of no less than a one-year term of initial confinement to be served in prison. The law does not authorize the circuit court to impose but stay the sentence and instead place the defendant on probation.

Municipal Court First Offenses:

- Forfeiture for Drugged Driving and OWI/RCS with Opioid increased to $250
- Revocation times for Drugged Driving and OWI/RCS with Opioid increased to 9 months

Revised 10/30/2026

PENALTY RANGES PER STATUTE

	1st Offense	1st Offense A crime with minor passenger under 16	2nd Offense (Misdemeanor)	3rd Offense (Misdemeanor)
Fine or Forfeiture ****	$150 - 300	$350 – $1,100	$350 – $1,100	$600 - $8,000
Penalty Assessment	26%	26%	26%	26%
Jail Assessment	$10	$10	$10	1% ($10 min)
Justice Information Service Fee	$24	none	none	none
Court Support Services Fee	$81	none	none	none
Victim-Witness Surcharge	none	$67	$67	$67
Court Costs	$40	$201	$201	$201
DNA Surcharge		$200	$200	$200
Driver Improvement Surcharge	$535	$535	$535	$535
Safe Ride Program	$75	$75	$75	$75
Crime Lab.& Drug Assessment	$13	$13	$13	$13
Ignition Interlock Device	.15 > $50	.15 > $50	$50	$50
Jail\Initial Confinement	none	5 days to 6 mos.	5 days to 6 mos.	45 days to 1 yr
Extended Supervision				
Revocation*	6-9 months	12-18 months	12-18 months	24-36 months
(No Refusal) Waiting period for occupational license	None	60 days**	60 days**	90 days**
(Refusal) Waiting period for occupational license	30 days	90 days**	90 days**	120 days**

* Revocation period order shall be extended by length of any imprisonment ordered. 343.30(1r) Also, If second offense or higher, revocation min. and max. are doubled if minor passenger under 16 years of age. 343.30(1q)b 4m

**Must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use

***Driver Improvement/Safe Ride: Failure to pay in 60 days is subject to license suspension (§343.30(1z)); the surcharge may not be satisfied through community service work.

****On OWI/PAC 3rd, 4th, 5th, & 6th offenses, minimum and maximum fines are doubled where BAC is .17 to .199, tripled where BAC is .20 to .249 and quadrupled where BAC is .25 or above. If charged this is an additional element of the crime See State v Neill, 2020 WI 15.

*****If there is a prior OWI outside 10 years, then mandatory IID for 12 months (regardless of BAC). Wis. Stat. s. 343.301(1g)(a)2.b.

Revised 10/30/2026

PENALTY RANGES PER STATUTE

	4th Offense † (Felony)	5th – 6th Offense † (Felony)	7th – 9th Offense † (Felony)	10th Offense † Or Higher(Felony)
Fine or Forfeiture****	$600 - $40,000	$600 - $100,000	Up to $25,000	Up to $50,000
Penalty Assessment	26%	26%	26%	26%
Jail Assessment	1% ($10 min)	1% ($10 min)	1% ($10 min)	1% ($10 min)
Justice Information Service Fee	none	none	none	none
Court Support Services Fee	none	none	none	none
Victim-Witness Surcharge	$92	$92	$92	$92
Court Costs	$201	$201	$201	$201
DNA Surcharge	$250	$250	$250	$250
Driver Improvement Surcharge	$535	$535	$535	$535
Safe Ride Program	$75	$75	$75	$75
Crime Lab.& Drug Assessment	$13	$13	$13	$13
Ignition Interlock Device	$50	$50	$50	$50
Jail\Initial Confinement	60 days to 3 yrs	18 mos. to 5 yrs	3 yrs to 7.5 yrs	4-10 years
Extended Supervision	Up to 3 years	Up to 5 years	Up to 5 years	Up to 5 years
Revocation*	24-36 months	24-36 months	24-36 months	24-36 months
(No Refusal) Waiting period for occupational license	90 days**	90 days**	90 days**	90 days**
(Refusal) Waiting period for occupational license	120 days**	120 days**	120 days**	120 days**

* Revocation period order shall be extended by length of any imprisonment ordered. 343.30(1r) Also, If second offense or higher, revocation minimums and maximums are doubled if minor passenger under 16 years of age. 343.30(1q)b 4m

**Must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use

***Driver Improvement/Safe Ride: Failure to pay in 60 days is subject to license suspension (§343.30(1z)); the surcharge may not be satisfied through community service work

****On OWI/PAC 3rd, 4th, 5th, & 6th offenses, minimum and maximum fines are doubled where BAC is .17 to .199, tripled where BAC is .20 to .249 and quadrupled where BAC is .25 or above. If charged this is an additional element of the crime See State v Neill, 2020 WI 15.

