

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed  
**PAC SENTENCING GUIDELINES** after **January 1, 2017**

*Pursuant to Sec. 346.65(2m), Wis. Stats.*

**1<sup>ST</sup> OFFENSE** [§346.65(2)(am)(1)]

**PENALTY RANGE**

**FORFEITURE:** \$150-\$300 Minimum and maximum forfeiture is doubled if there was a minor passenger under 16 [§346.65(2)(f)1]. The offense is a crime and penalties for a 2<sup>nd</sup> offense apply.

**REVOCACTION:** 6-9 months.

**IGNITION INTERLOCK:** Required if PAC .15 or more and \$50 surcharge included in tables below for .15 or more. Length 1 year.

<b><u>PAC LEVEL</u></b>	Mitigating Driving Factors		Aggravated Driving Factors	
.099 or Below	\$150.00 Forf + Costs \$811.50 Total	6 months revocation	\$175.00 Forf + Costs \$843.00 Total	7 months revocation
.10 to .149	\$175.00 Forf + Costs \$843.00 Total	7 months revocation	\$200.00 Forf + Costs \$874.50 Total	8 months revocation
.15 to .199	\$200.00 Forf + Costs \$924.50 Total	8 months revocation	\$225.00 Forf + Costs \$956.00 Total	9 months revocation
.20 to .249	\$225.00 Forf + Costs \$956.00 Total	9 months revocation	\$250.00 Forf + Costs \$987.50 Total	9 months revocation
.25 or above	\$250.00 Forf + Costs \$987.50 Total	9 months revocation	\$275.00 Forf + Costs \$1,019.00 Total	9 months revocation
Refusal	\$300.00 Forf + Costs \$1,050.50 Total	9 months revocation	\$300.00 Forf + Costs \$1,050.50 Total	9 months revocation

\*\*\*If separate finding of a refusal, 1 year revocation of operating privileges and 30 day waiting period for an occupational. [§343.305(10)(b)2].

\*\*\*Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m].

\*Revised November, 2017

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT  
PAC SENTENCING GUIDELINES**

Offenses committed  
after January 1, 2017

*Pursuant to Sec. 346.65(2m), Wis. Stats.*

**COSTS**

	FIRST OFFENSE	SECOND & THIRD MISDEMEANOR	FELONY
Driver Improvement Surcharge (DIS)	\$435	\$435	\$435
Safe Ride Surcharge (SRS)	\$ 50	\$ 50	\$ 50
Court Costs	\$ 25	\$163	\$163
Court Support Fee (CSF)	\$ 68		
Crime Lab & Drug Assessment (CLDA)	\$ 13	\$ 13	\$ 13
Justice Information Fee (JIF)	\$ 21.50		
Victim Witness Surcharge – Misdemeanor		\$ 67.00	
Victim Witness Surcharge – Felony			\$ 92
Jail Assessment (JA)	\$ 10	1% or \$10 whichever Is greater	1% or \$10 which- ever is greater
Penalty Assessment (PA)	26%	26%	26%
Ignition Interlock Surcharge (IIDS)	\$50 .15 or more	\$50 included in tables	\$50 included in Tables
DNA Analysis		\$200	\$250
Blood withdrawal cost	needs to be added to tables	needs to be added to tables	needs to be added to tables

**ADDITIONAL OWI PENALTIES AND MISCELLANEOUS INFORMATION**

**ALCOHOL ASSESSMENT:**

The Court shall order the person to submit to and comply with an assessment by an approved public treatment facility for examination of the person's alcohol, controlled substances or controlled substance analogs and development of a driver safety plan for the person [§343.30(1q)(c)]. If the Court finds that the person is already covered by an assessment or is participating in a driver safety plan or has evidence presented to it by a Court Department under §51.42 that the person has recently completed assessment, a driver safety plan or both, the Court is not required to make such an order. [§343.30(1q)(e)].

Court may order a reduction in court costs, fine or forfeiture to allow the offender to pay the difference for an alcohol assessment and driver safety plan [§346.65(2e)].

