

Effective: 1/1/2017

Alcohol, Controlled Substances and License Guidelines

346.65(2m)

As amended on: 05/05/2017

9th Judicial District

| Alcohol | | 1st Offense | | | 2nd Offense | | | 3rd Offense | | | Felony Offenses | | | |
|--|----------|---|------|----------|--|------------|-----------|----------------------------|------------|---|---|----------|------------|----------|
| Level | CS | OWI | Jail | Lic | Fine | Jail | Lic | Fine | Jail | Lic | 4th | 5-6th | 7-9th | 10th & > |
| Min -- <.11% | | 812 | | 6 | 1,429 | 5 | 12 | 1,744 | 45 | 24 | Class H | Class G | Class F | Class E |
| 346.65 Prog | | IF IID, Add \$50 Surcharge | | | 1,379 | 5 | 12 | 1,694 | 14 | 24 | 3+3=6 | 5+5=10 | 7.5+5=12.5 | 10+5=15 |
| Child < 16 | | 1,064 | 5 | 12 | 1,820 | 10 | 24 | 2,452 | 90 | 48 | 10,000 | 25,000 | 25,000 | 25,000 |
| .11-.15% | A | 845 | | 7 | 1,570 | 30 | 13 | 2,010 | 90 | 26 | 60 days | 6 months | 3 Years | 4 Years |
| 346.65 Prog | | IF IID, Add \$50 Surcharge | | | 1,379 | 5 | 13 | 1,694 | 20 | 26 | Enhanced Fines for | | | |
| Child < 16 | | 1,253 | 15 | 14 | 2,104 | 60 | 26 | 2,985 | 180 | 52 | 3rd & Subsequent Offenses | | | |
| .15 -- <.17% | | 985 | | 7 | 1,665 | 45 | 14 | 2,135 | 125 | 27 | =>.17% | Min | 2,452 | |
| 346.65 Prog | | IID Surcharge Is Included | | | 1,379 | 6 | 14 | 1,694 | 25 | 27 | | Max | 6,008 | |
| Child < 16 | | 1,489 | 25 | 14 | 2,293 | 90 | 28 | 3,341 | 250 | 54 | =>.20% | Min | 3,214 | |
| .17 -- <.20% | B | 1,020 | | 7 | 1,760 | 60 | 14 | 2,505 | 160 | 28 | | Max | 8,548 | |
| 346.65 Prog | | IID Surcharge Is Included | | | 1,401 | 6 | 14 | 2,505 | 30 | 28 | =>.25% | Min | 3,976 | |
| Child < 16 | | 1,678 | 45 | 14 | 2,484 | 120 | 28 | 3,976 | 320 | 56 | | Max | 11,088 | |
| .20 -- <.25% | | 1,050 | | 8 | 1,855 | 85 | 15 | 3,264 | 190 | 30 | Immediate Incarceration | | | |
| 346.65 Prog | | IID Surcharge Is Included | | | 1,855 | 7 | 15 | 3,264 | 35 | 30 | at Conviction | | | |
| Child < 16 | | 1,867 | 60 | 16 | 2,674 | 170 | 30 | 5,500 | 380 | 60 | for 3rd & Greater Offenses | | | |
| 0.25% > & Refu | C | 1,050 | | 8 | 1,950 | 100 | 16 | 4,026 | 220 | 31 | Except Probation or Legal Cause | | | |
| 346.65 Prog | | IID Surcharge Is Included | | | 1,950 | 7 | 16 | 4,026 | 40 | 31 | UNABLE To Pay FINE 2nd | | | |
| Child < 16 | | 2,008 | 90 | 16 | 2,865 | 200 | 32 | 7,024 | 440 | 62 | defendant may perform community | | | |
| Standard Max | | 1,050 | | 9 | 2,375 | 180 | 18 | 3,518 | 365 | 36 | service in lieu of FINE at court's discretion | | | |
| Child < 16 | | 2,200 | 180 | 18 | 4,000 | 360 | 36 | 6,008 | 730 | 72 | | | | |
| Plea Agreements | | NO Probation | | | 2 Years Probation | | | 2 Years Probation | | | Probation on 4th, 5th, 6th Offense Felony | | | |
| w/346.65 Prog | | Plea Agreement Cannot | | | Impose & Stay Guidelines; Minimum Jail as Condition of Probation | | | | | | Others Have Min-Mandatory | | | |
| w/o 346.65 Prog | | Drop IID Required By Law | | | Withheld Sentence With Two Category Drop as Conditions of Probation | | | | | | Imprisonment | | | |
| Ignition | | DURATION: 1 Year for 1st Offense; 1 Year Up to Maximum Revocation for the Offense on all Others; District Guideline Revocation = IID Duration | | | | | | | | | | | | |
| Interlock Device Requirements | | Always ORDER IID if Required by Law | | | APPLIES to motor vehicle driven, titled or registered in their name UNLESS undue financial hardship. | | | | | | | | | |
| Occupational Wait | | None | | | 45 Days | | | 45 Days | | | May Delay IID for Occupatl Wait | | | |
| Test Refusal | | 1 Yr Rev -- 30 Day Wait + ▶ | | | 2 Yr Rev--90 Day Wait + ▶ | | | 3 Yr Rev--120 Day Wait + ▶ | | | ▶ + Alcohol Assessment | | | |
| CONTROLLED SUBSTANCE VIOLATIONS | | | | | | | | | | | | | | |
| Class A -- Mitigating | | | | | Class B -- Intermediate | | | | | Class C --Aggravated | | | | |
| (1) Stopped for Non-Traffic Violations | | | | | (1) Fleeing; =>20 Above the Limit; Balance Greatly Impair | | | | | (1) Test Refusal; More than 2 OWI or CS Within Last 5 Years | | | | |
| (2) Stopped for Minor Traffic; Speed <20 Above, etc. | | | | | (2) Weaving Between Lanes or Shoulder of Road | | | | | (2) Collide with Other Vehicle, Tree or Object, Drive Wrong Way | | | | |
| (3) Last OWI More Than 7 Yrs; Extenuating Factors | | | | | (3) Danger Present to Person or Property of Another | | | | | (3) Reckless Driving, Resisting or Other Violent Behavior | | | | |
| (4) Def. suffered substantial personal injuries | | | | | (4) Caused Property Damage Only, Covered by Insurance. | | | | | (4) Extremely Dangerous Driving or Caused Personal Injury | | | | |