Revised 10/30/2026

First Offense

Mitigating Factors

Bac Level	.08 to .149	.15 to .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Forfeiture	150.00	200.00	250.00	300.00	200.00	200.00
Penalty Surcharge (26%)	39.00	52.00	65.00	78.00	52.00	52.00
Ignition Interlock Device		50.00	50.00	50.00	50.00	50.00
Jail Surcharge	10.00	10.00	10.00	10.00	10.00	10.00
Justice Information Service Fee	24.00	24.00	24.00	24.00	24.00	24.00
Court Support Services Fee	81.00	81.00	81.00	81.00	81.00	81.00
Court Costs	40.00	40.00	40.00	40.00	40.00	40.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$967.00**	**$1,080.00**	**$1,143.00**	**$1,206.00**	**$1,080.00**	**$1,080.00**
Revocation	6 months	7 months	8 months	9 months	6 months	9 months
IID		12 months*	12 months*	12 months*	12 months*	12 months*

* If IID is ordered on a 1st offense the IID order must be for a period of 1 year. 343.301(2m)

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Aggravating Factors

Bac Level	.08 to .149	.15 to .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Forfeiture	200.00	250.00	300.00	300.00	300.00	300.00
Penalty Surcharge (26%)	52.00	65.00	78.00	78.00	78.00	78.00
Ignition Interlock Device		50.00	50.00	50.00	50.00	50.00
Jail Surcharge	10.00	10.00	10.00	10.00	10.00	10.00
Justice Information Service Fee	24.00	24.00	24.00	24.00	24.00	24.00
Court Support Services Fee	81.00	81.00	81.00	81.00	81.00	81.00
Court Costs	40.00	40.00	40.00	40.00	40.00	40.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$1,030.00**	**$1,143.00**	**$1,206.00**	**$1,206.00**	**$1,206.00**	**$1,206.00**
Revocation	6 months	7 months	8 months	9 months	8-9 months	9 months
IID		12 months*	12 months*	12 months*	12 months*	12 months*

* If IID is ordered ona 1st offense the IID order must be for a period of 1 year. 343.301(2m)

**If there is a prior OWI outside 10 years, then mandatory IID for 12 months (regardless of BAC). Wis. Stat. s. 343.301(1g)(a)2.b

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

First Offense With Minor Passenger

Mitigating Factors

Bac Level	.08 to .149	.15 to .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	350.00	400.00	450.00	500.00	400.00	400.00
Penalty Surcharge (26%)	91.00	104.00	117.00	130.00	104.00	104.00
Ignition Interlock Device		50.00	50.00	50.00	50.00	50.00
Jail Surcharge	10.00	10.00	10.00	10.00	10.00	10.00
Victim-Witness Surcharge	67.00	67.00	67.00	67.00	67.00	67.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$1,542.00**	**$1,655.00**	**$1,718.00**	**$1,781.00**	**$1,655.00**	**$1,655.00**
Jail	5-30 days	10-60 days	20-90 days	90-180 days	60-180 days	90-180 days
Revocation and IID	12 months*	14 months	16 months	18 months	14-18 months	18 months

* IID is not an option for .15 < Unless there is a prior OWI outside 10 years, then mandatory IID for 12 months (regardless of BAC). Wis. Stat. s. 343.301(1g)(a)2.b

** If the defendant is placed on probation you must impose at least the minimum mandatory period of confinement as a condition of probation.