Court may order community service to reduce the amount of a fine or forfeiture [§346.65(2g)], or may order community service that demonstrates the adverse effects of substance abuse or driving under the influence, and may order a site visit that demonstrates the effects of substance abuse [§346.65(2g), §346.65(2i)].

Court may also order restitution [§346.65(2r)(a)].

**COUNTY OFFERING REDUCED MINIMUM PERIOD OF IMPRISONMENT FOR SUCCESSFUL COMPLETION OF PROBATION INCLUDING ALCOHOL AND DRUG TREATMENT (Safe Streets Option)**

In any county offering reduced minimum periods of imprisonment for successful completion of probation including Alcohol and Drug Treatment, the period of imprisonment shall be not be less than 5 nor more than 7 days for a second offense (§346.65(2)(bm)), not less than 14 days for a 3<sup>rd</sup> offense (§346.65(2)(cm)) and not less than 29 days for a 4<sup>th</sup> Offense (§346.65(2)(dm)).

A person may be sentenced only one in his or her lifetime under these provisions.

### Ignition Interlock Devices (IIDS)

Ignition Interlock Devices (IIDS) are mandatory on

- 1.All repeat OWI's.
- 2.All refusals.
- 3.All 1<sup>st</sup> Offense OWI's with a PAC .15 or higher.

IID requirement must be imposed for each motor vehicle for which person's name appears on title or registration (§343.301(1g)(am)1). (Except if equipping such vehicle would cause an undue hardship, court may order 1 or more vehicles not be equipped (§343.301(1m)).

### Length of IID Requirement

Minimum: 1 year

Maximum: The maximum period of revocation plus actual imprisonment. IID requirement begins upon date DOT issues the offender a license. The court may order the immediate installation upon entry of order for installation (§343.301(2m)(a)).

## MITIGATING AND AGGRAVATING FACTORS IN SENTENCING

### MITIGATING FACTORS:

- \*Age of prior OWI/BAC Offense/Conviction
- \*Pre-conviction Assessment and Treatment
- \*Good Driving Record; \*Minimal Poor Driving
- \*Cooperation with Authorities; \*Positive Attitude/Steps Toward Problem Recognition
- \*Blood Test Taken (consider Birchfield v. North Dakota 579 US \_\_\_\_ 2016)

### AGGRAVATING FACTORS:

- \*Poor Driving; \*Accident or Injury Involved; \*Poor Prior Driving Record; \*Lack of Remorse
- \*Recent Prior OWI/BAC Offense/Conviction
- \*Operating Without Valid Driving Privileges (i.e. OAR, OAS, OWL, HTO)
- \*Circumstances of Consumption (Binge Drinking, Amount Consumed, Medication, Use, etc.)
- \*Poor/Limited Problem Recognition as Evidenced by Prior Treatment History or Lack Thereof
- \*Uncooperative/Belligerent/Violent Toward Arresting Officer
- \*Prior Uncounted Offenses for OWI/BAC
- \*Previously Uncounted Offenses from January 1, 1988
- \*Combination of alcohol and controlled substance use

## HUBER RELEASE PROVISIONS

The Sheriff may not release a person from jail on Huber if the person fails to obtain assessment or to comply with driver safety plan. (Doesn't apply if prisoner doesn't have sufficient funds to make payments necessary for assessment or to comply with driver safety plan.)(§303.08(10m).

The Sheriff may not release the person from jail or Huber if IID order exists unless within two (2) weeks the court issues the order the person submits proof to the Sheriff that an IID has been installed in each vehicle. (§303.08(10r).

May not stay execution of imprisonment on a 3<sup>rd</sup> or subsequent offense. (§937.15(8)(a)3).

Bail is revoked upon conviction for a 3<sup>rd</sup> or subsequent offense. (§969.01(2)(a).

Any person convicted of 2<sup>nd</sup> or subsequent offense must serve at least 48 consecutive hours in the county jail. (§346.65(7)).

