NINTH JUDICIAL DISTRICT

OMVWI
SENTENCING GUIDELINES

Incidents On or After
November 1, 2026

Ninth Judicial District Office
2100 Stewart Avenue, Suite 310
Wausau WI 54401
(715) 842-3872

Patricia Baker, Chief Judge

FIRST OFFENSE **SENTENCING GUIDELINES** Incidents on or After 11/1/2026

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109**; Intermediate,** 0.17 to 0.199**; Aggravated,** 0.25 and above**.**

FIRST OFFENSE						
BAC Level	**0.08 to 0.109**	**0.11 to 0.149**	**0.15 to 0.169**	**0.17 to 0.199**	**0.20 to .249**	**0.25 and above**
						Refusal
Forf. + Costs	**967.00**	**998.50**	**1,080.00**	**1,143.00**	**1,174.50**	**1,206.00**
FORF.	150.00	175.00	200.00	250.00	275.00	300.00
CCFP	40.00	40.00	40.00	40.00	40.00	40.00
PEN	39.00	45.50	52.00	65.00	71.50	78.00
JAIL	10.00	10.00	10.00	10.00	10.00	10.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00
CSS	81.00	81.00	81.00	81.00	81.00	81.00
JINFO	24.00	24.00	24.00	24.00	24.00	24.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	75.00	75.00	75.00	75.00	75.00	75.00
IIDS			50.00	50.00	50.00	50.00
♦IID Period			**12 Months**	**12 Months**	**12 Months**	**12 Months**
◊Revocation	**6 Months**	**7 Months**	**7 Months**	**7 Months**	**8 Months**	**9 Months**

PENALTY RANGE; OTHER ORDERS

FORFEITURE: $150 to $300.
◊**REVOCATION:** 6 to 9 months; **except REFUSAL** 1 year.
DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s. 343.30(1).
OCCUPATIONAL WAITING PERIOD: only REFUSAL 30 days.
♦**IGNITION INTERLOCK DEVICE: BAC >=0.15 and REFUSAL** Order that the person's operating privilege for the operation of “Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.
ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

SECOND OFFENSE

SENTENCING GUIDELINES

Incidents on or After
11/1/2026

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109**; Intermediate,** 0.17 to 0.199**; Aggravated,** 0.25 and above**.**

III. 346.65(2)(bm) provides for a reduced mandatory minimum 5 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

SECOND OFFENSE

BAC Level	0.08 to 0.109		0.11 to 0.149		0.15 to 0.169		0.17 to 0.199		0.20 to .249		0.25 and above	
		346.65		346.65		346.65		346.65		346.65		346.65
Jail	5 Days	5 Days	15 Days	5 Days	25 Days	5 Days	35 Days	5 Days	45 Days	5 Days	55 Days	5 Days
Fine + Costs	1,592.00		1,655.00		1,718.00		1,718.00		1,781.00		1,907.00	
FINE	350.00		400.00		450.00		450.00		500.00		600.00	
CCFP	201.00		201.00		201.00		201.00		201.00		201.00	
PEN	91.00		104.00		117.00		117.00		130.00		156.00	
JAIL	10.00		10.00		10.00		10.00		10.00		10.00	
CLD	13.00		13.00		13.00		13.00		13.00		13.00	
VW	67.00		67.00		67.00		67.00		67.00		67.00	
DNAAS	200.00		200.00		200.00		200.00		200.00		200.00	
DRVIM	535.00		535.00		535.00		535.00		535.00		535.00	
SRPS	75.00		75.00		75.00		75.00		75.00		75.00	
IIDS	50.00		50.00		50.00		50.00		50.00		50.00	
IID Period	12 Months		13 Months		14 Months		15 Months		16 Months		18 Months	
◊Revocation	12 Months		13 Months		14 Months		15 Months		16 Months		18 Months	

PENALTY RANGE; OTHER ORDERS

FINE: $350 to $1100.
JAIL: 5 days to 6 months.
REVOCATION: Base period of 1 year to 18 months; **except REFUSAL** 2 years. Add any *sentence* of confinement to revocation period.
OCCUPATIONAL WAITING PERIOD: 45 days by statute; **except REFUSAL** 90 days.
IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of “Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.
ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

THIRD OFFENSE **SENTENCING GUIDELINES** Incidents on or After 11/1/2026

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109**; Intermediate,** 0.17 to 0.199**; Aggravated,** 0.25 and above**.**