The defendant is eligible to receive good time under Sec. 302.43. See Sec. 973.09(1)(d)

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Aggravating Factors

Bac Level	.08 to .149	.15 to .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	400.00	450.00	500.00	550.00	550.00	550.00
Penalty Surcharge (26%)	104.00	117.00	130.00	143.00	143.00	143.00
Ignition Interlock Device		50.00	50.00	50.00	50.00	50.00
Jail Surcharge	10.00	10.00	10.00	10.00	10.00	10.00
Victim-Witness Surcharge	67.00	67.00	67.00	67.00	67.00	67.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$1,605.00**	**$1,718.00**	**$1,781.00**	**$1,844.00**	**$1,844.00**	**$1,844.00**
Jail	30-60 days	60-90 days	90-180 days	120-180 days	120-180 days	120-180 days
Revocation and IID	14 months*	16 months	18 months	18 months	18 months	18 months

* IID is not an option for .15 < Unless there is a prior OWI outside 10 years, then mandatory IID for 12 months (regardless of BAC). Wis. Stat. s. 343.301(1g)(a)2.b

** If the defendant is placed on probation you must impose at least the minimum mandatory period of confinement as a condition of probation.

The defendant is eligible to receive good time under Sec. 302.43. See Sec. 973.09(1)(d)

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Second Offense

Mitigating Factors

Bac Level	.02 to .149	.15 to .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	350.00	400.00	450.00	500.00	400.00	400.00
Penalty Surcharge (26%)	91.00	104.00	117.00	130.00	104.00	104.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	10.00	10.00	10.00	10.00	10.00	10.00
Victim-Witness Surcharge	67.00	67.00	67.00	67.00	67.00	67.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$1,592.00**	**$1,655.00**	**$1,718.00**	**$1,781.00**	**$1,655.00**	**$1,655.00**
Jail	5-30 days	10-60 days	20-90 days	90-180 days	10-90 days	90-180 days
Revocation and IID	12 months	14 months	16 months	18 months	14-16 months	18 months

* If the defendant is placed on probation you must impose at least the minimum mandatory period of confinement as a condition of probation.

The defendant is eligible to receive good time under Sec. 302.43. See Sec. 973.09(1)(d)

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Aggravating Factors

Bac Level	.02 to .149	.15 to .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	400.00	450.00	500.00	550.00	450.00	450.00
Penalty Surcharge (26%)	104.00	117.00	130.00	143.00	117.00	117.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	10.00	10.00	10.00	10.00	10.00	10.00
Victim-Witness Surcharge	67.00	67.00	67.00	67.00	67.00	67.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$1,655.00**	**$1,718.00**	**$1,781.00**	**$1,844.00**	**$1,718.00**	**$1,718.00**
Jail	30-60 days	60-90 days	90-180 days	120-180 days	60-180 days	120-180 days
Revocation and IID	14 months	16 months	18 months	18 months	16-18 months	18 months

* If the defendant is placed on probation you must impose at least the minimum mandatory period of confinement as a condition of probation.

The defendant is eligible to receive good time under Sec. 302.43. See Sec. 973.09(1)(d)

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Third Offense

(ineligible for bail or stay after conviction - 973.15(8)(a)(3))

Mitigating Factors

Bac Level	.02 to .169	.17 to .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	600.00	1200.00	1800.00	2400.00	1200.00	1200.00
Penalty Surcharge (26%)	156.00	312.00	468.00	624.00	312.00	312.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	10.00	12.00	18.00	24.00	12.00	12.00
Victim-Witness Surcharge	67.00	67.00	67.00	67.00	67.00	67.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$1,907.00**	**$2,665.00**	**$3,427.00**	**$4,189.00**	**$2,665.00**	**$2,665.00**
Jail	45 days -5 mo	60 days-6 mo	3-7 months	4-9 months	60 days - 9 months	4-9 months
Revocation and IID	24 months	27 months	30 months	33 months	27-33 months	33 months

* If the defendant is placed on probation you must impose at least the minimum mandatory period of confinement as a condition of probation.