---

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed

**PAC SENTENCING GUIDELINES**

after **January 1, 2017**

*Pursuant to Sec. 346.65(2m), Wis. Stats.*

**2<sup>nd</sup> OFFENSE [§346.65(2)(am)2] or**

**1<sup>st</sup> Offense with passenger under age 16 [§346.65(2)(f)1]**

**PENALTY RANGE**

**IGNITION INTERLOCK DEVICE  
PROBATION**

Minimum 1 year to a maximum of 18 months  
Probation for up to 2 years may be used if the person is subjected to at least the mandatory minimum period of imprisonment. [§973.09(1)(d) and (2)(a)1.d.xxx]

**JAIL:** 5 days – 6 months

Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)]. [Minimum 48 consecutive hours in jail [§346.65(7)]xxxx]

**FINE:** \$350 - \$1100

Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)2]

**REVOCAATION:** 12 – 18 months. Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]. \*\*\* (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<b><u>PAC LEVEL</u></b>	Mitigating Driving Factors	Aggravated Driving Factors
.099 or Below	\$350.00 Fine + Costs 10 days jail, 12 months revocation	\$400.00 Fine + Costs 20 days jail, 13 months revocation
.10 to .169	\$450.00 Fine + Costs 20 days jail, 13 months revocation	\$500.00 Fine + Costs 30 days jail, 14 months revocation
.17 to .199	\$550.00 Fine + Costs 40 days jail, 14 months revocation	\$600.00 Fine + Costs 60 days jail, 15 months revocation
.20 to .249	\$650.00 Fine + Costs 60 days jail, 15 months revocation	\$700.00 Fine + Costs 90 days jail, 16 months revocation
.25 or above	\$750.00 Fine + Costs 80 days jail, 17 months revocation	\$800.00 Fine + Costs 120 days jail, 18 months revocation
Refusal	\$850.00 Fine + Costs 100 days jail, 18 months revocation	\$900.00 Fine + Costs 150 days jail, 18 months revocation

\*\*\*Note reduced jail for counties offering reduced imprisonment as described on page 2 of these guidelines (Safe Streets Option).

\*\*\*If separate finding of a refusal, 2 year revocation of operating privileges and 90 day waiting period for an occupational however, if 2 convictions, suspensions or revocations within 5 year period, 1 year waiting period [§343.305(b)3] must have completed assessment and complied with driver safety plan.

\*\*\*Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m].

- (1) §346.65(2g)(d) The Court shall ensure that the person is imprisoned for not less than 5 days or ordered to perform not less than 30 days of community service work under §973.03(3)(a).

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed  
**PAC SENTENCING GUIDELINES** after **January 1, 2017**

*Pursuant to Sec. 346.65(2m), Wis. Stats.*

**3<sup>rd</sup> OFFENSE** [§346.65(2)(am)3]

**PENALTY RANGE**

**IGNITION INTERLOCK DEVICE** Minimum 1 year to a maximum of 36 months  
**PROBATION** Probation for up to 2 years may be used if the person is subjected to at least the mandatory minimum period of imprisonment. [§973.09(1)(d) and (2)(a)1.d.xxx]  
**JAIL:** 45 days– 12 months Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)]. Offense is a felony and place of imprisonment determined under §973.02 (See 3<sup>rd</sup> Offense Felony Guidelines)  
**FINE:** \$600 - \$2000 Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)2]. (See 3<sup>rd</sup> Offense Felony Guidelines)  
 (1) Minimum and maximum fine is doubled if PAC .17 to .199.  
 (2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.  
 (3) Minimum and maximum fine is quadrupled if PAC .025 or above.  
**REVOCAATION:** 24 – 36 months Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]. \*\*\* (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<b><u>PAC LEVEL</u></b>	Mitigating Driving Factors		Aggravated Driving Factors	
.099 or Below	\$600.00 Fine + Costs \$1,744.00 Total	60 days jail, 24 months revocation	\$700.00 Fine + Costs \$1,870.00 Total	90 days jail, 27 months revocation
.10 to .169	\$800.00 Fine + Costs \$1,996.00 Total	80 days jail, 27 months revocation	\$900.00 Fine + Costs \$2,122.00 Total	120 days jail, 30 months revocation
.17 to .199 (1)	\$1,200.00 Fine + Costs \$2,502.00 Total	110 days jail, 30 months revocation	\$1,300.00 Fine + Costs \$2,629.00 Total	150 days jail, 33 months revocation
.20 to .249 (2)	\$1,800.00 Fine + Costs \$3,264.00 Total	140 days jail, 33 months revocation	\$1,900.00 Fine + Costs \$3,391.00 Total	180 days jail, 36 months revocation
.25 or above (3)	\$2,400.00 Fine + Costs \$4,026.00 Total	170 days jail, 36 months revocation	\$2,500.00 Fine + Costs \$4,153.00 Total	210 days jail, 36 months revocation
Refusal	\$2,000.00 Fine + Costs \$3,518.00 Total	200 days jail, 36 months revocation	\$2,000.00 Fine + Costs \$3,518.00 Total	240 days jail, 36 months revocation

