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STATE OF WISCONSIN

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# OWI SENTENCING GUIDELINES EFFECTIVE 05-01-2024

(These guidelines are offered to promote consistency among the circuit court branches of the Seventh Judicial Administrative District. They are not intended to govern the decision of the court to utilize any prescribed penalty available under the law. The court is free in its discretion to depart from the guidelines.)

## SCOTT L. HORNE, CHIEF JUDGE

**PENALTY RANGE:** (§346.65(2)(am)1)

**FORFEITURE:** \$150 to \$300 (plus costs & surcharges)

**REVOCAION:** 6 – 9 Months (Occupational - no waiting period; (§343.30(1q)(b)2)).

**IGNITION INTERLOCK:** Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period a of one year (§343.301(2m)) beginning when license is issued. \$50.00 interlock surcharge.

**DRIVING FACTORS**

<b>FIRST OFFENSE NO MINOR PASSENGER</b>		<b>Standard Guidelines</b>	<b>Enhanced Guidelines</b>
<b>BAC Level</b>			
<b>.08 to .119</b>	Forfeiture	\$150.00	\$175.00
	Costs & Surcharges	\$786.50	\$793.00
	<b>Total</b>	<b>\$936.50</b>	<b>\$968.00</b>
	Revocation	<b>6 Months</b>	<b>6 Months</b>
	Alcohol Assess & Driver Safety	Yes	Yes
<b>.12 to .149</b>	Forfeiture	\$175.00	\$200.00
<b>OR</b>	Costs & Surcharges	\$793.00	\$799.50
<b>A Detectable Amount of a</b>	<b>Total</b>	<b>\$968.00</b>	<b>\$999.50</b>
<b>Restricted Controlled</b>	Revocation	<b>6 Months</b>	<b>7 Months</b>
<b>Substance</b>	Alcohol Assess & Driver Safety	Yes	Yes
<b>.15 to .199</b>	Forfeiture	\$200.00	\$225.00
	Costs & Surcharges	\$849.50	\$856.00
	<b>Total</b>	<b>\$1,049.50</b>	<b>\$1,081.00</b>
	Revocation	<b>7 Months</b>	<b>8 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.20 to .249</b>	Forfeiture	\$225.00	\$250.00
	Costs & Surcharges	\$856.00	\$862.50
	<b>Total</b>	<b>\$1,081.00</b>	<b>\$1,112.50</b>
	Revocation	<b>8 Months</b>	<b>9 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.25 or Above</b>	Forfeiture	\$275.00	\$300.00
	Costs & Surcharges	\$869.00	\$875.50
	<b>Total</b>	<b>\$1,144.00</b>	<b>\$1,175.50</b>
	Revocation	<b>9 Months</b>	<b>9 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes

**PENALTY RANGE:** (§346.65(2)(am)2)

**FINE:** \$350 to \$1,100 (plus costs & surcharges)

**JAIL:** 5 Days - 6 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

**REVOCAATION:** 12 – 18 Months, plus number of days of jail sentence. (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

**PROBATION:** 6-24 Months

**IGNITION INTERLOCK:** Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 18 months beginning when license issued. \$50.00 interlock surcharge.