The defendant is eligible to receive good time under Sec. 302.43. See Sec. 973.09(1)(d)

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Aggravating Factors

Bac Level	.02 to .169	.17 to .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	650.00	1300.00	1950.00	2600.00	1300.00	1300.00
Penalty Surcharge (26%)	169.00	338.00	507.00	676.00	338.00	338.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	10.00	13.00	19.50	26.00	13.00	13.00
Victim-Witness Surcharge	67.00	67.00	67.00	67.00	67.00	67.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$1,970.00**	**$2,792.00**	**$3,617.50**	**$4,443.00**	**$2,792.00**	**$2,792.00**
Jail	60 days -6 mo	4-8 months	7 mo.-1 yr.	9 mo.-1 yr.	4 mo - 1 year	9 mo.-1 yr.
Revocation and IID	27 months	30 months	33 months	36 months	30-60 months	36 months

* If the defendant is placed on probation you must impose at least the minimum mandatory period of confinement as a condition of probation.

The defendant is eligible to receive good time under Sec. 302.43. See Sec. 973.09(1)(d)

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Fourth Offense (Felony)

(ineligible for bail or stay after conviction - 973.15(8)(a)(3))

Mitigating Factors

Bac Level	.02 to .079	.08 - .169	.17 - .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	650.00	750.00	1500.00	2250.00	3000.00	1500.00	1500.00
Penalty Surcharge (26%)	169.00	195.00	390.00	585.00	780.00	390.00	390.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	10.00	10.00	15.00	22.50	30.00	15.00	15.00
Victim-Witness Surcharge	92.00	92.00	92.00	92.00	92.00	92.00	92.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	250.00	250.00	250.00	250.00	250.00	250.00	250.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$2,045.00**	**$2,171.00**	**$3,121.00**	**$4,073.50**	**$5,026.00**	**$3,121.00**	**$3,121.00**
Jail/Initial Confinement	60 Days	6 mo.-2 yrs.	8 mo.-2 yrs.	9 mo.-3 yrs.	10 mo.-3 yrs.	8 mo.- 3 yrs.	10 mo.-3 yrs.
Revocation and IID	24 months	24 months	27 months	33 months	36 months	27 mo. - 36 mo.	36 months

* If the defendant is placed on probation you must impose at least the minimum mandatory period of confinement as a condition of probation.

The defendant is eligible to receive good time under Sec. 302.43. See Sec. 973.09(1)(d)

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Aggravating Factors

Bac Level	.02 to .079	.08 - .169	.17 - .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	900.00	1000.00	2000.00	3000.00	4000.00	2000.00	2000.00
Penalty Surcharge (26%)	234.00	260.00	520.00	780.00	1040.00	520.00	520.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	10.00	10.00	20.00	30.00	40.00	20.00	20.00
Victim-Witness Surcharge	92.00	92.00	92.00	92.00	92.00	92.00	92.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	250.00	250.00	250.00	250.00	250.00	250.00	250.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$2,360.00**	**$2,486.00**	**$3,756.00**	**$5,026.00**	**$6,296.00**	**$3,756.00**	**$3,756.00**
Jail/Initial Confinement	7 mo.-18 mo..	9 mo.-2 yrs.	1 yr.-3 yrs.	1 yr.-3 yrs.	1 yr.-3 yrs.	1 yr.-3 yrs.	1 yr.-3 yrs.
Revocation and IID	27 months	33 months	36 months	36 months	36 months	36 months	36 months

* If the defendant is placed on probation you must impose at least the minimum mandatory period of confinement as a condition of probation.

The defendant is eligible to receive good time under Sec. 302.43. See Sec. 973.09(1)(d)

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Fifth and Sixth Offense

(ineligible for bail or stay after conviction - 973.15(8)(a)(3))

Mitigating Factors

Bac Level	.02 to .079	.08 - .169	.17 - .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	1200.00	1500.00	3000.00	4500.00	6000.00	3000.00	3000.00
Penalty Surcharge (26%)	312.00	390.00	780.00	1170.00	1560.00	780.00	780.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	12.00	15.00	30.00	45.00	60.00	30.00	30.00
Victim-Witness Surcharge	92.00	92.00	92.00	92.00	92.00	92.00	92.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	250.00	250.00	250.00	250.00	250.00	250.00	250.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$2,740.00**	**$3,121.00**	**$5,026.00**	**$6,931.00**	**$8,836.00**	**$5,026.00**	**$5,026.00**
Jail/Initial Confinement	18 mo -2 yrs	18 mo -5 yrs	18 mo -5 yrs	18 mo -5 yrs	18 mo -5 yrs	18 mo -5 yrs	18 mo -5 yrs
Revocation and IID	36 months	36 months	36 months	36 months	36 months	36 months	36 months

