

FIRST JUDICIAL DISTRICT

OWI SENTENCING GUIDELINES

Effective for offenses occurring on or after July 1, 2009

Wisconsin law recognizes the serious consequences of operating a motor vehicle while under the influence of an intoxicant ("OWI"), and specifies a range of penalties for violation of those laws. The judges of this judicial district understand the extraordinary dangers of drunk driving in a heavily populated community with congested streets and highways.

The Legislature has directed that each judicial district in the state adopt guidelines for the sentencing of certain OWI violations 346.65(2m), Stats. See also *State v. Jorgensen*, 2003 WI 105 paragraph 26-27, 264 Wis. 2nd 157, 174-175 (2003)(although local guidelines are applicable only to prohibited alcohol concentration ("PAC") offenses, courts may refer to local guidelines when sentencing for other OWI offenses). Indeed, in Milwaukee County, where the criminal courts preside over thousands of OWI cases, guidelines for the sentencing of OWI violations will contribute to consistency among branches and among the case in each branch. Relative consistency will help ensure justice for offenders, victims and the community.

We also appreciate the importance of discretion in evaluating the facts and circumstances of each offender and each case. Therefore, these guidelines identify many of the significant criteria considered by courts in imposing a sentence and the penalty range within which each factor may fall. However, the guidelines do not require any particular sentence. Further, the various aggravating and mitigating criteria may be of varying significance in different cases and must be considered as a whole before a sentence is determined.

We first adopted OWI guidelines in 1995. These guidelines have been reviewed, revised and reaffirmed by our predecessors, have been modified to reflect changes in State law and are now approved as of the date above.

Jeffrey A. Kremers
Chief Judge
First Judicial District

Richard J. Sankovitz
Presiding Judge
Felony Division

Jeffrey A. Wagner
Presiding Judge
Misdemeanor Division

FIRST JUDICIAL DISTRICT OWI SENTENCING GUIDELINES FIRST OFFENSE NON-COMMERCIAL

Citations issued after July 1, 2009

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
Below .150	\$150-\$175 6 months Revocation	\$175-\$225 6-7 months Revocation	\$200-\$275 7-8 months Revocation
.150 to .199	\$175-\$225 6-7 months Revocation	\$200-\$275 7-8 months Revocation	\$225-\$300 8-9 months Revocation
.20 and above, or if defendant refuses to give a sample	\$200-\$275 7-8 months Revocation	\$225-\$300 8-9 months Revocation	\$250-\$300 9 months Revocation

PENALTY RANGE

FINE /COSTS

\$150-\$300 Forfeiture

Costs total \$502.50 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Justice Information Surcharge, Court Support Surcharge, Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCAION

6-9 Months

No waiting period for Occupational License (343.30)

PASSENGER UNDER AGE 16

Double minimum and maximum fine (346.65(2)(f))

REFUSAL

If first refusal, 1 year revocation and 30-day waiting period for Occupational License (343.305(10)(b)2)

If no refusal hearing is requested, revocation period begins 30 days after the date of the refusal. If a hearing is requested, revocation period begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later. (343.305(10)(a))

If a minor passenger, length of revocation doubles (343.305(10)(b)4m)

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- Community service for defendant unable to pay the fine (346.65(2g)(ag))

Court May Order:

- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g) (a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r) (a))

Note:

Interlock restriction does not apply to first offense until July, 2010, and then only if the PAC \geq .15

FIRST JUDICIAL DISTRICT OWI SENTENCING GUIDELINES SECOND OFFENSE NON-COMMERCIAL

Citations issued after July 1, 2009

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
Below .150	\$300-\$500 5-60 days 12 months Revocation	\$400-\$800 30-120 days 13-17 months Revocation	\$500-\$1000 60-150 days 14-18 months Revocation
.150 to .199	\$400-\$800 10-90 days 13-17 months Revocation	\$500-\$1000 45-150 days 14-18 months Revocation	\$600-\$1000 90-180 days 16-18 months Revocation
.20 and above, or if defendant refuses to give a sample	\$500-\$1000 20-120 days 14-18 months Revocation	\$600-\$1100 60-180 days 16-18 months Revocation	\$800-\$1100 120-180 days 18 months Revocation