**DRIVING FACTORS**

<b>SECOND OFFENSE BAC Level</b>		<b>Standard Guidelines</b>	<b>Enhanced Guidelines</b>
<b>.08 to .119</b>	Fine	\$350.00	\$400.00
	Costs & Surcharges	\$1,204.00	\$1,217.00
	<b>Total</b>	<b>\$1,554.00</b>	<b>\$1,617.00</b>
	Jail	<b>10 Days</b>	<b>15 Days</b>
	Revocation	<b>12 Months</b>	<b>12 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.12 to .169 OR A Detectable Amount of a Restricted Controlled Substance</b>	Fine	\$400.00	\$450.00
	Costs & Surcharges	\$1,217.00	\$1,230.00
	<b>Total</b>	<b>\$1,617.00</b>	<b>\$1,680.00</b>
	Jail	<b>15 Days</b>	<b>20 Days</b>
	Revocation	<b>12 Months</b>	<b>14 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.17 to .199</b>	Fine	\$450.00	\$550.00
	Costs & Surcharges	\$1,230.00	\$1,256.00
	<b>Total</b>	<b>\$1,680.00</b>	<b>\$1,806.00</b>
	Jail	<b>20 Days</b>	<b>30 Days</b>
	Revocation	<b>14 Months</b>	<b>16 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.20 to .249</b>	Fine	\$550.00	\$650.00
	Costs & Surcharges	\$1,256.00	\$1,282.00
	<b>Total</b>	<b>\$1,806.00</b>	<b>\$1,932.00</b>
	Jail	<b>30 Days</b>	<b>40 Days</b>
	Revocation	<b>16 Months</b>	<b>18 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.25 or Above</b>	Fine	\$650.00	\$750.00
	Costs & Surcharges	\$1,282.00	\$1,308.00
	<b>Total</b>	<b>\$1,932.00</b>	<b>\$2,058.00</b>
	Jail	<b>40 Days</b>	<b>50 Days</b>
	Revocation	<b>18 Months</b>	<b>18 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>Treatment/Probation Option §346.65(2)(bm)</b>	Fine	\$450.00	
	Costs & Surcharges	\$1,230.00	
	<b>Total</b>	<b>\$1,680.00</b>	
Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$ _____			
Jail: Guidelines from above with all but 5 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.			

**PENALTY RANGE:** (§346.65(2)(am)3)

**FINE:** \$600 to \$2,000 (plus costs & surcharges)

**JAIL:** 45 Days - 12 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

**REVOCAATION:** 24 – 36 Months, plus number of days of jail sentence. (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

**PROBATION:** 6-24 Months

**IGNITION INTERLOCK:** Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 36 months beginning when license issued. \$50.00 interlock surcharge.

**BAIL & STAY:** No bail after conviction (§969.01(2)(a)) or stay of execution of jail sentence (§973.15(8)(a)(3)) may be granted unless condition of probation.

**DRIVING FACTORS**

<b>THIRD OFFENSE</b>		<b>Standard Guidelines</b>	<b>Enhanced Guidelines</b>
<b>BAC Level</b>			
<b>.08 to .119</b>	Fine	\$600.00	\$650.00
	Costs & Surcharges	\$1,269.00	\$1,282.00
	<b>Total</b>	<b>\$1,869.00</b>	<b>\$1,932.00</b>
	Jail	<b>45 Days</b>	<b>55 Days</b>
	Revocation	<b>24 Months</b>	<b>24 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.12 to .169</b> <b>OR</b> <b>A Detectable Amount of a Restricted Controlled Substance</b>	Fine	\$650.00	\$750.00
	Costs & Surcharges	\$1,282.00	\$1,308.00
	<b>Total</b>	<b>\$1,932.00</b>	<b>\$2,058.00</b>
	Jail	<b>65 Days</b>	<b>75 Days</b>
	Revocation	<b>24 Months</b>	<b>27 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.17 to .199</b>  <b>BAC Fine Range Doubles to \$1200 - \$4000</b>	Fine	\$1,200.00	\$1,350.00
	Costs & Surcharges	\$1,427.00	\$1,467.50
	<b>Total</b>	<b>\$2,627.00</b>	<b>\$2,817.50</b>
	Jail	<b>95 Days</b>	<b>125 Days</b>
	Revocation	<b>27 Months</b>	<b>30 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.20 to .249</b>  <b>BAC Fine Range Triples to \$1800 - \$6000</b>	Fine	\$1,800.00	\$1,950.00
	Costs & Surcharges	\$1,589.00	\$1,629.50
	<b>Total</b>	<b>\$3,389.00</b>	<b>\$3,579.50</b>
	Jail	<b>125 Days</b>	<b>155 Days</b>
	Revocation	<b>30 Months</b>	<b>33 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.25 or Above</b>  <b>BAC Fine Range Quadruples \$2400 - \$8000</b>	Fine	\$2,400.00	\$2,550.00
	Costs & Surcharges	\$1,751.00	\$1,791.50
	<b>Total</b>	<b>\$4,151.00</b>	<b>\$4,341.50</b>
	Jail	<b>155 Days</b>	<b>185 Days</b>
	Revocation	<b>33 Months</b>	<b>36 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>Treatment/Probation Option §346.65(2)(cm)</b>	Fine	\$900.00	
	Costs & Surcharges	\$1,347.00	
	<b>Total</b>	<b>\$2,247.00</b>	
	Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$ _____		
	Jail: Guidelines from above with all but 14 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.		