III. 346.65(2)(cm) provides for a reduced mandatory minimum 14 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

THIRD OFFENSE												
BAC Level	**0.08 to 0.109**		**0.11 to 0.149**		**0.15 to 0.169**		**0.17 to 0.199**		**0.20 to .249**		**0.25 and above**	
		346.65		**346.65**		**346.65**		**346.65**		**346.65**		**346.65**
Jail	**45 Days**	**14 Days**	**60 Days**	**14 Days**	**75 Days**	**14 Days**	**90 Days**	**14 Days**	**105 Days**	**14 Days**	**120 Days**	**14 Days**
Fine + Costs	**1,907.00**		**1,970.00**		**2,033.00**		**2,665.00**		**3,427.00**		**4,189.00**	
FINE	600.00		650.00		700.00		1,200.00		1,800.00		2,400.00	
CCFP	201.00		201.00		201.00		201.00		201.00		201.00	
PEN	156.00		169.00		182.00		312.00		468.00		624.00	
JAIL	10.00		10.00		10.00		12.00		18.00		24.00	
CLD	13.00		13.00		13.00		13.00		13.00		13.00	
VW	67.00		67.00		67.00		67.00		67.00		67.00	
DNAAS	200.00		200.00		200.00		200.00		200.00		200.00	
DRVIM	535.00		535.00		535.00		535.00		535.00		535.00	
SRPS	75.00		75.00		75.00		75.00		75.00		75.00	
IIDS	50.00		50.00		50.00		50.00		50.00		50.00	
IID Period	**24 Months**		**26 Months**		**27 Months**		**28 Months**		**30 Months**		**31 Months**	
◊Revocation	**24 Months**		**26 Months**		**27 Months**		**28 Months**		**30 Months**		**31 Months**	

PENALTY RANGE; OTHER ORDERS

FINE: $600 to $2000; **except x2** for BAC 0.17 to 0.199, **x3** for BAC 0.20 to 0.249, and **x4** for BAC 0.25 and above.
JAIL: 45 days to 1 year.
REVOCATION: Base period of 2 to 3 years; **except REFUSAL** 3 years. Add any *sentence* of confinement to revocation period.
OCCUPATIONAL WAITING PERIOD: 45 days by statute; **except REFUSAL** 120 days.
IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of “Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.
ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

FOURTH OFFENSE **SENTENCING GUIDELINES** Incidents On or After

GENERAL GUIDELINES and MITIGATED OFFENSES 11/1/2026

I. Determine whether the offense is mitigated, intermediate, or aggravated by considering these factors:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. A. If the offense is mitigated, the presumption is probation with conditional jail (below).
B. If the offense is intermediate with a low BAC, the presumption is also probation with conditional jail (next page.)
C. If the offense is intermediate with a high BAC (>=.17), the presumption is prison (next page).
D. If the offense is aggravated, the presumption is prison (next page.) Refusal of probation is aggravating.

III. For non-alcohol offenses consider using the 0.15 to 0.169 BAC column on the relevant chart as a starting point.

IV. 346.65(2)(dm) provides for a reduced mandatory minimum 29 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

PENALTY RANGE; OTHER ORDERS

FINE: $600 to $10000; ; **except x2** for BAC 0.17 to 0.199, **x3** for BAC 0.20 to 0.249, and **x4** for BAC 0.25 and above.
CONFINEMENT: Class H Felony; 45 days JAIL to 6 years WSP (3 years IC + 3 years ES).
REVOCATION: 2 to 3 years; **except REFUSAL** 3 years. Add any *sentence* of confinement to revocation period.
IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of “Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.
ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

MITIGATED FOURTH OFFENSE

BAC Level	0.02 to .079	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to 0.249	0.25 and above
	Probation with Conditional Jail						
Confinement	60 Days	90 Days	120 Days	150 Days	180 Days	210 Days	240 Days
Supervision	2 Years	2 Years	2 Years	3 Years	3 Years	3 Years	3 Years
Fine + Costs	1,982.00	2,171.00	2,360.00	2,549.50	2,740.00	3,502.00	4,264.00
FINE	600.00	750.00	900.00	1,050.00	1,200.00	1,800.00	2,400.00
CCFP	201.00	201.00	201.00	201.00	201.00	201.00	201.00
PEN	156.00	195.00	234.00	273.00	312.00	468.00	624.00
JAIL	10.00	10.00	10.00	10.50	12.00	18.00	24.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00
VW	92.00	92.00	92.00	92.00	92.00	92.00	92.00
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00	250.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	75.00	75.00	75.00	75.00	75.00	75.00	75.00
IIDS	50.00	50.00	50.00	50.00	50.00	50.00	50.00

