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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**

<b>FIRST OFFENSE NO MINOR PASSENGER</b>	<b>Minimum Driving</b> (No Accident/Record)	<b>Aggravated Driving</b> (Accident/Record)
<b>BAC Level</b>		
<b>.08 to .119</b>		
Forfeiture	\$150.00	\$150.00
Costs & Surcharges	\$661.50	\$661.50
<b>Total</b>	<b>\$811.50</b>	<b>\$811.50</b>
Revocation	<b>6 Months</b>	<b>6 Months</b>
Alcohol Asses & Driver Safety	Yes	Yes
<b>.12 to .149</b>		
OR		
A Detectable Amount of a Restricted Controlled Substance		
Forfeiture	\$250.00	\$275.00
Costs & Surcharges	\$687.50	\$694.00
<b>Total</b>	<b>\$937.50</b>	<b>\$969.00</b>
Revocation	<b>6 Months</b>	<b>7 Months</b>
Alcohol Asses & Driver Safety	Yes	Yes
<b>.15 to .249</b>		
Forfeiture	\$275.00	\$300.00
Costs & Surcharges	\$744.00	\$750.50
<b>Total</b>	<b>\$1,019.00</b>	<b>\$1,050.50</b>
Revocation	<b>7 Months</b>	<b>8 Months</b>
Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.25 or Above</b>		
Forfeiture	\$300.00	\$300.00
Costs & Surcharges	\$750.50	\$750.50
<b>Total</b>	<b>\$1,050.50</b>	<b>\$1,050.50</b>
Revocation	<b>9 Months</b>	<b>9 Months</b>
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**

<b>FIRST OFFENSE WITH MINOR PASSENGER UNDER 16 BAC Level</b>	<b>Minimum Driving (No Accident/Record)</b>	<b>Aggravated Driving (Accident/Record)</b>
<b>.08 to .119</b>	Fine \$350.00 Costs & Surcharges \$1,029.00 <b>Total</b> <b>\$1,379.00</b> Jail <b>5 Days</b> Revocation <b>12 Months</b> Alcohol Asses & Driver Safety Yes	\$350.00 \$1,029.00 <b>\$1,379.00</b> <b>7 Days</b> <b>12 Months</b> Yes
<b>.12 to .149</b> <b>OR</b> <b>A Detectable Amount of a Restricted Controlled Substance</b>	Fine \$350.00 Costs & Surcharges \$1,029.00 <b>Total</b> <b>\$1,379.00</b> Jail <b>10 Days</b> Revocation <b>12 Months</b> Alcohol Asses & Driver Safety Yes	\$450.00 \$1,055.00 <b>\$1,505.00</b> <b>12 Days</b> <b>14 Months</b> Yes
<b>.15 to .199</b>	Fine \$450.00 Costs & Surcharges \$1,105.00 <b>Total</b> <b>\$1,555.00</b> Jail <b>10 Days</b> Revocation <b>14 Months</b> Alcohol Asses & Driver Safety & IID Yes	\$550.00 \$1,131.00 <b>\$1,681.00</b> <b>12 Days</b> <b>16 Months</b> Yes
<b>.20 to .249</b>	Fine \$550.00 Costs & Surcharges \$1,131.00 <b>Total</b> <b>\$1,681.00</b> Jail <b>15 Days</b> Revocation <b>16 Months</b> Alcohol Asses & Driver Safety & IID Yes	\$650.00 \$1,157.00 <b>\$1,807.00</b> <b>20 Days</b> <b>18 Months</b> Yes
<b>.25 or Above</b>	Fine \$650.00 Costs & Surcharges \$1,157.00 <b>Total</b> <b>\$1,807.00</b> Jail <b>30 Days</b> Revocation <b>18 Months</b> Alcohol Asses & Driver Safety & IID Yes	\$750.00 \$1,183.00 <b>\$1,933.00</b> <b>40 Days</b> <b>18 Months</b> 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**