PENALTY RANGE

JAIL

5 days to 6 months jail (346.65(2)(am)2)

FINE /COSTS

\$300-\$1100 Fine

Costs total \$475 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Justice Information Surcharge, Court Support Surcharge, Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCAION

12-18 Months (343.30)

60 day waiting period for Occupational License; 1 year wait if 2 OWIs in 5 years

PASSENGER UNDER AGE 16

Double minimum and maximum fine and jail (346.65(2) (f))

REFUSAL

2 year revocation and 90-day waiting period for Occupational license, unless 2nd offense in 5 years, then waiting period is 1 year (343.305(10)(b)3)

If no refusal hearing is requested, revocation period begins 30 days after the date of the refusal. If a hearing is requested, revocation period begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later. (343.305(10)(a))

If a minor passenger, length of revocation doubles (343.305(10)(b)4m)

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 18 months, beginning 1 year after revocation begins (343.301(1)(a)2 and 343.301(1)(b))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

Court May Order:

- Interlock for not less than 1 year nor more than 18 months (343.301(1)(a)1)
- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g)(a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r)(a))

FIRST JUDICIAL DISTRICT OWI SENTENCING GUIDELINES THIRD OFFENSE NON-COMMERCIAL

Citations issued after July 1, 2009

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
Below .17	\$600-\$1200 30-120 days 24 months Revocation	\$700-\$1500 60-180 days 26-30 months Revocation	\$800-\$2000 90-240 days 28-32 months Revocation
.17 to .199	\$1200-\$3000 60-180 days 26-30 months Revocation	\$1400-\$3500 90-240 days 28-32 months Revocation	\$1600-\$4000 120-300 days 30-36 months Revocation
.20 to .249	\$1800-\$4000 90-240 days 28-32 months Revocation	\$2000-\$5000 120-300 days 30-36 months Revocation	\$2200-\$6000 120 days-1 year 32-36 months Revocation
.25 and above, or if defendant refuses to give a sample	\$2400-\$6000 120-300 days 30-36 months Revocation	\$2600-\$7000 120 days-1 year 32-36 months Revocation	\$2800-\$8000 180 days-1 year 36 months Revocation

PENALTY RANGE

JAIL

30 days to 12 months jail (346.65(2)(am)3)

FINE /COSTS

\$600-\$2000 Fine; if PAC ≥ .17, fine doubles; ≥ .20, fine triples; ≥ .25, fine quadruples (346.65(2)(g))

Costs total \$475 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Justice Information Surcharge, Court Support Surcharge, Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCAION

24-36 months (343.30)

90-day waiting period for Occupational License, 1 year wait if 2 OWIs in 5 years

PASSENGER UNDER AGE 16

Felony conviction, plus minimum and maximum fine and jail double (346.65(2)(f))

REFUSAL

3 year revocation and 120-day waiting period for Occupational license, unless 2nd offense in 5 years, then waiting period is 1 year (343.305(10)(b)4)

If no refusal hearing is requested, revocation period begins 30 days after the date of the refusal. If a hearing is requested, revocation period begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later. (343.305(10)(a))

If a minor passenger, length of revocation doubles (343.305(10)(b)4m)

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 36 months, beginning 1 year after revocation begins (343.301(1)(a)2 and 343.301(1)(b))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

Court May Order:

- Interlock for not less than 1 year nor more than 36 months (343.301(1)(a)1)
- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g)(a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r)(a))
- Seizure and forfeiture of motor vehicle owned and used by the defendant, unless the court orders interlock or immobilization, or unless seizure results in undue hardship or endangers health and safety (346.65(6)(a)1)