**PENALTY RANGE:** (§346.65(2)(am)4) (All OWI 4th are Class H felony.)

**FINE:** \$600 to \$10,000 (plus costs & surcharges)

**JAIL/PRISON:** 60 Days - 6 Years. [Minimum 48 consecutive hours in jail (§346.65(7))]

**REVOCAION:** 24 – 36 Months, plus number of days of jail sentence. (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

**PROBATION:** 6-36 Months

**IGNITION INTERLOCK:** Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 36 months. \$50.00 interlock surcharge.

**BAIL & STAY:** No bail after conviction (§969.01(2)(a)) or stay of execution of jail sentence (§973.15(8)(a)(3)) may be granted unless condition of probation.

**DRIVING FACTORS**

<b>FOURTH OFFENSE</b>		<b>Standard Guidelines</b>	<b>Enhanced Guidelines</b>
<b>BAC Level</b>			
<b>.02 to .079</b>	Fine	\$600.00	\$650.00
	Costs & Surcharges	\$1,344.00	\$1,357.00
	<b>Total</b>	<b>\$1,944.00</b>	<b>\$2,007.00</b>
	Jail	<b>60 Days</b>	<b>70 Days</b>
	Revocation	<b>24 Months</b>	<b>24 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.08 to .119</b>	Fine	\$900.00	\$1,000.00
	Costs & Surcharges	\$1,422.00	\$1,448.00
	<b>Total</b>	<b>\$2,322.00</b>	<b>\$2,448.00</b>
	Jail	<b>90 Days</b>	<b>110 Days</b>
	Revocation	<b>30 Months</b>	<b>30 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.12 to .169</b> <b>OR</b> <b>A Detectable Amount of a Restricted Controlled Substance</b>	Fine	\$1,200.00	\$1,350.00
	Costs & Surcharges	\$1,502.00	\$1,542.50
	<b>Total</b>	<b>\$2,702.00</b>	<b>\$2,892.50</b>
	Jail	<b>185 Days</b>	<b>215 Days</b>
	Revocation	<b>36 Months</b>	<b>36 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.17 to .199</b>  <b>BAC Fine Range Doubles to \$1200 - \$20000</b>	Fine	\$2,000.00	\$2,150.00
	Costs & Surcharges	\$1,718.00	\$1,758.50
	<b>Total</b>	<b>\$3,718.00</b>	<b>\$3,908.50</b>
	Jail	<b>215 Days</b>	<b>245 Days</b>
	Revocation	<b>36 Months</b>	<b>36 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.20 to .249</b>  <b>BAC Fine Range Triples to \$1800 - \$30000</b>	Fine	\$2,300.00	\$2,400.00
	Costs & Surcharges	\$1,799.00	\$1,826.00
	<b>Total</b>	<b>\$4,099.00</b>	<b>\$4,226.00</b>
	Jail	<b>245 Days</b>	<b>275 Days</b>
	Revocation	<b>36 Months</b>	<b>36 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.25 or Above</b>  <b>BAC Fine Range Quadruples to \$2400 - \$40000</b>	Fine	\$2,900.00	\$3,000.00
	Costs & Surcharges	\$1,961.00	\$1,988.00
	<b>Total</b>	<b>\$4,861.00</b>	<b>\$4,988.00</b>
	Jail	<b>275 Days</b>	<b>305 Days</b>
	Revocation	<b>36 Months</b>	<b>36 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>Treatment/Probation Option</b> <b>§346.65(2)(dm)</b>	Fine	\$900.00	
	Costs & Surcharges	\$1,422.00	
	<b>Total</b>	<b>\$2,322.00</b>	

Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$\_\_\_\_\_ Jail: Guidelines from above with all but 29 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.

**OWI GUIDELINE CRITERIA TO CONSIDER**

(Any of the applicable criteria below can be considered. The criteria are not of equal importance and the determination of weight is for the court. The court should address how the particular case should receive other than standard consequences. 346.65(2m))

**MITIGATING FACTORS**

Blood alcohol level close to the lower guideline amount

AODA assessment completed promptly  
Responsible efforts to address AODA issues  
Complied with pretrial services  
Promptly participated in treatment program

Substantial personal consequences (significant injury to self or a loved one)  
Extrajudicial penalties incurred (loss of job, etc.)

