

10th Judicial District OWI Guidelines

Revised May 1, 2024 Effective for offenses on or after May 1, 2024

	BAC	Minimum Driving & No Accident			Aggravated Driving			Occ. Wait Days	IID?
		Fine	Jail Days	Rev Mos	Fine	Jail Days	Rev Mos		
1 st	Below .099	\$936.50		6	\$999.50		7	0	No
	.10 - .149 & RCS	\$968.00		6	\$1,031.00		7	0	No
	.15 - .199	\$1,049.50		7	\$1,112.50		8	0	Yes
	.20 - .249	\$1,081.00		7	\$1,144.00		8	0	Yes
	.25 + or Refusal of Breath Test	\$1,112.50		8	\$1,185.50		9	0	Yes
1 st w/ minor under 16	Below .099	\$1,504.00	10	12	\$1,567.00	30	14	0	No
	.10 - .149 & RCS	\$1,535.50	15	13	\$1,598.50	35	15	0	No
	.15 - .199	\$1,617.00	20	14	\$1,680.00	40	16	0	Yes
	.20 - .249	\$1,648.00	25	15	\$1,711.50	45	17	0	Yes
	.25 + or Refusal of Breath Test	\$1,680.00	40	16	\$1,743.00	60	18	0	Yes
2 nd	Below .099	\$1,554.00	10	12	\$1,617.00	30	14	45	Yes
	.10 - .149 & RCS	\$1,585.50	15	13	\$1,648.50	35	15	45	Yes
	.15 - .199	\$1,617.00	20	14	\$1,680.00	40	16	45	Yes
	.20 - .249	\$1,648.50	25	15	\$1,711.50	45	17	45	Yes
	.25 + or Refusal of Breath Test	\$1,680.00	40	16	\$1,743.00	60	18	45	Yes
2 nd w/ minor under 16	Below .099	\$1,995.00	60	24	\$2,121.00	90	28	45	Yes
	.10 - .149 & RCS	\$2,058.00	70	26	\$2,184.00	100	30	45	Yes
	.15 - .199	\$2,121.00	80	28	\$2,247.00	110	32	45	Yes
	.20 - .249	\$2,184.00	90	30	\$2,310.00	120	34	45	Yes
	.25 + or Refusal of Breath Test	\$2,247.00	120	32	\$2,373.00	150	36	45	Yes
3 rd	Below .099	\$1,869.00	60	24	\$1,995.00	90	28	45	Yes
	.10 - .149 & RCS	\$1,995.00	70	26	\$2,121.00	100	30	45	Yes
	.15 - .169	\$2,121.00	80	28	\$2,247.00	110	32	45	Yes
	.17 - .199	\$2,627.00	100	30	\$2,881.00	130	34	45	Yes
	.20 - .249	\$3,389.00	110	31	\$3,770.00	140	35	45	Yes
	.25 + or Refusal of Breath Test	\$4,151.00	120	32	\$4,659.00	150	36	45	Yes
3 rd w/ minor under 16	Below .099	\$2,702.00	150	48	\$2,702.00	170	52	45	Yes
	.10 - .149 & RCS	\$2,702.00	230	50	\$2,702.00	270	54	45	Yes
	.15 - .169	\$2,702.00	250	52	\$2,702.00	300	56	45	Yes
	.17 - .199	\$4,226.00	270	54	\$4,226.00	330	58	45	Yes
	.20 - .249	\$4,988.00	300	56	\$4,988.00	345	60	45	Yes
	.25 + or Refusal of Breath Test	\$5,750.00	330	58	\$5,750.00	360	60	45	Yes
4 th	Below .099	\$1,944.00	150	36	\$1,944.00	170	36	Permanent	Yes
	.10 - .149 & RCS	\$2,133.00	230	36	\$2,133.00	270	36	Permanent	Yes
	.15 - .169	\$2,322.00	250	36	\$2,322.00	300	36	Permanent	Yes
	.17 - .199	\$2,702.00	270	36	\$2,702.00	330	36	Permanent	Yes
	.20 - .249	\$3,464.00	300	36	\$3,464.00	345	36	Permanent	Yes
	.25 + or Refusal of Breath Test	\$4,226.00	330	36	\$4,226.00	360	36	Permanent	Yes

- The **Safe Ride Program** surchage increased from \$50 to \$75 on May 1, 2024 (2023 WI Act 73); fines have been updated to reflect
- The **IID** (Ignition Interlock Device) surcharge of \$50 is included on all fines **except** for 1st offenses with a BAC below .15. §343.301(5).
- **IID** is **MANDATORY** for all vehicles registered in defendant's name §343.301(1g), **unless** doing so would cause a financial hardship. §343.301(1m).
- **Refusal Penalties** apply to breath cases only. If Blood Refusal and test, use the test result. If Blood Refusal and NO test use Below .15. *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016).
- **Refusal with minor under 16** Occupational waiting period for improper refusal are doubled. §343.305(10)(b)4m
- **Probation:** available if at least the minimum mandatory jail is imposed as a condition. §973.09(1)(d), § 973.09(2)(a)d, and 346.65(2), Stats.
 - 2nd offense: 5 days minimum jail (up to 2 years probation)
 - 3rd offense: 45 days (up to 2 years probation)
 - 4th offense: 60 days (up to 3 years probation)
- **DNA surcharge** included for 2nd and 3rd offenses. §973.046(1r).
- Court **prohibited** from staying sentences for 3rd and subsequent offenses. §973.15(8)(a)3.
- **3rd Offense with a minor passenger** is a felony. §346.65(2)(f)2.
- **4th Offense OWI** became a felony for offense dates beginning 1/1/17 (15 Wis. Act 371)
 - Court must revoke driving privilege for 2 – 3 years. § 343.31(1m)(b), Stats. DOT must revoke for Lifetime. §343.30(1q)(b)4., Stats.
- **5/6th Offense OWI** requires a bifurcated sentence with minimum term of confinement of 18 months. § 346.65(2). *State v. Shirikian*, 2023 WI App 13
- **Penalty Enhancers for Fines:** Assessed on the base fine. *State v. Neill*, 2020 WI 15
 - **2nd offense and above w/minor child:** doubles §346.65(2)(f)2
 - **3rd offense and above** §346.65(2)(g)3
 - **w/.17 - .199:** doubles
 - **w/.20 - .249:** triples
 - **w/.25+:** quadruples
- **For all convictions of OWI 2 or greater, a person shall remain in the county jail for no less than 48 consecutive hours. (346.35(7)).**