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Aggravating Factors

Bac Level	.02 to .079	.08 - .169	.17 - .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	1500.00	1700.00	3400.00	5100.00	6800.00	3400.00	3400.00
Penalty Surcharge (26%)	390.00	442.00	884.00	1326.00	1768.00	884.00	884.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	15.00	17.00	34.00	51.00	68.00	34.00	34.00
Victim-Witness Surcharge	92.00	92.00	92.00	92.00	92.00	92.00	92.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	250.00	250.00	250.00	250.00	250.00	250.00	250.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$3,121.00**	**$3,375.00**	**$5,534.00**	**$7,693.00**	**$9,852.00**	**$5,534.00**	**$5,534.00**
Jail/Initial Confinement	18 mo -5 yrs	18 mo -5 yrs	18 mo -5 yrs	2-5 yrs	2.5 yrs -5 yrs	18 mo. -5 yrs	2.5 yrs -5 yrs
Revocation and IID	36 months	36 months	36 months	36 months	36 months	36 months	36 months

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Seventh - Ninth Offense

(ineligible for bail or stay after conviction - 973.15(8)(a)(3))

Mitigating Factors

Bac Level	.02 to .079	.08 - .169	.17 - .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	1400.00	1700.00	3200.00	4700.00	6200.00	3200.00	3200.00
Penalty Surcharge (26%)	364.00	442.00	832.00	1222.00	1612.00	832.00	832.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	12.00	15.00	30.00	45.00	60.00	30.00	30.00
Victim-Witness Surcharge	92.00	92.00	92.00	92.00	92.00	92.00	92.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	250.00	250.00	250.00	250.00	250.00	250.00	250.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$2,992.00**	**$3,373.00**	**$5,278.00**	**$7,183.00**	**$9,088.00**	**$5,278.00**	**$5,278.00**
Initial Confinement	3 - 4 yrs	3 - 4.5 yrs	3.5 - 7.5 yrs	4 - 7.5 yrs	4.5 - 7.5 yrs	3.5 - 7.5 yrs	4.5 - 7.5 yrs
Revocation and IID	36 months	36 months	36 months	36 months	36 months	36 months	36 months

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Aggravating Factors

Bac Level	.02 to .079	.08 - .169	.17 - .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	1700.00	1900.00	3600.00	5300.00	7000.00	3600.00	3600.00
Penalty Surcharge (26%)	442.00	494.00	936.00	1378.00	1820.00	936.00	936.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	15.00	17.00	34.00	51.00	68.00	34.00	34.00
Victim-Witness Surcharge	92.00	92.00	92.00	92.00	92.00	92.00	92.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	250.00	250.00	250.00	250.00	250.00	250.00	250.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$3,373.00**	**$3,627.00**	**$5,786.00**	**$7,945.00**	**$10,104.00**	**$5,786.00**	**$5,786.00**
Initial Confinement	3.5 - 4 yrs	3.5 - 4.5 yrs	4 - 7.5 yrs	4.5 - 7.5 yrs	4.5 - 7.5 yrs	4 - 7.5 yrs	4.5 - 7.5 yrs
Revocation and IID	36 months	36 months	36 months	36 months	36 months	36 months	36 months

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Tenth or Greater Offense

(ineligible for bail or stay after conviction - 973.15(8)(a)(3))