\*\* Note reduced jail for counties offering reduced imprisonment as described on page 2 of these guidelines (Safe Streets Option).

\*\* If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational however, 2 convictions, suspensions or revocations within 5 year period, 1 year waiting period [§343.305(b)4] must have completed assessment and complied with driver safety plan. \*\*\*

Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m].

3<sup>rd</sup> Offense with minor passenger under 16 and all 4<sup>th</sup> and subsequent offenses are felonies. Guidelines are attached for 3<sup>rd</sup> offense with minor passenger under 16 and for 4<sup>th</sup> offense as it relates to all felony offenses.

Ignition Interlock Device: see IID information page three of these guidelines but remember revocation doubles if minor passenger under 16 therefore, IID length may also increase.

Revocation: 24-36 months but doubles with minor passenger under 16.

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed  
**PAC SENTENCING GUIDELINES** after **January 1, 2017**  
*Pursuant to Sec. 346.65(2m), Wis. Stats.*

**3<sup>rd</sup> OFFENSE WITH MINOR PASSENGER UNDER 16** [§346.65(2)(am)3 and  
 §346.65(2)(f)2] Felony Offense

PENALTY RANGE

IGNITION INTERLOCK DEVICE Minimum 1 year to a maximum 36 months  
PROBATION Probation for not less than 1 year but not greater than 3 years. Up to 2 years may be used if the person is subjected to at least the mandatory minimum period of imprisonment. [§973.09 and (2)(b)1]  
IMPRISONEMENT: Offense is a felony and place of imprisonment determined under §973.02 [Minimum 48 consecutive hours in jail (§346.65(7))  
FINE: \$1200 - \$4000 (1) Minimum and maximum fine is doubled if PAC .17 to .199.  
 (2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.  
 (3) Minimum and maximum fine is quadrupled if PAC .025 or above.  
REVOCAATION: 48 – 72 months \*\*\* (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravated Driving Factors
.099 or Below	\$1,200.00 Fine + Costs 120 days jail, 33 months revocation	\$1,400.00 Fine + Costs 180 days jail, 33 months revocation
.10 to .169	\$1,600.00 Fine + Costs 160 days jail, 36 months revocation	\$1,700.00 Fine + Costs 240 days jail, 36 months revocation
.17 to .199 (1)	\$2,400.00 Fine + Costs 220 days jail, 40 months revocation	\$2,500.00 Fine + Costs 300 days jail, 42 months revocation
.20 to .249 (2)	\$3,000.00 Fine + Costs 330 days jail, 44 months revocation	\$3,100.00 Fine + Costs 350 days jail, 46 months revocation
.25 or above (3)	\$3,250.00 Fine + Costs 365 days jail or prison	\$3,500.00 Fine + Costs 365 days jail or prison
Refusal	\$5,180.50 Total	\$5,498.00 Total
	\$3,750.00 Fine + Costs 365 days jail or prison	\$4,000.00 Fine + Costs 365 days jail or prison
	\$5,815.50 Total	\$6,133.00 Total