Cooperated with law enforcement  
Remained at scene for investigation  
Sincere show of remorse

Parked vehicle  
No evidence of unsafe driving other than intoxication  
No prior traffic record  
No or dated criminal record  
Significant passage of time since prior violation  
Two prior first offenses

**AGGRAVATING FACTORS**

Blood alcohol level close to the higher guideline level

Violated court orders (driving restrictions, absolute sobriety, etc.)  
Violated custody release monitoring rules  
Missed court appearances

Victim with injury  
Property damage sustained by others

Uncooperative with law enforcement  
Resisted arrest  
Lack of remorse

Moving violations involving control of vehicle  
Evidence of unsafe driving beyond mere intoxication  
Crowded area of traffic or pedestrians (high traffic and pedestrian area, school zones, etc.)  
High speed

Poor driving record (excluding blood test refusals)  
Felony or multiple criminal convictions  
Driving without valid driver's license (or after revocation)  
Prior OWI/PAC offense(s) are relatively recent

**OWI SENTENCING GUIDELINES FORFEITURE COSTS & SURCHARGES**

**FORFEITURE COSTS & SURCHARGES**

Driver Improvement Surcharge (D.I.S.)	\$535	Justice Information Surcharge	\$21.50
Court Costs	\$25	Crime Lab Surcharge (C.L.D.S.)	\$13
Court Support Surcharge	\$68	Jail Surcharge (J.S.) Greater of (1% fine) or \$10	
Ignition Interlock Surcharge (I.I.D.)	\$50	Penalty Surcharge (P.S.) (26% of Fine/Forfeiture)	0.26
Safe Ride Program Surcharge (SRPS)	\$75		

**OWI SENTENCING GUIDELINES CRIMINAL COSTS & SURCHARGES**

**CRIMINAL COSTS & SURCHARGES**

Driver Improvement Surcharge (D.I.S.)	\$535	Victim Witness Surcharge (Misdemeanor)	\$67
Court Costs	\$163	Crime Lab Surcharge (C.L.D.S.)	\$13
Ignition Interlock Surcharge (I.I.D.)	\$50	Jail Surcharge (J.S.) Greater of (1% fine) or \$10	
Penalty Surcharge (P.S.) (26% of Fine/Forfeiture)	0.26	DNA Surcharge (Misdemeanor)	\$200
Safe Ride Program Surcharge (SRPS)	\$75	DNA Surcharge (Felony)	\$250
Victim Witness Surcharge (Felony)	\$92		

**WITH MINOR PASSENGER UNDER 16 YEARS OF AGE**

**PENALTY RANGE:** (§346.65(2)(f)1)

**FINE:** \$350 to \$1,100 (plus costs & surcharges)

**JAIL:** 5 Days - 6 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

**REVOCAATION:** 12 – 18 Months (doubles under (§343.30(1q)(b)4m)), plus number of days of jail sentence.

(Occupational - no waiting period and must complete alcohol assessment and be in compliance with driver’s safety plan and absolute sobriety during use.)

**IGNITION INTERLOCK:** Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period a of one year to 18 months beginning when license is issued. \$50.00 interlock surcharge.

**DRIVING FACTORS**

<b>FIRST OFFENSE WITH MINOR PASSENGER UNDER 16</b>	<b>Standard Guidelines</b>	<b>Enhanced Guidelines</b>
<b>BAC Level</b>		
<b>.08 to .119</b>	Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Assess & Driver Safety	\$350.00 \$1,154.00 <b>\$1,504.00</b> <b>5 Days</b> <b>12 Months</b> Yes
<b>.12 to .149</b> <b>OR</b> <b>A Detectable Amount of a</b> <b>Restricted Controlled</b> <b>Substance</b>	Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Assess & Driver Safety	\$375.00 \$1,160.50 <b>\$1,535.50</b> <b>10 Days</b> <b>12 Months</b> Yes
<b>.15 to .199</b>	Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Assess & Driver Safety & IID	\$500.00 \$1,243.00 <b>\$1,743.00</b> <b>12 Days</b> <b>14 Months</b> Yes
<b>.20 to .249</b>	Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Assess & Driver Safety & IID	\$550.00 \$1,282.00 <b>\$1,806.00</b> <b>15 Days</b> <b>16 Months</b> Yes
<b>.25 or Above</b>	Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Assess & Driver Safety & IID	\$650.00 \$1,282.00 <b>\$1,932.00</b> <b>30 Days</b> <b>18 Months</b> Yes