Mitigating Factors

Bac Level	.02 to .079	.08 - .169	.17 - .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	1600.00	1900.00	3400.00	4900.00	6400.00	3400.00	3400.00
Penalty Surcharge (26%)	416.00	494.00	884.00	1274.00	1664.00	884.00	884.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	12.00	15.00	30.00	45.00	60.00	30.00	30.00
Victim-Witness Surcharge	92.00	92.00	92.00	92.00	92.00	92.00	92.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	250.00	250.00	250.00	250.00	250.00	250.00	250.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$3,244.00**	**$3,625.00**	**$5,530.00**	**$7,435.00**	**$9,340.00**	**$5,530.00**	**$5,530.00**
Initial Confinement	4 - 5 yrs	4.5 - 5.5 yrs	5 - 10 yrs	5.5 - 10 yrs	6 - 10 yrs	5 - 10 yrs	6 - 10 yrs
Revocation and IID	36 months	36 months	36 months	36 months	36 months	36 months	36 months

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Aggravating Factors

Bac Level	.02 to .079	.08 - .169	.17 - .199	.20 to .249	.25 and above	Drugged Driving†	OWI/RCS with Opioid‡
Fine	1900.00	2100.00	3800.00	5500.00	7200.00	3800.00	3800.00
Penalty Surcharge (26%)	494.00	546.00	988.00	1430.00	1872.00	988.00	988.00
Ignition Interlock Device	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Jail Surcharge	15.00	17.00	34.00	51.00	68.00	34.00	34.00
Victim-Witness Surcharge	92.00	92.00	92.00	92.00	92.00	92.00	92.00
Court Costs	201.00	201.00	201.00	201.00	201.00	201.00	201.00
DNA Surcharge	250.00	250.00	250.00	250.00	250.00	250.00	250.00
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Total Financial	**$3,625.00**	**$3,879.00**	**$6,038.00**	**$8,197.00**	**$10,356.00**	**$6,038.00**	**$6,038.00**
Initial Confinement	4.5 - 5.5 yrs	5-6 yrs	5.5 - 10 yrs	6 - 10 yrs	6.5 - 10 yrs	6.5 - 10 yrs	6.5 - 10 yrs
Revocation and IID	36 months	36 months	36 months	36 months	36 months	36 months	36 months

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Municipal Court First Offense

Mitigating Factors

Bac Level	.08 to .149	.15 to .199	.20 + above	Drugged Driving†	OWI/RCS with Opioid‡
Forfeiture	150.00	200.00	250.00	250.00	250.00
Penalty Surcharge (26%)	39.00	52.00	65.00	65.00	65.00
Jail Surcharge	10.00	10.00	10.00	10.00	10.00
Court Costs	$15 - $38	$15 - $38	$15 - $38	$15 - $38	$15 - $38
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00
Total Financial From	**$837.00**	**$900.00**	**$963.00**	**$963.00**	**$963.00**
Factoring Court Costs To	**$860.00**	**$923.00**	**$986.00**	**$986.00**	**$986.00**
Revocation	6 months	7 months	8 months	9 months	9 months
IID		12 months*	12 months*	12 months*	12 months*

* If IID is ordered ona 1st offense the IID order must be for a period of 1 year. 343.301(2m)

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving

Aggravating Factors

Bac Level	.08 to .149	.15 to .199	.20 + above	Drugged Driving†	OWI/RCS with Opioid‡
Forfeiture	200.00	250.00	300.00	250.00	250.00
Penalty Surcharge (26%)	52.00	65.00	78.00	65.00	65.00
Jail Surcharge	10.00	10.00	10.00	10.00	10.00
Court Costs	$15 - $38	$15 - $38	$15 - $38	$15 - $38	$15 - $38
Driver Improvement Surcharge	535.00	535.00	535.00	535.00	535.00
Safe Ride Program	75.00	75.00	75.00	75.00	75.00
Crime Lab. & Drug Surcharge	13.00	13.00	13.00	13.00	13.00
Total Financial From	**$900.00**	**$963.00**	**$1,026.00**	**$963.00**	**$963.00**
Factoring Court Costs To	**$923.00**	**$986.00**	**$1,049.00**	**$986.00**	**$986.00**
Revocation	6 months	7 months	8 months	9 months	9 months
IID		12 months*	12 months*	12 months*	12 months*

** If IID is ordered on a 1st offense the IID order must be for a period of 1 year. 343.301(2m)*

‡OWI/RCS Opioid if the OWI/RCS is Heroin, Morphine, Oxycodone, and Fentanyl. Any other OWI/RCS, to be treated as "Drugged" driving