\*\*If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational however, 2 convictions, suspensions or revocations within 5 year period, 1 year waiting period [§343.305(b)4] must have complied with driver safety plan.\*\*

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed  
**PAC SENTENCING GUIDELINES** after **January 1, 2017**

*Pursuant to Sec. 346.65(2)(am)4, Wis. Stats.*

**4<sup>th</sup> AND SUBSEQUENT OFFENSES** [§346.65(2)(am)4]

**PENALTY RANGE**

**IGNITION INTERLOCK DEVICE** Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16)

**PROBATION** Probation may be used for Class H felony only if the person is subjected to at least the mandatory minimum period of imprisonment [973.09(1)(d)(1)].

**INCARCERATION:** [Offense is a felony and place of imprisonment determined under §973.02  
 60 days to 6 years **COURT'S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRESENTENCE REPORT.** (Recall that upon conviction, bail must be revoked in 3<sup>rd</sup> or subsequent convictions. §969.01(2)(a). Therefore, ordering PSI places defendant in jail pending sentencing.)  
 (a) Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)].  
 [Minimum 48 consecutive hours in jail (§346.65(7))  
**FINE:** \$600-\$10,000 Class H Minimum and maximum fine is doubled if there was a minor passenger Under age 16 [§346.65(2)(f)]  
 (1) Minimum and maximum fine is doubled if PAC .17 to .199.  
 (2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.  
 (3) Minimum and maximum fine is quadrupled if PAC .025 or above.  
**REVOCAATION:** 24 – 36 months Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]  
 \*\*\* (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<b><u>PAC LEVEL</u></b>	Mitigating Driving Factors	Aggravated Driving Factors
.099 or Below	\$1,000.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,323.00 Total 36 months revocation	\$1,100.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,450.00 Total 36 months revocation
.10 to .169	\$1,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,577.00 Total 36 months revocation	\$1,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,604.00 Total 36 months revocation
.17 to .199	\$1,600.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,085.00 Total 36 months revocation	\$1,700.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,212.00 Total 36 months revocation
.20 to .249	\$2,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,847.00 Total 36 months revocation	\$2,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,974.00 Total 36 months revocation
.25 or above	\$2,800.00 Fine + Costs (INCARCERATION – SEE ABOVE)	\$2,900.00 Fine + Costs (INCARCERATION – SEE ABOVE)

\$4,609.00 Total 36 months revocation \$4,736.00 Total 36 months revocation

---

Refusal	\$3,000.00 Fine + Costs		\$3,500.00 Fine + Costs	
		(INCARCERATION – SEE ABOVE)		
	\$4,863.00 Total	36 Months Revocation	\$5,498.00 Total	36 Months Revocation

---

\*\*If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational.

\*\* Revocation period doubled if there was a minor passenger under age 16 [343.305(10)(b)4m].

\*\* Note reduced jail for counties offering reduced imprisonment as described on page 2 of these guidelines (Safe Streets Option).

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed  
**PAC SENTENCING GUIDELINES** after **January 1, 2017**

*Pursuant to Sec. 346.65(2)(am)5, Wis. Stats.*

**5<sup>TH</sup> AND 6<sup>TH</sup> OFFENSE** [§346.65(2)(am)5] Class G Felony

PENALTY RANGE

IGNITION INTERLOCK DEVICE Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16)

PROBATION Probation may be used for Class G felony only if the person is subjected to at least the mandatory minimum period of imprisonment [973.09(1)(d)(1)].

INCARCERATION: [Offense is a felony and place of imprisonment determined under §973.02

6 months to 10 years **COURT’S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRESENTENCE REPORT.** (Recall that upon conviction, bail must be revoked in 3<sup>rd</sup> or subsequent convictions. §969.01(2)(a). Therefore, ordering PSI places defendant in jail pending sentencing.)

(a) Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)].

FINE: \$600-\$25,000 Class G [Minimum 48 consecutive hours in jail (§346.65(7))

Minimum and maximum fine is doubled if there was a minor passenger Under age 16 [§346.65(2)(f)]

(1) Minimum and maximum fine is doubled if PAC .17 to .199.  
 (2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.  
 (3) Minimum and maximum fine is quadrupled if PAC .025 or above.