FIRST JUDICIAL DISTRICT OWI SENTENCING GUIDELINES FOURTH OFFENSE NON-COMMERCIAL

Citations issued after July 1, 2009

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
Below .17	\$700-\$1200 60-180 days Probation/at least 60 days condition 24 months Revocation	\$800-\$1500 120-270 days Probation/at least 90 days condition 26-30 months Revocation	\$900-\$2000 150 days-1 year 30-36 months Revocation
.17 to .199	\$1400-\$3000 120-270 days Probation/at least 90 days condition 26-30 months Revocation	\$1600-\$3500 150 days-1 year Probation/at least 120 days condition 30-36 months Revocation	\$1800-\$4000 180 days-1 year 32-36 months Revocation
.20 to .249	\$2100-\$4000 150 days-1 year Probation/at least 120 days condition 30-36 months Revocation	\$2400-\$5000 180 days-1 year 32-36 months Revocation	\$2700-\$6000 210 days-1 year 36 months Revocation
.25 and above	\$2800-\$6000 180 days-1 year Probation/at least 120 days condition 32-36 months Revocation	\$3000-\$7000 210 days-1 year 36 months Revocation	\$3200-\$8000 240 days-1 year 36 months Revocation

Penalty Range

JAIL

60 days to 12 months jail (346.65(2)(am)4)

FINE/COSTS

\$600 - \$2000 Fine; if PAC \geq .17, fine doubles; \geq .20, fine triples; \geq .25, fine quadruples (346.65(2)(g))

Costs total \$475 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Victim/Witness Surcharge Parts A and B, and Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCAION

24-36 Months (343.30)

90-day waiting period for Occupational License, 1 year wait if 2 OWIs in 5 years

PASSENGER UNDER AGE 16

Felony conviction, plus minimum and maximum forfeiture, fine, revocation and jail terms double (346.65(2)(f))

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 36 months, beginning 1 year after revocation begins (343.301(1)(a)2 and 343.301(1)(b))
- Probation must include mandatory minimum jail with good time (973.09(1)(d) and 302.43))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

Court May Order:

- Interlock for not less than 1 year nor more than 36 months (343.301(1)(a)1)
- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g)(a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r)(a))
- Seizure and forfeiture of motor vehicle owned and used by the defendant, unless the court orders interlock or immobilization, or unless seizure results in undue hardship or endangers health and safety (346.65(6)(a)1)

FIRST JUDICIAL DISTRICT OWI SENTENCING GUIDELINES FIFTH OR SIXTH OFFENSE NON-COMMERCIAL

Citations issued after July 1, 2009

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
Below .17	\$700-\$1500 180 days-1 year jail Probation/at least 180 days condition 30 months Revocation	\$700-\$5000 270 days-1 year jail Probation/at least 240 days condition 32-34 months Revocation	\$800-\$10,000 1 year jail-2 years initial confinement 34-36 months Revocation
.17 to .199	\$1500-\$15,000 270 days-1 year jail Probation/at least 240 days condition 32-34 months Revocation	\$1800-\$17,500 1 year jail-2 years initial confinement Probation/at least 300 days condition 34-36 months Revocation	\$2100-\$20,000 1 year jail-30 months initial confinement 36 months Revocation
.20 to .249	\$2000-\$20,000 1 year jail-2 years initial confinement Probation/at least 300 days condition 34-36 months Revocation	\$2500-\$25,000 1 year jail-30 months initial confinement 36 months Revocation	\$5000-\$30,000 18 months-36 months initial confinement 36 months Revocation
.25 and above	\$2500-\$30,000 1 year jail-30 months initial confinement 36 months Revocation	\$3000-\$35,000 18 months-36 months initial confinement 36 months Revocation	\$3500-\$40,000 24-36 months initial confinement 36 months Revocation

Penalty Range

JAIL, PRISON

6 months jail to 6 years prison (3 years initial confinement/3 years extended supervision)
(346.65(2)(am)5)

FINE/COSTS

\$600 - \$10,000 Fine; if PAC \geq .17, fine doubles; \geq .20, fine triples; \geq .25, fine quadruples
(346.65(2)(g))

Costs total \$500 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Victim/Witness Surcharge Parts A and B, and Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCAION

24-36 Months (343.30)

90-day waiting period for Occupational License, 1 year wait if 2 OWIs in 5 years

PASSENGER UNDER AGE 16

Felony conviction, plus minimum and maximum forfeiture, fine, revocation and jail/prison terms double
(346.65(2)(f))

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 36 months, beginning 1 year after revocation begins (343.301(1)(a)2 and 343.301(1)(b))
- Probation shall include mandatory minimum jail with good time (973.09(1)(d) and 302.43))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

Court May Order:

