

**TENTH JUDICIAL DISTRICT
OWI SENTENCING GUIDELINES**

MUNICIPAL COURT

**CITATIONS ISSUED ON OR AFTER
July 1, 2009**

Tenth Judicial District
4410 Golf Terrace, Suite 150
Eau Claire, WI 54701
(715) 839-4826

Benjamin D. Proctor, Chief Judge

TENTH JUDICIAL DISTRICT OWI SENTENCING GUIDELINES

MUNICIPAL COURTS

(Citations issued on or after July 1, 2009)

<u>FIRST OFFENSE</u>	BAC Level	Minimum Driving and No Accident	Aggravated Driving, Accident or Injury, Bad Driving Record or Abusive Conduct
346.63(1)(b)	.08 to .099	\$250.00 6-month revocation	\$300.00 7-month revocation
346.63(1)(a)	.08 to .099	\$592.00 6 month revocation	\$655.00 7-month revocation
	.10 to .169 OR A Detectable Amount of a Restricted or Controlled Substance	\$592.00 6-month revocation	\$655.00 7-month revocation
	.17 to .199	\$655.00 7-month revocation	\$718.00 8-month revocation
	.20 and above or refusal	\$718.00 8-month revocation	\$781.00 9-month revocation

MINOR UNDER 16 YEARS-OF-AGE IN VEHICLE

<u>FIRST OFFENSE</u>	BAC Level	Minimum Driving and No Accident	Aggravated Driving, Accident or Injury, Bad Driving Record or Abusive Conduct
346.63(1)(b)	.08 to .099	\$500.00 6-month revocation	\$600.00 7-month revocation
346.63(1)(a)	.08 to .099	\$781.00 6 month revocation	\$907.00 7-month revocation
	.10 to .169 OR A Detectable Amount of a Restricted or Controlled Substance	\$781.00 6-month revocation	\$907.00 7-month revocation
	.17 to .199	\$907.00 7-month revocation	\$1,033.00 8-month revocation
	.20 and above or refusal	\$1,033.00 8-month revocation	\$1,159.00 9-month revocation

TENTH JUDICIAL DISTRICT OWI SENTENCING GUIDELINES
MUNICIPAL COURTS

(Citations issued on or after July 1, 2009)

COMMERCIAL MOTOR VEHICLE

<u>FIRST OFFENSE</u>	BAC Level	Minimum Driving and No Accident	Aggravated Driving, Accident or Injury, Bad Driving Record or Abusive Conduct
	.04 to less than .079	\$600.00 6-month revocation	\$663.00 7-month revocation
346.63(1)(b)	.08 to .099	\$258.00 7-month revocation	\$308.00 8-month revocation
346.63(1)(a)	.08 to .099	\$663.00 7-month revocation	\$726.00 8-month revocation
	.10 to .15 OR A Detectable Amount of a Restricted or Controlled Substance	\$726.00 8-month revocation	\$789.00 9-month revocation
	.151 and above	\$726.00 8-month revocation	\$789.00 9-month revocation

OWI FINANCIAL PENALTY BREAKDOWNS
MUNICIPAL COURT

(Citations issued on or after July 1, 2009)

Penalty	\$592.00	\$658.00	\$718.00	\$781.00
Forfeiture	\$150.00	\$200.00	\$250.00	\$300.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00
*Court Costs	\$15.00	\$15.00	\$15.00	\$15.00
Penalty Surcharge	\$39.00	\$52.00	\$65.00	\$78.00
Jail Surcharge	\$10.00	\$10.00	\$10.00	\$10.00
Crime Lab and Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00

COMMERCIAL

Penalty	\$600.00	\$663.00	\$726.00	\$789.00
Forfeiture	\$150.00	\$200.00	\$250.00	\$300.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00
*Court Costs	\$15.00	\$15.00	\$15.00	\$15.00
Penalty Surcharge	\$39.00	\$52.00	\$65.00	\$78.00
Jail Surcharge	\$10.00	\$10.00	\$10.00	\$10.00
Crime Lab and Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00
Truck Driver Education Surcharge	\$8.00	\$8.00	\$8.00	\$8.00

*Municipal Court costs can be established at a rate ranging from \$15 to \$28 if enacted by the municipality. (See Wisconsin Statute 814.65)

TENTH JUDICIAL DISTRICT OWI SENTENCING GUIDELINES

MUNICIPAL COURTS

(Citations issued on or after July 1, 2009)

PENALTY RANGES

FORFEITURE RANGE

REVOCAATION

FIRST OFFENSE

\$150-\$300

6-9 MONTHS

If First Offense BAC is at least .08% but less than .10% and charge is violation of Section 346.63(1)(b), only deposit amount may be imposed.

Court shall order defendant to undergo alcohol assessment and comply with driver safety plan.

Court may order the safety plan to include effect on any victim or victim's family.

Court may order community service work that demonstrates adverse effects of abuse (and a reasonable fee).

Court may order a visit to a site that demonstrates adverse effects of abuse (and a reasonable fee).

Court may order community service work to reduce the amount of the forfeiture/fine. Court may also order restitution.

Concerning penalties when there is a passenger under 16 years of age, see Section 346.65(2)(f), Wisconsin Statutes.

Municipal Court costs can be established at a rate ranging from \$15 to \$28 if enacted by the municipality. (See Wisconsin Statute 814.65)