REVOCAATION: 24 – 36 months Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]

\*\*\* (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravated Driving Factors
.099 or Below	\$1,000.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,323.00 Total 36 months revocation	\$1,100.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,450.00 Total 36 months revocation
.10 to .169	\$1,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,577.00 Total 36 months revocation	\$1,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,604.00 Total 36 months revocation
.17 to .199	\$1,600.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,085.00 Total 36 months revocation	\$1,700.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,212.00 Total 36 months revocation
.20 to .249	\$2,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,847.00 Total 36 months revocation	\$2,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,974.00 Total 36 months revocation

.25 or above	\$2,800.00 Fine + Costs		\$2,900.00 Fine + Costs	
	(INCARCERATION – SEE ABOVE)		(INCARCERATION – SEE ABOVE)	
	\$4,609.00 Total	36 months revocation	\$4,736.00 Total	36 months revocation

---

Refusal	\$3,000.00 Fine + Costs		\$3,500.00 Fine + Costs	
	(INCARCERATION – SEE ABOVE)		(INCARCERATION – SEE ABOVE)	
	\$4,863.00 Total	36 Months Revocation	\$5,498.00 Total	36 Months Revocation

---

\*\*If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational.

\*\*\* Revocation period doubled if there was a minor passenger under age 16 [343.305(10)(b)4m].

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed  
**PAC SENTENCING GUIDELINES** after **January 1, 2017**  
*Pursuant to Sec. 346.65(2)(am)6, Wis. Stats.*

**7<sup>TH</sup>, 8<sup>TH</sup> OR 9<sup>TH</sup> OFFENSE** [§346.65(2)(am)6] Class F Felony

**PENALTY RANGE**

**IGNITION INTERLOCK DEVICE** Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16)

**PROBATION** Probation is not available. Must impose bifurcated sentence of not less than 3 years to 12 ½ years.

**INCARCERATION:** [Offense is a felony and place of imprisonment determined under §973.02

3 years to 12 ½ years **COURT’S DISCRETION AS TO LENGTH OF PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRESENTENCE REPORT.**

(a) Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)].  
 [Minimum 48 consecutive hours in jail (§346.65(7))]

**FINE:** Not more  
 \$25,000 Class F

Minimum and maximum fine is doubled if there was a minor passenger Under age 16 [§346.65(2)(f)]  
 Unless enhanced. See note a bottom

**REVOCAATION:** 24 – 36 months Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]

\*\*\* (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

**PAC LEVEL** Mitigating Driving Factors Aggravated Driving Factors

.099 or Below	\$1,000.00 Fine + Costs (INCARCERATION – SEE ABOVE)	\$1,100.00 Fine + Costs (INCARCERATION – SEE ABOVE)	
	\$2,323.00 Total	36 months revocation	\$2,450.00 Total 36 months revocation
.10 to .169	\$1,200.00 Fine + Costs (INCARCERATION – SEE ABOVE)	\$1,300.00 Fine + Costs (INCARCERATION – SEE ABOVE)	
	\$2,577.00 Total	36 months revocation	\$2,604.00 Total 36 months revocation
.17 to .199	\$1,600.00 Fine + Costs (INCARCERATION – SEE ABOVE)	\$1,700.00 Fine + Costs (INCARCERATION – SEE ABOVE)	
	\$3,085.00 Total	36 months revocation	\$3,212.00 Total 36 months revocation
.20 to .249	\$2,200.00 Fine + Costs (INCARCERATION – SEE ABOVE)	\$2,300.00 Fine + Costs (INCARCERATION – SEE ABOVE)	
	\$3,847.00 Total	36 months revocation	\$3,974.00 Total 36 months revocation
.25 or above	\$2,800.00 Fine + Costs (INCARCERATION – SEE ABOVE)	\$2,900.00 Fine + Costs (INCARCERATION – SEE ABOVE)	
	\$4,609.00 Total	36 months revocation	\$4,736.00 Total 36 months revocation

---

Refusal	\$3,000.00 Fine + Costs		\$3,500.00 Fine + Costs	
		(INCARCERATION – SEE ABOVE)		
	\$4,863.00 Total	36 Months Revocation	\$5,498.00 Total	36 Months Revocation

---

\*\*If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational.