(For violations of §346.63(1)(a) or (am) or (b))

**WITH MINOR PASSENGER UNDER 16 YEARS OF AGE**

**PENALTY RANGE:** (§346.65(2)(am)2) (doubles under (§346.65(2)(f)(2))

**FINE:** \$350 - \$1,100 doubles to \$700 - \$2,200 (plus costs & surcharges)

**JAIL:** 10 Days - 12 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

**REVOCAATION:** 24 – 36 Months (doubles under (§343.30(1q)(b)4m)), plus number of days of jail sentence.

(Occupational – 45 day waiting period, alcohol assessment, compliance with driver’s safety plan, and absolute sobriety during use.)

**PROBATION:** 6-24 Months

**IGNITION INTERLOCK:** Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 18 months beginning when license issued. \$50.00 interlock surcharge.

**DRIVING FACTORS**

<b>SECOND OFFENSE</b>		<b>Standard Guidelines</b>	<b>Enhanced Guidelines</b>
<b>BAC Level</b>			
<b>.08 to .119</b>	Fine	\$700.00	\$800.00
	Costs & Surcharges	\$1,295.00	\$1,321.00
	<b>Total</b>	<b>\$1,995.00</b>	<b>\$2,121.00</b>
	Jail	<b>10 Days</b>	<b>15 Days</b>
	Revocation	<b>24 Months</b>	<b>24 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.12 to .169</b>	Fine	\$800.00	\$900.00
<b>OR</b>	Costs & Surcharges	\$1,321.00	\$1,347.00
<b>A Detectable Amount of a Restricted Controlled Substance</b>	<b>Total</b>	<b>\$2,121.00</b>	<b>\$2,247.00</b>
	Jail	<b>15 Days</b>	<b>20 Days</b>
	Revocation	<b>24 Months</b>	<b>26 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.17 to .199</b>	Fine	\$900.00	\$1,100.00
	Costs & Surcharges	\$1,347.00	\$1,400.00
	<b>Total</b>	<b>\$2,247.00</b>	<b>\$2,500.00</b>
	Jail	<b>20 Days</b>	<b>30 Days</b>
	Revocation	<b>26 Months</b>	<b>28 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.20 to .249</b>	Fine	\$1,100.00	\$1,300.00
	Costs & Surcharges	\$1,400.00	\$1,454.00
	<b>Total</b>	<b>\$2,500.00</b>	<b>\$2,754.00</b>
	Jail	<b>30 Days</b>	<b>40 Days</b>
	Revocation	<b>28 Months</b>	<b>30 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.25 or Above</b>	Fine	\$1,300.00	\$1,500.00
	Costs & Surcharges	\$1,454.00	\$1,508.00
	<b>Total</b>	<b>\$2,754.00</b>	<b>\$3,008.00</b>
	Jail	<b>40 Days</b>	<b>50 Days</b>
	Revocation	<b>30 Months</b>	<b>30 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>Treatment/Probation Option §346.65(2)(bm)</b>	Fine	\$900.00	
	Costs & Surcharges	\$1,347.00	
	<b>Total</b>	<b>\$2,247.00</b>	
	Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$ _____		
	Jail: Guidelines from above with all but 5 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.		

(For violations of §346.63(1)(a) or (am) or (b))

**WITH MINOR PASSENGER UNDER 16 YEARS OF AGE**

**PENALTY RANGE:** (§346.65(2)(am)3) (doubles under (§346.65(2)(f)(2)) (**Third Offense with Minor Passenger is a Felony**))

**FINE:** \$600 - \$2,000 doubles to \$1200 - \$4,000 (plus costs & surcharges)

**JAIL/PRISON:** 90 Days - 2 Years [Minimum 48 consecutive hours in jail (§346.65(7))]

**REVOCAATION:** 48 – 72 Months (doubles under (§343.30(1q)(b)4m)), plus number of days of jail sentence.

(Occupational – 45 day waiting period, alcohol assessment, compliance with driver’s safety plan, and absolute sobriety during use.)