FOURTH OFFENSE

SENTENCING GUIDELINES
INTERMEDIATE and AGGRAVATED OFFENSES

Incidents On or After
11/1/2026

INTERMEDIATE FOURTH OFFENSE							
BAC Level	**0.02 to .079**	**0.08 to 0.109**	**0.11 to 0.149**	**0.15 to 0.169**	**0.17 to 0.199**	**0.20 to 0.249**	**0.25 and above**
	Probation with Conditional Jail				**Prison (IC & ES)**		
Confinement	**90 Days**	**120 Days**	**180 Days**	**240 Days**	**12 Months**	**18 Months**	**24 Months**
Supervision	**3 Years**	**3 years**	**3 Years**	**3 Years**	**24 Months**	**30 Months**	**36 Months**
Fine + Costs	**1,982.00**	**2,171.00**	**2,360.00**	**2,549.50**	**2,740.00**	**3,502.00**	**4,264.00**
FINE	600.00	750.00	900.00	1,050.00	1,200.00	1,800.00	2,400.00
CCFP	201.00	201.00	201.00	201.00	201.00	201.00	201.00
PEN	156.00	195.00	234.00	273.00	312.00	468.00	624.00
JAIL	10.00	10.00	10.00	10.50	12.00	18.00	24.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00
VW	92.00	92.00	92.00	92.00	92.00	92.00	92.00
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00	250.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	75.00	75.00	75.00	75.00	75.00	75.00	75.00
IIDS	50.00	50.00	50.00	50.00	50.00	50.00	50.00

AGGRAVATED FOURTH OFFENSE							
BAC Level	**0.02 to .079**	**0.08 to 0.109**	**0.11 to 0.149**	**0.15 to 0.169**	**0.17 to 0.199**	**0.20 to 0.249**	**0.25 and above**
	Prison (Initial Confinement and Extended Supervision)						
Confinement	**12 Months**	**15 Months**	**18 Months**	**21 Months**	**24 Months**	**30 Months**	**36 Months**
Supervision	**36 Months**	**36 Months**	**36 Months**	**36 Months**	**36 Months**	**36 Months**	**36 Months**
Fine + Costs	**1,982.00**	**2,171.00**	**2,360.00**	**2,549.50**	**2,740.00**	**3,502.00**	**4,264.00**
FINE	600.00	750.00	900.00	1,050.00	1,200.00	1,800.00	2,400.00
CCFP	201.00	201.00	201.00	201.00	201.00	201.00	201.00
PEN	156.00	195.00	234.00	273.00	312.00	468.00	624.00
JAIL	10.00	10.00	10.00	10.50	12.00	18.00	24.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00
VW	92.00	92.00	92.00	92.00	92.00	92.00	92.00
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00	250.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	75.00	75.00	75.00	75.00	75.00	75.00	75.00
IIDS	50.00	50.00	50.00	50.00	50.00	50.00	50.00

FIFTH & SUBSEQUENT OFFENSES — SENTENCING GUIDELINES

Incidents On or After 11/1/2026

OFFENSE	INCARCERATION	PROBATION	REVOCATION	INTERLOCK	FINE	
5TH & 6TH Class G Felony	18 Mos. - 10 Yrs.* (5 Yrs. IC, 5 Yrs. ES)	Not applicable	Permanent** or 2 years to 3 years	2 years to 3 years (tied to Court-ordered revocation period)	BAC < .17 .17-.199 .20-.249 .25+	600-25,000 1,200-50,000 1,800-75,000 2,400-100,000
7TH, 8TH, 9TH Class F Felony	3-12.5 Years (7.5 Yrs. IC, 5 Yrs. ES)	Not applicable	Permanent** or 2 years to 3 years	2 years to 3 years (tied to Court-ordered revocation period)	BAC<.17 .17-.199 .20-.249 .25+	Max $25,000 Max $50,000 Max $75,000 Max $100,000
10TH AND SUBSEQUENT Class E Felony	4-15 Years (10 Yrs. IC, 5 Yrs. ES)	Not applicable	Permanent** or 2 years to 3 years	2 years to 3 years (tied to Court-ordered revocation period)	BAC <.17 .17-.199 .20-.249 .25+	Max $50,000 Max $100,000 Max $150,000 Max $200,000

***Court may impose as little as 1 year, which must be the initial confinement portion of a bifurcated sentence to the Wisconsin State Prison system, only if the Court finds on the record (1) The best interests of the community are served, and (2) the public will not be harmed.**

****Not eligible for occupational. May apply for reinstatement after 10 years.**
Doesn't apply if the last conviction >15 years old in which case the usual Court-ordered revocation period remains the same.