\*\*\* Revocation period doubled if there was a minor passenger under age 16 [343.305(10)(b)4m].

Note: Depending on the financial circumstances of the defendant and length of sentence, the court may wish to consider costs only.

\$518.00 Base Felony Costs  
+485.00 Driver Improvement Surcharge and Safe Ride  
+ 50.00 IID surcharge  
\$1,053.00

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed  
**PAC SENTENCING GUIDELINES** after **January 1, 2017**  
*Pursuant to Sec. 346.65(2)(am)7, Wis. Stats.*

**10<sup>TH</sup> OR SUBSEQUENT OFFENSE** [§346.65(2)(am)7] Class E Felony

**PENALTY RANGE**

**IGNITION INTERLOCK DEVICE** Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16)

**PROBATION** Probation is not available. Must impose bifurcated sentence of not less than 4 years to 15 years.

**INCARCERATION:** [Offense is a felony and place of imprisonment determined under §973.02

4 years to 15 years **COURT'S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRESENTENCE REPORT.**

(a) Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)].  
 [Minimum 48 consecutive hours in jail (§346.65(7))]

**FINE:** Not more than \$50,000 Class E

Minimum and maximum fine is doubled if there was a minor passenger Under age 16 [§346.65(2)(f)]  
 Unless enhanced. See note at bottom.

**REVOCAATION:** 24 – 36 months Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]

\*\*\* (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

**PAC LEVEL** Mitigating Driving Factors Aggravated Driving Factors

.099 or \$1,000.00 Fine + Costs \$1,100.00 Fine + Costs  
 (INCARCERATION – SEE ABOVE)

Below \$2,323.00 Total 36 months revocation \$2,450.00 Total 36 months revocation

.10 to .169 \$1,200.00 Fine + Costs \$1,300.00 Fine + Costs  
 (INCARCERATION – SEE ABOVE)

\$2,577.00 Total 36 months revocation \$2,604.00 Total 36 months revocation

.17 to .199 \$1,600.00 Fine + Costs \$1,700.00 Fine + Costs  
 (INCARCERATION – SEE ABOVE)

\$3,085.00 Total 36 months revocation \$3,212.00 Total 36 months revocation

.20 to .249 \$2,200.00 Fine + Costs \$2,300.00 Fine + Costs  
 (INCARCERATION – SEE ABOVE)

\$3,847.00 Total 36 months revocation \$3,974.00 Total 36 months revocation

.25 or above \$2,800.00 Fine + Costs \$2,900.00 Fine + Costs  
 (INCARCERATION – SEE ABOVE)

\$4,609.00 Total 36 months revocation \$4,736.00 Total 36 months revocation



Refusal	\$3,000.00 Fine + Costs		\$3,500.00 Fine + Costs	
		(INCARCERATION – SEE ABOVE)		
	\$4,863.00 Total	36 Months Revocation	\$5,498.00 Total	36 Months Revocation

---

\*\*If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational.

\*\*\* Revocation period doubled if there was a minor passenger under age 16 [343.305(10)(b)4m].

Note: Depending on the financial circumstances of the defendant and length of sentence, the court may wish to consider costs only.

