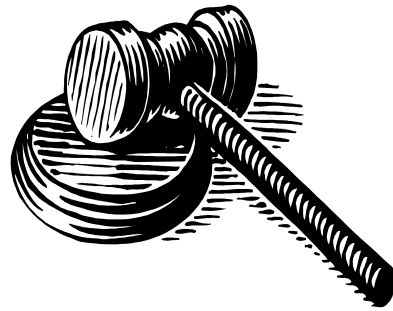


# Fourth Judicial District OWI Sentencing Guidelines



Revised January, 2017

**FOURTH JUDICIAL DISTRICT OWI SENTENCING GUIDELINES  
FIRST OFFENSE NON-COMMERCIAL**

<b>PAC</b>	<b>NON-AGGRAVATED</b>	<b>NON-AGGRAVATED COSTS</b>	<b>AGGRAVATED</b>	<b>AGGRAVATED COSTS</b>
Below .119	Forfeiture of \$150 + Costs 6 Months Revocation Alcohol Assessment No Probation <b>Forfeiture + Costs = \$811.50</b>	Driver Surcharge = \$435.00 Court Costs = \$25.00 Jail Surcharge = \$10.00 Justice Info. = \$21.50 Court Support = \$68.00 Crime Lab = \$13.00 Penalty Surcharge = \$39.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$661.50</b>	Forfeiture of \$175 + Costs 7 Months Revocation Alcohol Assessment No Probation <b>Forfeiture + Costs = \$843.00</b>	Driver Surcharge = \$435.00 Court Costs = \$25.00 Jail Surcharge = \$10.00 Justice Info. = \$21.50 Court Support = \$68.00 Crime Lab = \$13.00 Penalty Surcharge = \$45.50 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$668.00</b>
.12 to .169	Forfeiture of \$175 + Costs 6 months Revocation 12 Months IID (PAC ≥ .15) Alcohol Assessment No Probation <b>Forfeiture + Costs = \$893.00</b>	Driver Surcharge = \$435.00 Court Costs = \$25.00 Jail Surcharge = \$10.00 Justice Info. = \$21.50 Court Support = \$68.00 Crime Lab = \$13.00 Penalty Surcharge = \$45.50 Interlock (PAC ≥ .15) = \$50.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$718.00</b>	Forfeiture of \$200 + Costs 7 Months Revocation 12 Months IID (PAC ≥ .15) Alcohol Assessment No Probation <b>Forfeiture + Costs = \$924.50</b>	Driver Surcharge = \$435.00 Court Costs = \$25.00 Jail Surcharge = \$10.00 Justice Info. = \$21.50 Court Support = \$68.00 Crime Lab = \$13.00 Penalty Surcharge = \$52.00 Interlock (PAC ≥ .15) = \$50.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$724.50</b>
.17 to .199	Forfeiture of \$200 + Costs 7 Months Revocation 12 Months IID Alcohol Assessment No Probation <b>Forfeiture + Costs = \$924.50</b>	Driver Surcharge = \$435.00 Court Costs = \$25.00 Jail Surcharge = \$10.00 Justice Info. = \$21.50 Court Support = \$68.00 Crime Lab = \$13.00 Penalty Surcharge = \$52.00 Interlock = \$50.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$724.50</b>	Forfeiture of \$225 + Costs 8 Months Revocation 12 Months IID Alcohol Assessment No Probation <b>Forfeiture + Costs = \$956.00</b>	Driver Surcharge = \$435.00 Court Costs = \$25.00 Jail Surcharge = \$10.00 Justice Info. = \$21.50 Court Support = \$68.00 Crime Lab = \$13.00 Penalty Surcharge = \$58.50 Interlock = \$50.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$731.00</b>
.20 to .249	Forfeiture of \$225 + Costs 8 Months Revocation 12 Months IID Alcohol Assessment No Probation <b>Forfeiture + Costs = \$956.00</b>	Driver Surcharge = \$435.00 Court Costs = \$25.00 Jail Surcharge = \$10.00 Justice Info. = \$21.50 Court Support = \$68.00 Crime Lab = \$13.00 Penalty Surcharge = \$58.50 Interlock = \$50.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$731.00</b>	Forfeiture of \$250 + Costs 9 Months Revocation 12 Months IID Alcohol Assessment No Probation <b>Forfeiture + Costs = \$987.50</b>	Driver Surcharge = \$435.00 Court Costs = \$25.00 Jail Surcharge = \$10.00 Justice Info. = \$21.50 Court Support = \$68.00 Crime Lab = \$13.00 Penalty Surcharge = \$65.00 Interlock = \$50.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$737.50</b>
.25 & Over (Refusal)	Forfeiture of \$250 + Costs 9 Months Revocation 12 Months IID Alcohol Assessment No Probation <b>Forfeiture + Costs = \$987.50</b>	Driver Surcharge = \$435.00 Court Costs = \$25.00 Jail Surcharge = \$10.00 Justice Info. = \$21.50 Court Support = \$68.00 Crime Lab = \$13.00 Penalty Surcharge = \$65.00 Interlock = \$50.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$737.50</b>	Forfeiture of \$300 + Costs 9 Months Revocation 12 Months IID Alcohol Assessment No Probation <b>Forfeiture + Costs = \$1,050.50</b>	Driver Surcharge = \$435.00 Court Costs = \$25.00 Jail Surcharge = \$10.00 Justice Info. = \$21.50 Court Support = \$68.00 Crime Lab = \$13.00 Penalty Surcharge = \$78.00 Interlock = \$50.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$750.50</b>