**PROBATION:** 12-36 Months

**IGNITION INTERLOCK:** Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 36 months beginning when license issued. \$50.00 interlock surcharge.

**BAIL & STAY:** No bail after conviction (§969.01(2)(a)) or stay of execution of jail sentence (§973.15(8)(a)(3)) may be granted unless condition of probation.

**DRIVING FACTORS**

THIRD OFFENSE		Standard Guidelines	Enhanced Guidelines
<b>BAC Level</b>			
.08 to .119	Fine	\$1,200.00	\$1,300.00
	Costs & Surcharges	\$1,502.00	\$1,529.00
	<b>Total</b>	<b>\$2,702.00</b>	<b>\$2,829.00</b>
	Jail	90 Days	100 Days
	Revocation	48 Months	48 Months
	Alcohol Assess & Driver Safety & IID	Yes	Yes
.12 to .169 <b>OR</b> A Detectable Amount of a Restricted Controlled Substance	Fine	\$1,300.00	\$1,400.00
	Costs & Surcharges	\$1,529.00	\$1,556.00
	<b>Total</b>	<b>\$2,829.00</b>	<b>\$2,956.00</b>
	Jail	110 Days	120 Days
	Revocation	48 Months	51 Months
	Alcohol Assess & Driver Safety & IID	Yes	Yes
.17 to .199  BAC Fine Range Doubles \$1200 - \$4000 (Fine * 2) + (Fine * 2)	Fine	\$2,400.00	\$2,700.00
	Costs & Surcharges	\$1,826.00	\$1,907.00
	<b>Total</b>	<b>\$4,226.00</b>	<b>\$4,607.00</b>
	Jail	140 Days	170 Days
	Revocation	51 Months	54 Months
	Alcohol Assess & Driver Safety & IID	Yes	Yes
.20 to .249  BAC Fine Range Triples \$1800 - \$6000 (Fine * 2) + (Fine * 3)	Fine	\$3,000.00	\$3,250.00
	Costs & Surcharges	\$1,988.00	\$2,055.50
	<b>Total</b>	<b>\$4,988.00</b>	<b>\$5,305.50</b>
	Jail	170 Days	200 Days
	Revocation	54 Months	57 Months
	Alcohol Assess & Driver Safety & IID	Yes	Yes
.25 or Above  BAC Fine Range Quadruples \$2400 - \$8000 (Fine * 2) + (Fine * 4)	Fine	\$3,600.00	\$3,900.00
	Costs & Surcharges	\$2,150.00	\$2,231.00
	<b>Total</b>	<b>\$5,750.00</b>	<b>\$6,131.00</b>
	Jail	200 Days	230 Days
	Revocation	57 Months	60 Months
	Alcohol Assess & Driver Safety & IID	Yes	Yes
Treatment/Probation Option §346.65(2)(cm)	Fine	\$1,400.00	
	Costs & Surcharges	\$1,556.00	
	<b>Total</b>	<b>\$2,956.00</b>	
Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$ _____			
Jail: Guidelines from above with all but 14 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.			

(For violations of §346.63(1)(a) or (am) or (b))

**WITH MINOR PASSENGER UNDER 16 YEARS OF AGE**

**PENALTY RANGE:** (§346.65(2)(am)4) (doubles under (§346.65(2)(f)(2)) (All OWI 4th are Class H Felony)

**FINE:** \$600 - \$10,000 doubles to \$1200 - \$20,000 (plus costs & surcharges)

**JAIL/PRISON:** 120 Days - 12 Years. [Minimum 48 consecutive hours in jail (§346.65(7))]

**REVOCAATION:** 48 – 72 Months (doubles under (§343.30(1q)(b)4m)), plus number of days of jail sentence.

(Occupational – 45 day waiting period, alcohol assessment, compliance with driver’s safety plan, and absolute sobriety during use.)

**PROBATION:** 12-36 Months

**IGNITION INTERLOCK:** Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 36 months. \$50.00 interlock surcharge.

**BAIL & STAY:** No bail after conviction (§969.01(2(a)) or stay of execution of jail sentence (§973.15(8)(a)(3)) may be granted unless condition of probation.