\$518.00 Base Felony Costs  
+485.00 Driver Improvement Surcharge and Safe Ride  
+ 50.00 IID surcharge  
\$1,053.00

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed  
**PAC SENTENCING GUIDELINES** after **January 1, 2017**

**COMMERCIAL VEHICLE**

*Pursuant to Sec. 346.63(5), Wis. Stats., no person may operate a commercial motor vehicle with a BAC of 0.04 or more but less than 0.08. May also be prosecuted for OWI pursuant to §346.63(1)(a), but only one offense is counted for county convictions and sentencing if convicted for §346.63(5) only.*

**1<sup>ST</sup> OFFENSE** [§346.63(5)(am)(1)]  
 Penalty 346.65(2j)(am)1

**PENALTY RANGE**

**FORFEITURE:**     \$150-\$300             Minimum and maximum forfeiture is doubled if there was a minor passenger under 16

**REVOCAATION:**                     No revocation of license however, one (1) year disqualification of operating Commercial motor vehicles (§343.315(2)(a)2). If transporting hazardous Materials, 3 years disqualification (§343.315(2)(b))

<b><u>Forfeiture</u></b>	Mitigating Driving Factors	Aggravated Driving Factors
	\$150.00 Forf + Costs	\$200.00 Forf + Costs
	\$819.50 Total	\$882.50 Total

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed  
**PAC SENTENCING GUIDELINES** after **January 1, 2017**  
**COMMERCIAL VEHICLE**

*Pursuant to Sec. 346.63(5), Wis. Stats., no person may operate a commercial motor vehicle with a BAC of 0.04 or more but less than 0.08. May also be prosecuted for OWI pursuant to §346.63(1)(a), but only one offense is counted for county convictions and sentencing if convicted for §346.63(5) only.*

**2<sup>nd</sup> OFFENSE** [§346.63(5)]  
**Penalty 346.65(2j)(am)2**

**PENALTY RANGE**

**PROBATION:** Probation for up to two (2) years may be used if the person is subject to at least the  
Mandatory minimum period of imprisonment. (§973.09(1)(d) and (2)(a)1.d.)

**JAIL:** 5 days to 6 months \*\*\* Minimum and maximum imprisonment doubled if there was a  
minor passenger under age 16 [§346.65(2j)(d)].

**FINE:** \$300 -\$1,000 Minimum and maximum fine is doubled if there was a minor  
passenger under 16

**REVOCAATION:** None. However, lifetime disqualification of operating commercial  
Motor vehicles §343.315(2)©

<b><u>Fine:</u></b>	Mitigating Driving Factors	Aggravated Driving Factors
	\$300.00 Fine + Costs	\$400.00 Fine + Costs
	\$1,374.00 Total	\$1,500.00 Total
	20 days jail.	40 days jail.

\*\*\* See Safe Streets Option (§346.65(2j)(bm)), not less than 5 days nor more than 7 days (See also page 2.).

---

**8<sup>TH</sup> JUDICIAL ADMINISTRATIVE DISTRICT** Offences committed  
**PAC SENTENCING GUIDELINES** after **January 1, 2017**  
**COMMERCIAL VEHICLE**

*Pursuant to Sec. 346.63(5), Wis. Stats., no person may operate a commercial motor vehicle with a BAC of 0.04 or more but less than 0.08. May also be prosecuted for OWI pursuant to §346.63(1)(a), but only one offense is counted for county convictions and sentencing if convicted for §346.63(5) only.*

**3<sup>rd</sup> OFFENSE** [§346.63(5)]  
**Penalty 346.65(2j)(am)3**

**PENALTY RANGE**

**PROBATION:** Probation for up to two (2) years may be used if the person is subject to at least the Mandatory minimum period of imprisonment. (§973.09(1)(d) and (2)(a)1.d.)

**JAIL:** 45 days to 1 year \*\*\* Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2j)(d)].

**FINE:** \$600 -\$2,000 Minimum and maximum fine is doubled if there was a minor passenger under 16

**REVOCAATION:** None. However, lifetime disqualification of operating commercial Motor vehicles §343.315(2)©

<b><u>Fine:</u></b>	Mitigating Driving Factors	Aggravated Driving Factors
	\$600.00 Fine + Costs	\$1,000.00 Fine + Costs
	\$1,702.00 Total (If felony: \$1,777.00)	\$2,206.00 Total (If felony: \$2,281.00)
	120 days jail.	200 days jail.

---

\*\*\* See Safe Streets Option (§346.65(2j)(bm)), not less than 5 days nor more than 7 days (See also page 2).