<b>SECOND OFFENSE BAC Level</b>		<b>Minimum Driving (No Accident/Record)</b>	<b>Aggravated Driving (Accident/Record)</b>
<b>.08 to .119</b>	Fine	\$350.00	\$400.00
	Costs & Surcharges	\$1,079.00	\$1,092.00
	<b>Total</b>	<b>\$1,429.00</b>	<b>\$1,492.00</b>
	Jail	<b>10 Days</b>	<b>15 Days</b>
	Revocation	<b>12 Months</b>	<b>12 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.12 to .169 OR A Detectable Amount of a Restricted Controlled Substance</b>	Fine	\$350.00	\$450.00
	Costs & Surcharges	\$1,079.00	\$1,105.00
	<b>Total</b>	<b>\$1,429.00</b>	<b>\$1,555.00</b>
	Jail	<b>15 Days</b>	<b>20 Days</b>
	Revocation	<b>12 Months</b>	<b>14 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.17 to .199</b>	Fine	\$450.00	\$550.00
	Costs & Surcharges	\$1,105.00	\$1,131.00
	<b>Total</b>	<b>\$1,555.00</b>	<b>\$1,681.00</b>
	Jail	<b>20 Days</b>	<b>30 Days</b>
	Revocation	<b>14 Months</b>	<b>16 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.20 to .249</b>	Fine	\$550.00	\$650.00
	Costs & Surcharges	\$1,131.00	\$1,157.00
	<b>Total</b>	<b>\$1,681.00</b>	<b>\$1,807.00</b>
	Jail	<b>30 Days</b>	<b>40 Days</b>
	Revocation	<b>16 Months</b>	<b>18 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.25 or Above</b>	Fine	\$650.00	\$750.00
	Costs & Surcharges	\$1,157.00	\$1,183.00
	<b>Total</b>	<b>\$1,807.00</b>	<b>\$1,933.00</b>
	Jail	<b>40 Days</b>	<b>50 Days</b>
	Revocation	<b>18 Months</b>	<b>18 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>Treatment/Probation Option §346.65(2)(bm)</b>	Fine	\$450.00	
	Costs & Surcharges	\$1,105.00	
	<b>Total</b>	<b>\$1,555.00</b>	
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**

<b>THIRD OFFENSE BAC Level</b>		<b>Minimum Driving (No Accident/Record)</b>	<b>Aggravated Driving (Accident/Record)</b>
<b>.08 to .119</b>	Fine	\$600.00	\$650.00
	Costs & Surcharges	\$1,144.00	\$1,157.00
	<b>Total</b>	<b>\$1,744.00</b>	<b>\$1,807.00</b>
	Jail	<b>45 Days</b>	<b>55 Days</b>
	Revocation	<b>24 Months</b>	<b>24 Months</b>
Alcohol Asses & Driver Safety & IID		Yes	Yes
<b>.12 to .169 OR A Detectable Amount of a Restricted Controlled Substance</b>	Fine	\$600.00	\$750.00
	Costs & Surcharges	\$1,144.00	\$1,183.00
	<b>Total</b>	<b>\$1,744.00</b>	<b>\$1,933.00</b>
	Jail	<b>65 Days</b>	<b>75 Days</b>
	Revocation	<b>24 Months</b>	<b>27 Months</b>
Alcohol Asses & Driver Safety & IID		Yes	Yes
<b>.17 to .199  BAC Fine Range Doubles to \$1200 - \$4000</b>	Fine	\$1,200.00	\$1,350.00
	Costs & Surcharges	\$1,302.00	\$1,342.50
	<b>Total</b>	<b>\$2,502.00</b>	<b>\$2,692.50</b>
	Jail	<b>95 Days</b>	<b>125 Days</b>
	Revocation	<b>27 Months</b>	<b>30 Months</b>
Alcohol Asses & Driver Safety & IID		Yes	Yes
<b>.20 to .249  BAC Fine Range Triples to \$1800 - \$6000</b>	Fine	\$1,800.00	\$1,950.00
	Costs & Surcharges	\$1,464.00	\$1,504.50
	<b>Total</b>	<b>\$3,264.00</b>	<b>\$3,454.50</b>
	Jail	<b>125 Days</b>	<b>155 Days</b>
	Revocation	<b>30 Months</b>	<b>33 Months</b>
Alcohol Asses & Driver Safety & IID		Yes	Yes
<b>.25 or Above  BAC Fine Range Quadruples \$2400 - \$8000</b>	Fine	\$2,400.00	\$2,550.00
	Costs & Surcharges	\$1,626.00	\$1,666.50
	<b>Total</b>	<b>\$4,026.00</b>	<b>\$4,216.50</b>
	Jail	<b>155 Days</b>	<b>185 Days</b>
	Revocation	<b>33 Months</b>	<b>36 Months</b>
Alcohol Asses & Driver Safety & IID		Yes	Yes
<b>Treatment/Probation Option §346.65(2)(cm)</b>	Fine	\$900.00	
	Costs & Surcharges	\$1,222.00	
	<b>Total</b>	<b>\$2,122.00</b>	
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**