9th JUDICIAL DISTRICT GUIDELINES For Municipal Courts

Offenses Occur On or After **07/14/15**

Effective Date of July 14, 2015 - redistributed January 1, 2017

4th Edition

| OWI & CONTROLLED SUBSTANCE GUIDELINES | | | | |
|--|----|------------|--------|---------|
| Alcohol | CS | Forfeiture | Revoke | IID Req |
| <.11% | | 735.00 | 6 | |
| .11- <.15% | A | 766.50 | 7 | * |
| .15 - <.17% | | 911.00 | 7 | 1 Year |
| .17 - <.20% | B | 942.50 | 7 | 1 Year |
| .20 - <.25% | | 974.00 | 8 | 1 Year |
| 0.25% > Re | C | 974.00 | 8 | 1 Year |
| Max. | | 974.00 | 9 | 1 Year |

| Court Costs > Forfeiture | Penalty Surchrg | Court Costs | Jail Surchrg | Crime Lab & Drug | Driver Impr safe | Interlock Fee | Total |
|--------------------------|-----------------|-------------|--------------|------------------|------------------|---------------|--------|
| 150.00 | 39.00 | 38.00 | 10.00 | 13.00 | 485.00 | 50.00 | 735.00 |
| 175.00 | 45.50 | 38.00 | 10.00 | 13.00 | 485.00 | | 766.50 |
| 250.00 | 65.00 | 38.00 | 10.00 | 13.00 | 485.00 | 50.00 | 911.00 |
| 275.00 | 71.50 | 38.00 | 10.00 | 13.00 | 485.00 | 50.00 | 942.50 |
| 300.00 | 78.00 | 38.00 | 10.00 | 13.00 | 485.00 | 50.00 | 974.00 |
| 300.00 | 78.00 | 38.00 | 10.00 | 13.00 | 485.00 | 50.00 | 974.00 |
| 300.00 | 78.00 | 38.00 | 10.00 | 13.00 | 485.00 | 50.00 | 974.00 |