- Interlock for not less than 1 year nor more than 36 months (343.301(1)(a)1)
- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g)(a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r)(a))
- Seizure and forfeiture of motor vehicle owned and used by the defendant, unless the court orders interlock or immobilization, or unless seizure results in undue hardship or endangers health and safety (346.65(6)(a)1)

FIRST JUDICIAL DISTRICT OWI SENTENCING GUIDELINES SEVENTH, EIGHTH OR NINTH OFFENSE NON-COMMERCIAL

Citations issued after July 1, 2009

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
Below .17	\$800-\$2500 270 days jail-2 years initial confinement Probation/at least 240 days condition 30 months Revocation	\$1000-\$10,000 1-3 year initial confinement Probation/at least 300 days condition 32-36 months Revocation	\$1200-\$25,000 1-4 years initial confinement 34-36 months Revocation
.17 to 199	\$1600-\$5,000 1-3 year initial confinement Probation/at least 300 days condition 32-36 months Revocation	\$2000-\$25,000 1-4 years initial confinement 34-36 months Revocation	\$2500-\$50,000 2-5 years initial confinement 36 months Revocation
.20 to .249	\$2500-\$40,000 1-4 years initial confinement 34-36 months Revocation	\$5000-\$50,000 2-5 years initial confinement 36 months Revocation	\$7500-\$75,000 3-5 years initial confinement 36 months Revocation
.25 and above	\$3500-\$50,000 2-5 years initial confinement 36 months Revocation	\$7500-\$75,000 3-5 years initial confinement 36 months Revocation	\$10,000-\$100,000 4-5 years initial confinement 36 months Revocation

Penalty Range

JAIL, PRISON

Up to 10 years prison (5 years initial confinement/5 years extended supervision) (346.65(2)(am)6)

FINE/COSTS

Up to \$25,000 Fine; if PAC \geq .17, fine doubles; \geq .20, fine triples; \geq .25, fine quadruples (346.65(2)(g))

Costs total \$500 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Victim/Witness Surcharge Parts A and B, and Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCAATION

24-36 Months (343.30)

90-day waiting period for Occupational License, 1 year wait if 2 OWIs in 5 years

PASSENGER UNDER AGE 16

Felony conviction, plus minimum and maximum forfeiture, fine, revocation and jail/prison terms double (346.65(2)(f))

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 36 months, beginning 1 year after revocation begins (343.301(1)(a)2 and 343.301(1)(b))
- Probation shall include mandatory minimum jail with good time (973.09(1)(d) and 302.43))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

Court May Order:

- Interlock for not less than 1 year nor more than 36 months (343.301(1)(a)1)
- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g)(a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r)(a))
- Seizure and forfeiture of motor vehicle owned and used by the defendant, unless the court orders interlock or immobilization, or unless seizure results in undue hardship or endangers health and safety (346.65(6)(a)1)

FIRST JUDICIAL DISTRICT OWI SENTENCING GUIDELINES TENTH OR SUBSEQUENT OFFENSE NON-COMMERCIAL

Citations issued after July 1, 2009

PAC	MITIGATED	INTERMEDIATE	AGGRAVATED
Below .17	\$1000-\$2500 270 days jail-2 years initial confinement Probation/at least 240 days condition 30 months Revocation	\$1200-\$10,000 1-3 year initial confinement Probation/at least 300 days condition 32-36 months Revocation	\$1500-\$25,000 1-4 years initial confinement 34-36 months Revocation
.17 to 199	\$2000-\$5,000 1-3 year initial confinement Probation/at least 300 days condition 32-36 months Revocation	\$2500-\$25,000 1-4 years initial confinement 34-36 months Revocation	\$3000-\$50,000 2-5 years initial confinement 36 months Revocation
.20 to .249	\$3000-\$40,000 1-4 years initial confinement 34-36 months Revocation	\$6000-\$50,000 2-5 years initial confinement 36 months Revocation	\$9000-\$75,000 3-5 years initial confinement 36 months Revocation
.25 and above	\$4000-\$50,000 2-5 years initial confinement 36 months Revocation	\$7500-\$75,000 3-5 years initial confinement 36 months Revocation	\$10,000-\$100,000 7.6 years initial confinement 36 months Revocation