**DRIVING FACTORS**

<b>FOURTH OFFENSE</b>		<b>Standard Guidelines</b>	<b>Enhanced Guidelines</b>
<b>BAC Level</b>			
<b>.02 to .079</b>	Fine	\$1,200.00	\$1,250.00
	Costs & Surcharges	\$1,502.00	\$1,515.50
	<b>Total</b>	<b>\$2,702.00</b>	<b>\$2,765.50</b>
	Jail	<b>120 Days</b>	<b>130 Days</b>
	Revocation	<b>48 Months</b>	<b>48 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.08 to .119</b>	Fine	\$1,500.00	\$1,600.00
	Costs & Surcharges	\$1,583.00	\$1,610.00
	<b>Total</b>	<b>\$3,083.00</b>	<b>\$3,210.00</b>
	Jail	<b>130 Days</b>	<b>140 Days</b>
	Revocation	<b>54 Months</b>	<b>54 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.12 to .169</b>	Fine	\$1,800.00	\$1,950.00
<b>OR</b>	Costs & Surcharges	\$1,664.00	\$1,704.50
<b>A Detectable Amount of a Restricted Controlled Substance</b>	<b>Total</b>	<b>\$3,464.00</b>	<b>\$3,654.50</b>
	Jail	<b>245 Days</b>	<b>270 Days</b>
	Revocation	<b>60 Months</b>	<b>60 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.17 to .199</b>	Fine	\$3,200.00	\$3,350.00
<b>BAC Fine Range Doubles</b>	Costs & Surcharges	\$2,042.00	\$2,082.50
<b>\$1200 - \$20000</b>	<b>Total</b>	<b>\$5,242.00</b>	<b>\$5,432.50</b>
<b>(Fine * 2) + (Fine * 2)</b>	Jail	<b>270 Days</b>	<b>300 Days</b>
	Revocation	<b>66 Months</b>	<b>66 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.20 to .249</b>	Fine	\$3,500.00	\$3,600.00
<b>BAC Fine Range Triples</b>	Costs & Surcharges	\$2,123.00	\$2,150.00
<b>\$1800 - \$30000</b>	<b>Total</b>	<b>\$5,623.00</b>	<b>\$5,750.00</b>
<b>(Fine * 2) + (Fine * 3)</b>	Jail	<b>300 Days</b>	<b>330 Days</b>
	Revocation	<b>72 Months</b>	<b>72 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>.25 or Above</b>	Fine	\$4,100.00	\$4,200.00
<b>BAC Fine Range</b>	Costs & Surcharges	\$2,285.00	\$2,312.00
<b>Quadruples \$2400 - \$40000</b>	<b>Total</b>	<b>\$6,385.00</b>	<b>\$6,512.00</b>
<b>(Fine * 2) + (Fine * 4)</b>	Jail	<b>330 Days</b>	<b>360 Days</b>
	Revocation	<b>72 Months</b>	<b>72 Months</b>
	Alcohol Assess & Driver Safety & IID	Yes	Yes
<b>Treatment/Probation Option</b>	Fine	\$1,950.00	
<b>§346.65(2)(dm)</b>	Costs & Surcharges	\$1,704.50	
	<b>Total</b>	<b>\$3,654.50</b>	

Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$\_\_\_\_\_ Jail: Guidelines from above with all but 29 days stayed, pending successful completion of probation that includes alcohol and other drug treatment.

**SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT**

(On & After 05-01-2024)

**OWI SENTENCING GUIDELINES**

(On & After 05-01-2024)

(For violations of §346.63(1)(a) or (am) or (b))

**WITH MINOR PASSENGER UNDER 16 YEARS OF AGE**

**OWI GUIDELINE CRITERIA TO CONSIDER**

(Any of the applicable criteria below can be considered. The criteria are not of equal importance and the determination of weight is for the court. The court should address how the particular case should receive other than standard consequences. 346.65(2m))

**MITIGATING FACTORS**

Blood alcohol level close to the lower guideline amount

AODA assessment completed promptly

Responsible efforts to address AODA issues

Complied with pretrial services

Promptly participated in treatment program

Substantial personal consequences (significant injury to self or a loved one)

Extrajudicial penalties incurred (loss of job, etc.)