| | | |
|---|---|--|
| Ignition Interlock Device Requirements | Plea Agreement Cannot Avoid IID Requirement | Required If BAC >=.15% or Upon Refusal |
| | * Plea Drops Forfeiture But Order IID and IID Fee Occupational License if IID Installed w/in 2 Weeks | All Vehicles Titled, Registered or Driven by the Offender Unless Hardship Offender's BAC Limit is 0.02% for Duration of IID Order |

| CONTROLLED SUBSTANCE VIOLATIONS | | |
|--|---|--|
| Class A -- Mitigating | Class B -- Intermediate | Class C --Aggravated |
| (1) Stopped for Non-Traffic Violations (2) Stopped for Minor Traffic; Speed <20 Above, etc. (3) Last OWI More Than 7 Yrs; Extenuating Factors (4) Def. suffered substantial personal injuries | (1) Fleeing; =>20 Above the Limit; Balance Greatly Impair (2) Weaving Between Lanes or Shoulder of Road (3) Danger Present to Person or Property of Another (4) Caused Property Damage Only, Covered by Insurance. | (1) Test Refusal; More than 2 OWI or CS Within Last 5 Years (2) Collide with Other Vehicle or Object, Drive Wrong Way (3) Reckless Driving, Resisting or Other Violent Behavior (4) Extremely Dangerous Driving or Caused Personal Injury |
| Alcohol Violations Based Upon BAC if Available; Controlled Substance Violations By Driving Behavior Limit on Plea Agreements is a One Category Reduction For Alcohol Violations BUT not IID Requirement Controlled Substance Violations; B down to A & C down to B | | |

| OAR Guidelines | | |
|----------------|------------|------|
| | Forfeiture | Susp |
| Standard | 250.00 | 30 |
| Aggravated | 313.00 | 60 |
| Property Dmg | 1,321.00 | 90 |
| Cause Injury | 6,361.00 | 120 |
| OAS Guidelines | | |
| No Knowledge | 124.00 | 0 |
| Standard | 155.50 | 0 |
| Aggravated | 187.00 | 60 |
| Property Dmg | 1,321.00 | 90 |
| Cause Injury | 6,361.00 | 120 |

Aggravating for These
Offenses Include
Unsafe/Reckless Driving
Fleeing
Resisting/Obstructing
Property Damage and
Cause Injury are
Mandatory Amounts

| Forfeiture | Penalty Assess | Court Cost | Jail Surchrg | Crime Lab | Total |
|------------|----------------|------------|--------------|-----------|----------|
| 150.00 | 39.00 | 38.00 | 10.00 | 13.00 | 250.00 |
| 200.00 | 52.00 | 38.00 | 10.00 | 13.00 | 313.00 |
| 1000.00 | 260.00 | 38.00 | 10.00 | 13.00 | 1,321.00 |
| 5000.00 | 1300.00 | 38.00 | 10.00 | 13.00 | 6,361.00 |
| 50.00 | 13.00 | 38.00 | 10.00 | 13.00 | 124.00 |
| 75.00 | 19.50 | 38.00 | 10.00 | 13.00 | 155.50 |
| 100.00 | 26.00 | 38.00 | 10.00 | 13.00 | 187.00 |
| 1000.00 | 260.00 | 38.00 | 10.00 | 13.00 | 1,321.00 |
| 5000.00 | 1300.00 | 38.00 | 10.00 | 13.00 | 6,361.00 |