<b>FOURTH OFFENSE BAC Level</b>		<b>Minimum Driving (No Accident/Record)</b>	<b>Aggravated Driving (Accident/Record)</b>
<b>.02 to .079</b>	Fine	\$600.00	\$650.00
	Costs & Surcharges	\$1,219.00	\$1,232.00
	<b>Total</b>	<b>\$1,819.00</b>	<b>\$1,882.00</b>
	Jail	<b>60 Days</b>	<b>70 Days</b>
	Revocation	<b>24 Months</b>	<b>24 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.08 to .119</b>	Fine	\$900.00	\$1,000.00
	Costs & Surcharges	\$1,297.00	\$1,323.00
	<b>Total</b>	<b>\$2,197.00</b>	<b>\$2,323.00</b>
	Jail	<b>75 Days</b>	<b>85 Days</b>
	Revocation	<b>30 Months</b>	<b>30 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.12 to .169</b> <b>OR</b> <b>A Detectable Amount of a Restricted Controlled Substance</b>	Fine	\$1,200.00	\$1,350.00
	Costs & Surcharges	\$1,377.00	\$1,417.50
	<b>Total</b>	<b>\$2,577.00</b>	<b>\$2,767.50</b>
	Jail	<b>185 Days</b>	<b>215 Days</b>
	Revocation	<b>36 Months</b>	<b>36 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.17 to .199</b>  <b>BAC Fine Range Doubles to \$1200 - \$20000</b>	Fine	\$2,000.00	\$2,150.00
	Costs & Surcharges	\$1,593.00	\$1,633.50
	<b>Total</b>	<b>\$3,593.00</b>	<b>\$3,783.50</b>
	Jail	<b>215 Days</b>	<b>245 Days</b>
	Revocation	<b>36 Months</b>	<b>36 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.20 to .249</b>  <b>BAC Fine Range Triples to \$1800 - \$30000</b>	Fine	\$2,300.00	\$2,400.00
	Costs & Surcharges	\$1,674.00	\$1,701.00
	<b>Total</b>	<b>\$3,974.00</b>	<b>\$4,101.00</b>
	Jail	<b>245 Days</b>	<b>275 Days</b>
	Revocation	<b>36 Months</b>	<b>36 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.25 or Above</b>  <b>BAC Fine Range Quadruples to \$2400 - \$40000</b>	Fine	\$2,900.00	\$3,000.00
	Costs & Surcharges	\$1,836.00	\$1,863.00
	<b>Total</b>	<b>\$4,736.00</b>	<b>\$4,863.00</b>
	Jail	<b>275 Days</b>	<b>305 Days</b>
	Revocation	<b>36 Months</b>	<b>36 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>Treatment/Probation Option §346.65(2)(dm)</b>	Fine	\$900.00	
	Costs & Surcharges	\$1,297.00	
	<b>Total</b>	<b>\$2,197.00</b>	

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		