Cooperated with law enforcement

Remained at scene for investigation

Sincere show of remorse

Parked vehicle

No evidence of unsafe driving other than intoxication

No prior traffic record

No or dated criminal record

Significant passage of time since prior violation

Two prior first offenses

**AGGRAVATING FACTORS**

Blood alcohol level close to the higher guideline level

Violated court orders (driving restrictions, absolute sobriety, etc.)

Violated custody release monitoring rules

Missed court appearances

Victim with injury

Property damage sustained by others

Uncooperative with law enforcement

Resisted arrest

Lack of remorse

Moving violations involving control of vehicle

Evidence of unsafe driving beyond mere intoxication

Crowded area of traffic or pedestrians (high traffic and pedestrian area, school zones, etc.)

High speed

Poor driving record (excluding blood test refusals)

Felony or multiple criminal convictions

Driving without valid driver's license (or after revocation)

Prior OWI/PAC offense(s) are relatively recent

**WITH MINOR PASSENGER UNDER 16 YEARS OF AGE**

**OWI SENTENCING GUIDELINES FORFEITURE COSTS & SURCHARGES**

**FORFEITURE COSTS & SURCHARGES**

Driver Improvement Surcharge (D.I.S.)	\$535	Justice Information Surcharge	\$21.50
Court Costs	\$25	Crime Lab Surcharge (C.L.D.S.)	\$13
Court Support Surcharge	\$68	Jail Surcharge (J.S.) Greater of (1% fine) or \$10	
Ignition Interlock Surcharge (I.I.D.)	\$50	Penalty Surcharge (P.S.) (26% of Fine/Forfeiture)	0.26
Safe Ride Program Surcharge (SRPS)	\$75		

**OWI SENTENCING GUIDELINES CRIMINAL COSTS & SURCHARGES**

**CRIMINAL COSTS & SURCHARGES**

Driver Improvement Surcharge (D.I.S.)	\$535	Victim Witness Surcharge (Misdemeanor)	\$67
Court Costs	\$163	Crime Lab Surcharge (C.L.D.S.)	\$13
Ignition Interlock Surcharge (I.I.D.)	\$50	Jail Surcharge (J.S.) Greater of (1% fine) or \$10	
Penalty Surcharge (P.S.) (26% of Fine/Forfeiture)	0.26	DNA Surcharge (Misdemeanor)	\$200
Safe Ride Program Surcharge (SRPS)	\$75	DNA Surcharge (Felony)	\$250
Victim Witness Surcharge (Felony)	\$92		

**SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT**  
**OWI SENTENCING GUIDELINES CRIMINAL COSTS & SURCHARGES**

(For violations of §346.63(1)(a) or (am) or (b))

(On & After 05-01-2024)

**CRIMINAL COSTS & SURCHARGES**

Driver Improvement Surcharge (D.I.S.)	\$535	Victim Witness Surcharge – B	\$27
Court Costs	\$163	Crime Lab Surcharge (C.L.D.S.)	\$13
Victim Witness Surcharge – A	\$40	Jail Surcharge (J.S.) Greater of (1% fine) or \$10	
Ignition Interlock Surcharge (I.I.D.)	\$50	Penalty Surcharge (P.S.) (26% of Fine/Forfeiture)	0.26
DNA Surcharge (Misdemeanor)	\$200	Safe Ride Program Surcharge (SRPS)	\$75
DNA Surcharge (Felony)	\$250		

As of 7-2-2013 Victim Witness Surcharge Part "A" and Part "B" are combined as "Victim Witness Surcharge (Misdemeanor).

Victim Witness Surcharge (Misdemeanor)	\$67
Victim Witness Surcharge (Felony)	\$92

**SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT**  
**OWI SENTENCING GUIDELINES FORFEITURE COSTS & SURCHARGES**

(For violations of §346.63(1)(a) or (am) or (b))

**FORFEITURE COSTS & SURCHARGES**

Driver Improvement Surcharge (D.I.S.)	\$535	Justice Information Surcharge	\$21.50
Court Costs	\$25	Crime Lab Surcharge (C.L.D.S.)	\$13
Court Support Surcharge	\$68	Jail Surcharge (J.S.) Greater of (1% fine) or \$10	
Ignition Interlock Surcharge (I.I.D.)	\$50	Penalty Surcharge (P.S.) (26% of Fine/Forfeiture)	0.26
Safe Ride Program Surcharge (SRPS)	\$75		