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

FIRST OFFENSE

MINOR PASSENGER SENTENCING GUIDELINES

Incidents on or After 11/1/2026

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109**; Intermediate,** 0.17 to 0.199**; Aggravated,** 0.25 and above**.**

III. 346.65(2)(bm) provides for a reduced mandatory minimum 5 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

FIRST OFFENSE - MINOR PASSENGER

BAC Level	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to .249	0.25 and above
Jail	**5 Days**	**15 Days**	**25 Days**	**35 Days**	**45 Days**	**55 Days**
Fine + Costs	**1,592.00**	**1,655.00**	**1,718.00**	**2,033.00**	**2,474.50**	**2,919.00**
FINE	350.00	400.00	450.00	700.00	1,050.00	1,400.00
CCFP	201.00	201.00	201.00	201.00	201.00	201.00
PEN	91.00	104.00	117.00	182.00	273.00	364.00
JAIL	10.00	10.00	10.00	10.00	10.50	14.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00
VW	67.00	67.00	67.00	67.00	67.00	67.00
DNAAS	200.00	200.00	200.00	200.00	200.00	200.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	75.00	75.00	75.00	75.00	75.00	75.00
IIDS	50.00	50.00	50.00	50.00	50.00	50.00
IID Period	**12 Months**	**14 Months**	**14 Months**	**14 Months**	**16 Months**	**16 Months**
◊Revocation	**12 Months**	**14 Months**	**14 Months**	**14 Months**	**16 Months**	**16 Months**

PENALTY RANGE; OTHER ORDERS

FINE: $350 to $1400; **except x2** for BAC 0.17 to 0.199, **x3** for BAC 0.20 to 0.249, and **x4** for BAC 0.25 and above.
JAIL: 5 days to 6 months.
REVOCATION: Base period of 1 year to 18 months; **except REFUSAL** 2 years. Add any *sentence* of confinement to revocation period.
OCCUPATIONAL WAITING PERIOD: 45 days by statute; **except REFUSAL** 90 days.
IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of “Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.
ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

SECOND OFFENSE **MINOR PASSENGER SENTENCING GUIDELINES** Incidents on or After 11/1/2026

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109**; Intermediate,** 0.17 to 0.199**; Aggravated,** 0.25 and above**.**

III. 346.65(2)(bm) provides for a reduced mandatory minimum 5 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

SECOND OFFENSE - MINOR PASSENGER						
BAC Level	**0.08 to 0.109**	**0.11 to 0.149**	**0.15 to 0.169**	**0.17 to 0.199**	**0.20 to .249**	**0.25 and above**
Jail	**10 Days**	**27 Days**	**44 Days**	**61 Days**	**78 Days**	**95 Days**
Fine + Costs	**2,033.00**	**2,159.00**	**2,285.00**	**2,919.00**	**3,363.50**	**3,808.00**
FINE	700.00	800.00	900.00	1,400.00	1,750.00	2,100.00
CCFP	201.00	201.00	201.00	201.00	201.00	201.00
PEN	182.00	208.00	234.00	364.00	455.00	546.00
JAIL	10.00	10.00	10.00	14.00	17.50	21.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00
VW	67.00	67.00	67.00	67.00	67.00	67.00
DNAAS	200.00	200.00	200.00	200.00	200.00	200.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	75.00	75.00	75.00	75.00	75.00	75.00
IIDS	50.00	50.00	50.00	50.00	50.00	50.00
IID Period	**24 Months**	**26 Months**	**28 Months**	**28 Months**	**30 Months**	**32 Months**
◊Revocation	**24 Months**	**26 Months**	**28 Months**	**28 Months**	**30 Months**	**32 Months**