Penalty Range

JAIL, PRISON

Up to 12 years 6 months prison (7 years, 6 months initial confinement/5 years extended supervision)
(346.65(2)(am)7)

FINE/COSTS

Up to \$25,000 Fine; if PAC ≥ .17, fine doubles; ≥ .20, fine triples; ≥ .25, fine quadruples
(346.65(2)(g))

Costs total \$500 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Victim/Witness Surcharge Parts A and B, and Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCAION

24-36 Months (343.30)

90-day waiting period for Occupational License, 1 year wait if 2 OWIs in 5 years

PASSENGER UNDER AGE 16

Felony conviction, plus minimum and maximum forfeiture, fine, revocation and jail/prison terms double
(346.65(2)(f))

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- If 2 offenses within 5 years, interlock for not less than 1 year nor more than 36 months, beginning 1 year after revocation begins (343.301(1)(a)2 and 343.301(1)(b))
- Probation shall include mandatory minimum jail with good time (973.09(1)(d) and 302.43))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

Court May Order:

- Interlock for not less than 1 year nor more than 36 months (343.301(1)(a)1)
- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g)(a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r)(a))
- Seizure and forfeiture of motor vehicle owned and used by the defendant, unless the court orders interlock or immobilization, or unless seizure results in undue hardship or endangers health and safety (346.65(6)(a)1)

FIRST JUDICIAL DISTRICT OWI SENTENCING GUIDELINES FIRST OFFENSE COMMERCIAL

First Offense Commercial 346.63(5) Citations issued After July 1, 2009	PAC	Minimum *See Sentencing Criteria	Aggravated *See Sentencing Criteria
Detectable amount of restricted or controlled substance	.04 to .079	\$150 to \$175 6 mo. Suspension	\$150 to \$225 6-8 mo. Suspension
	.08 to .099	\$150 to \$175 6 mo. Revocation Forfeiture and TDEA only	\$150 to \$225 6-8 mo. Revocation Forfeiture and TDEA only
	.10 to .15	\$175 to \$225 7 mo. revocation	\$200 to \$275 7-9 mo. Revocation
	.151 and above	\$225 to \$300 8-9 mo. revocation	\$300 9 mo. Revocation

PENALTY RANGE

FORFEITURE/COSTS

\$150 - \$300 Forfeiture

Costs Total \$510.50 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Justice Information System Surcharge, Court Support Surcharge, Crime Lab/Drug Surcharge, Truck Driver Education Surcharge) plus a Penalty Surcharge equal to 26% of the forfeiture

REVOCAION

Revocation 6-9 months. Not mandatory 343.30

PASSENGER UNDER AGE 16

Minimum and maximum forfeiture and revocation double 346.65(2j)(d)

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT MAY ORDER:

- Community Service work to reduce the amount of forfeiture or fine. 346.65(2g)(a)
- Site visit that demonstrates the effects of substance abuse. 346.65(2i)
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan. 346.65(2e)
- Restitution. 346.65(2r)(a)

FIRST JUDICIAL DISTRICT OWI SENTENCING GUIDELINES SECOND OFFENSE COMMERCIAL

Second Offense Commercial 346.63(5), 346.65(2j) Citations issued After July 1, 2009	PAC	Minimum *See Sentencing Criteria	Aggravated *See Sentencing Criteria
	.04 to .10	\$300-\$400 5-60 days jail 12 months Revocation	\$400-\$500 30-130 days jail 12-17 months Revocation
Detectable amount of a restricted or controlled substance	.10 to .15	\$350-\$500 10-90 days jail 13-17 months Revocation	\$400-\$800 40-150 days jail 15-18 months Revocation
	.151 and above	\$400-\$900 20-120 days jail 16-17 months Revocation	\$500-\$1000 60-180 days jail 17-18 months Revocation

PENALTY RANGE

JAIL

5 days to 6 months jail or Monitored Home Detention in excess of mandatory minimum. 973.03(4). Minimum 48 consecutive hour's jail. Minimum 5 days jail or 30 days CS. 346.65(2g)(d).