PENALTY RANGE; OTHER ORDERS

FINE: $700 to $2200; **except x2** for BAC 0.17 to 0.199, **x3** for BAC 0.20 to 0.249, and **x4** for BAC 0.25 and above.
JAIL: 10 days to 1 year.
REVOCATION: Base period of 1 year to 18 months; **except REFUSAL** 2 years. Add any *sentence* of confinement to revocation period.
OCCUPATIONAL WAITING PERIOD: 45 days by statute; **except REFUSAL** 90 days.
IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of “Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.
ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

THIRD OFFENSE **MINOR PASSENGER SENTENCING GUIDELINES** Incidents On or After 11/1/2026

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109**; Intermediate,** 0.17 to 0.199**; Aggravated,** 0.25 and above**.**

III. 346.65(2)(cm) provides for a reduced mandatory minimum 14 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

THIRD OFFENSE - MINOR PASSENGER - FELONY							
BAC Level	**0.02 to .079**	**0.08 to 0.109**	**0.11 to 0.149**	**0.15 to 0.169**	**0.17 to 0.199**	**0.20 to 0.249**	**0.25 and above**
Confinement	**90 Days**	**90 Days**	**180 Days**	**250 Days**	**320 Days**	**380 Days**	**440 Days**
Fine + Costs	**2,740.00**	**2,740.00**	**2,740.00**	**2,740.00**	**4,264.00**	**5,788.00**	**7,312.00**
FINE	1,200.00	1,200.00	1,200.00	1,200.00	2,400.00	3,600.00	4,800.00
CCFP	201.00	201.00	201.00	201.00	201.00	201.00	201.00
PEN	312.00	312.00	312.00	312.00	624.00	936.00	1,248.00
JAIL	12.00	12.00	12.00	12.00	24.00	36.00	48.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00
VW	92.00	92.00	92.00	92.00	92.00	92.00	92.00
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00	250.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	75.00	75.00	75.00	75.00	75.00	75.00	75.00
IIDS	50.00	50.00	50.00	50.00	50.00	50.00	50.00
IID Period	**24 Months**	**26 Months**	**28 Months**	**28 Months**	**30 Months**	**32 Months**	**32 Months**
◊Revocation	**24 Months**	**26 Months**	**28 Months**	**28 Months**	**30 Months**	**32 Months**	**32 Months**

PENALTY RANGE; OTHER ORDERS

FINE: $1200 to $4000; **except x2** for BAC 0.17 to 0.199, **x3** for BAC 0.20 to 0.249, and **x4** for BAC 0.25 and above.
CONFINEMENT: 90 days to 2 years.
REVOCATION: Base period of 2 to 3 years; **except REFUSAL** 3 years. Add any *sentence* of confinement to revocation period.
OCCUPATIONAL WAITING PERIOD: 45 days by statute; **except REFUSAL** 120 days.
IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of “Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.
ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

BAC Level	0.04 to 0.079	
	Mitigated	Aggravated
	No Accident	*Accident or Injury*
		Bad Driving Record
Forfeiture + Costs	**975.00**	**1151.00**
FORF.	150.00	300.00
CCFP	40.00	40.00
PEN	39.00	78.00
JAIL	10.00	10.00
CLD	13.00	13.00
CSS	81.00	68.00
JINFO	24.00	24.00
DRVIM	535.00	535.00
SRPS	75.00	75.00
TRUCK	8.00	8.00
Disqualification	**12 months**	**12 months**

PENALTY RANGE; OTHER ORDERS

FORFEITURE: $150 to $300.
DISQUALIFICATION: 1 year (12 months.)
DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1).
MINOR PASSENGER: If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum forfeiture is doubled.

SECOND OFFENSE

COMMERCIAL MOTOR VEHICLES SENTENCING GUIDELINES

Incidents On or After
11/1/2026

BAC Level	0.04 to 0.079	
	Mitigated	Aggravated
	No Accident	*Accident or Injury*
		Bad Driving Record
Jail	**20 Days**	**40 Days**
Fine + Costs	**1487.00**	**2369.00**
	300.00	1,000.00
CCFP	201.00	201.00
PEN	78.00	260.00
JAIL	10.00	10.00
CLD	13.00	13.00
VW	67.00	67.00
DNAAS	200.00	200.00
DRVIM	535.00	535.00
SRPS	75.00	75.00
TRUCK	8.00	8.00
Disqualification	**12 months**	**12 months**

PENALTY RANGE; OTHER ORDERS

FINE: $300 to $1000.
JAIL: 5 days to 6 months.
DISQUALIFICATION: 1 year (12 months.)
DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1).
MINOR PASSENGER: If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum fine and jail time are doubled.

BAC Level	0.04 to 0.079	
	Mitigated	Aggravated
	No Accident	*Accident or Injury*
		Bad Driving Record
Jail	**45 Days**	**120 Days**
Fine + Costs	**1865.00**	**3629.00**
FINE	600.00	2,000.00
CCFP	201.00	201.00
PEN	156.00	520.00
JAIL	10.00	10.00
CLD	13.00	13.00
VW	67.00	67.00
DNAAS	200.00	200.00
DRVIM	535.00	535.00
SRPS	75.00	75.00
TRUCK	8.00	8.00
Disqualification	**12 months**	**12 months**

PENALTY RANGE; OTHER ORDERS

FINE: $600 to $2000.
JAIL: 30 days to 1 year.
DISQUALIFICATION: 1 year (12 months.)
DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1).
MINOR PASSENGER: If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum fine and jail time are doubled.

FIRST OFFENSE **MUNICIPAL SENTENCING GUIDELINES - STANDARD** Incidents On or After 11/1/2026

MUNICIPAL - FIRST OFFENSE												
BAC Level	**0.08 to 0.099**		**0.10 to 0.149**		**0.15 to 0.169**		**0.17 to 0.199**		**0.20 to 0.249**		**0.25 and Above and Refusal**	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
Penalty	**837.00**	**868.50**	**837.00**	**900.00**	**950.00**	**1,013.00**	**1,013.00**	**1,076.00**	**1,013.00**	**1,076.00**	**1,013.00**	**1,076.00**
FORFEITURE	150.00	175.00	150.00	200.00	200.00	250.00	250.00	300.00	250.00	300.00	250.00	300.00
*COSTS	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00
PEN	39.00	45.50	39.00	52.00	52.00	65.00	65.00	78.00	65.00	78.00	65.00	78.00
JAIL	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00	75.00
IIDS					50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
♦IID Period					**12 mos**	**12 mos**	**12 mos**	**12 mos**	**12 mos**	**12 mos**	**12 mos**	**12 mos**
◊Revocation	**6 mos**	**6 mos**	**6 mos**	**7 mos**	**7 mos**	**8 mos**	**8 mos**	**9 mos**	**9 mos.**	**9 mos**	**9 mos**	**9 mos**

PENALTY RANGE; OTHER ORDERS

FORFEITURE: $150 minimum to $300 maximum.

***COSTS** are calculated at the minimum of $15 but may be assessed up to a maximum of $48 pursuant to Wis. Stat. s. 814.65(1).

◊**REVOCATION:** 6 to 9 months; **except REFUSAL** 1 year.

DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year.

OCCUPATIONAL WAITING PERIOD: none; **except REFUSAL** 30 days.

♦**IGNITION INTERLOCK DEVICE: BAC >=0.15 and REFUSAL** 1 year (12 months). Order that the person's operating privilege for the operation of “Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device per Wis. Stat. s. 343.301(1)(a)1.

ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN: Order that the defendant submit to and comply with an assessment for the use of alcohol and drugs and the resulting driver safety plan.

1. a. **Court may** order **community service work** in lieu of part or all of the forfeiture.
   b. **Court shall** order **community service work** in lieu of part or all of the forfeiture **if the defendant is indigent.**
2. When the Court orders **community service work** it may order work that demonstrates the adverse effects of substance abuse.

FIRST OFFENSE

MUNICIPAL SENTENCING GUIDELINES
COMMERCIAL MOTOR VEHICLES

Incidents On or After
11/1/2026

BAC Level	0.04 to 0.079	
	Mitigated	Aggravated
	No Accident	*Accident or Injury*
		Bad Driving Record
Forfeiture + Costs	**845.00**	**1034.00**
FORFEITURE	150.00	300.00
*COSTS	15.00	15.00
PEN	39.00	78.00
JAIL	10.00	10.00
CLD	13.00	13.00
DRVIM	535.00	535.00
SRPS	75.00	75.00
TRUCK	8.00	8.00
Disqualification	**12 months**	**12 months**

PENALTY RANGE; OTHER ORDERS

FORFEITURE: $150 to $300.
***COSTS** are calculated at the minimum of $15 but may be assessed up to a maximum of $48 pursuant to Wis. Stat. s. 814.65(1).
DISQUALIFICATION: 1 year (12 months.)
DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1).
MINOR PASSENGER: If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum forfeiture is doubled.