FORFEITURE/COSTS

\$350 - \$1100 Fine

Costs total \$483 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Victim/Witness Surcharge Part A and Part B, Crime Lab/Drug Surcharge and Truck Driver Education Surcharge)

REVOCAATION

Revocation 12-18 months. Not mandatory 343.30

PASSENGER UNDER AGE 16

Minimum and maximum forfeiture and revocation double 346.65(2j)(d)

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT MAY ORDER:

- Community Service work to reduce the amount of forfeiture or fine. 346.65(2g)(a)
- Site visit that demonstrates the effects of substance abuse. 346.65(2i)
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan. 346.65(2e)
- Restitution. 346.65(2r)(a)

FIRST JUDICIAL DISTRICT OWI SENTENCING GUIDELINES THIRD OFFENSE COMMERCIAL

Third Offense Commercial 346.63(5), 346.65(2j) Citations issued After July 1, 2009	PAC	Minimum *See Sentencing Criteria	Aggravated *See Sentencing Criteria
	.04 to .10	\$600-\$800 30-100 days jail 24-26 months Revocation	\$700-\$900 60-180 days jail 24-30 months Revocation
Detectable amount of a restricted or controlled substance	.10 to .15	\$700-\$1000 45-120 days jail 26-30 months Revocation	\$800-\$1500 60-300 days jail 30-32 months Revocation
	.151 and above	\$1800-\$2000 60-150 days jail 32-34 months Revocation	\$1800-\$2000 90 days-1 year prison 36 months Revocation

PENALTY RANGE

JAIL

30 days to 12 months jail or Monitored Home Detention in excess of mandatory minimum. 973.03(4). Minimum 48 consecutive hour's jail.

FORFEITURE/COSTS

\$600-\$2000 Fine

\$365 Driver Improvement Surcharge

\$20 Court Costs

\$ Penalty Surcharge (26%)

\$10-\$20 Jail Surcharge (1% of fine or \$10 whichever is greater)

\$40 Victim/Witness Surcharge Part A

\$27 Victim/Witness Surcharge Part B

\$13 Crime Lab/Drug Surcharge

\$8 Truck Driver Education Surcharge

REVOCAATION

Revocation 24-36 months. 90 day waiting period for Occ.DL w/absolute sobriety. 1 year wait if 2 OWI's in 5 years. 343.30

PASSENGER UNDER AGE 16

Minimum and maximum forfeiture and revocation double 346.65(2j)(d)

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

COURT MAY ORDER:

- Community Service work to reduce the amount of forfeiture or fine. 346.65(2g)(a)
- Site visit that demonstrates the effects of substance abuse. 346.65(2i)
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan. 346.65(2e)
- Restitution. 346.65(2r)(a)

SENTENCING CRITERIA

Factor (listed alphabetically)	Mitigated	Intermediate	Aggravated
Ability to Pay	Defendant is indigent or of low Income	Defendant has average ability to pay	Defendant has substantial ability to pay
Blood Alcohol Level	Less than .05 above the legal limit (e.g., BAC of .07 or less in an OWI 4 th case, where limit is .02)	.05-.10 over the legal limit	More than .10 over the legal limit
Conduct of Defendant since Offense	Defendant initiated responsible efforts to evaluate self and alcohol problem, and to obtain treatment, if appropriate; and has not committed a subsequent offense	Defendant did nothing to evaluate self and alcohol problem, but has otherwise followed court orders	Defendant violated court orders, and/or missed court appearances, and/or resisted evaluation or treatment, and/or committed a subsequent offense
Consequences of Offense to Defendant	Defendant suffered substantial personal consequences, such a injury, death or injury to a relative or impairment of earning ability	Defendant suffered moderate personal consequences	Defendant did not suffer consequences outside court system
Consequences to Victims	No Accident or Injury	Property damage only, and covered by insurance	Personal injury, or uninsured property loss
Cooperation of Defendant	Defendant cooperated with police and submitted to tests	Defendant did not cooperate or refused to submit to tests	Defendant fled or resisted and refused to submit to tests
Defendant's Driving -Current Offense	Considering time, manner or location of driving, little danger to others	Some present danger to another person or property	Extreme present danger to another person
Defendant's Record	Good driving record, or dated record and no criminal record	Poor driving record, or minor or dated criminal record	Very poor driving record, previous OWIs at short intervals, previous OWI-related OAR/OAS, or moderate to severe criminal record