**REVOCATION**

6-9 Months  
No waiting period for Occupational License (343.30) (343.30(1q)(b)2)

**PASSENGER UNDER AGE 16**

With a minor passenger, 2<sup>nd</sup> offense penalties apply (346.65(2)(f))  
If a minor passenger, length of revocation doubles (343.30(1q)(b)4m)

**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))

**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:**

- Reimbursement for the blood testing under 814.63(3m).
- 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 ≥ .15 (343.301(1g)(b))

**SECOND OFFENSE NON-COMMERCIAL**

<b>PAC</b>	<b>NON-AGGRAVATED</b>	<b>NON-AGGRAVATED COSTS</b>	<b>AGGRAVATED</b>	<b>AGGRAVATED COSTS</b>
Below .119	5 days jail Fine of \$350 + Costs 12 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,429.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$91.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,079.00</b>	10 days jail Fine of \$400 + Costs 14 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,492.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$104.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,092.00</b>
.12 to .169	10 days jail Fine of \$400 + Costs 13 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,492.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$104.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,092.00</b>	20 days jail Fine of \$450 + Costs 15 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,555.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$117.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,105.00</b>
.17 to .199	20 days jail Fine of \$450 + Costs 14 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,555.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$117.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,105.00</b>	30 days jail Fine of \$500 + Costs 16 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,618.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$130.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,118.00</b>
.20 to .249	30 days jail Fine of \$500 + Costs 16 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,618.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$130.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,188.00</b>	40 days jail Fine of \$550 + Costs 17 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,681.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$143.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,131.00</b>
.25 & Over (Refusal)	50 days jail Fine of \$600 + Costs 17 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,744.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$156.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,144.00</b>	60 days jail Fine of \$650 + Costs 18 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,807.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$169.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,157.00</b>

**JAIL:** 5 days to 6 months jail (346.65(2)(am)2)

**FINE /COSTS**

\$350-\$1,100 Fine

**REVOCAION**

12-18 Months (343.30) (343.30(1q)(b)3)

45 day waiting period for Occupational License;

**PASSENGER UNDER AGE 16**

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

If a minor passenger, length of revocation doubles (343.30(1q)(b)4m)

**REFUSAL**

2 year revocation and 90-day waiting period for Occupational license, unless 2<sup>nd</sup> 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))

**ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN**

**Court Shall Order:**

- Community service for defendant unable to pay the fine (346.65(2g)(ag))
- Interlock for not less than 1 year nor more than 18 months (343.301(1)(a)1)

**Court May Order:**

- Reimbursement for the blood testing under 814.63(3m).
- 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))

**THIRD OFFENSE NON-COMMERCIAL**

<b>PAC</b>	<b>NON-AGGRAVATED</b>	<b>NON-AGGRAVATED COSTS</b>	<b>AGGRAVATED</b>	<b>AGGRAVATED COSTS</b>
Below .119	45 days jail Fine of \$600 + Costs 24 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,744.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$156.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,144.00</b>	50 days jail Fine of \$700 + costs 26 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,870.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$182.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,170.00</b>
.12 to .169	55 days jail Fine of \$700 + Costs 26 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,870.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$182.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,170.00</b>	65 days jail Fine of \$800 + Costs 28 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$1,996.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$208.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,196.00</b>
.17 to .199	70 days jail Fine of \$1,200 (\$600 x 2) + Costs 28 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$2,502.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$12.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$312.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,302.00</b>	80 days jail Fine of \$1,400 (\$700 x 2) + Costs 30 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$2,756.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$14.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$364.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,356.00</b>
.20 to .249	85 days jail Fine of \$1,800 (\$600 x 3) + Costs 30 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$3,264.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$18.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$468.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,464.00</b>	100 days jail Fine of \$2,100 (\$700 x 3) + Costs 33 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$3,645.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$21.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$546.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,545.00</b>
.25 & Over (Refusal)	100 days jail Fine of \$2,400 (\$600 x 4) + Costs 33 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$4,026.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$24.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$624.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,626.00</b>	120 days jail Fine of \$2,800 (\$700 x 4) + Costs 36 Months Revocation & IID Alcohol Assessment 2 years Probation <b>Fine + Costs = \$4,534.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$28.00 Victim-Witness = \$67.00 Crime Lab = \$13.00 Penalty Surcharge = \$728.00 Interlock = \$50.00 DNA = \$200.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,734.00</b>

**JAIL:** 45 days to 12 months jail (346.65(2)(am)3)

**FINE / COSTS**

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

**REVOCAION**

24-36 months (343.30(1q)(b)4)

45-day waiting period for Occupational License

**PASSENGER UNDER AGE 16**

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

If a minor passenger, length of revocation doubles (343.30(1q)(b)4m)

**REFUSAL**

3 year revocation and 120-day waiting period for Occupational license, unless 2<sup>nd</sup> 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))

**ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN**

**Court Shall Order:**

- Interlock for not less than 1 year nor more than 36 months (343.301(2m))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

**Court May Order:**

- Reimbursement for the blood testing under 814.63(3m).
- 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))

**FOURTH OFFENSE NON-COMMERCIAL \*\*\*CLASS H FELONY\*\*\***

<b>PAC</b>	<b>NON-AGGRAVATED</b>	<b>NON-AGGRAVATED COSTS</b>	<b>AGGRAVATED</b>	<b>AGGRAVATED COSTS</b>
Below .119	Confinement at discretion of court Fine of \$900 + Costs 36 Months Revocation & IID Alcohol Assessment 3 years Probation <b>Fine + Costs = \$2,197.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$234.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,297.00</b>	Confinement at discretion of court Fine of \$1,000 + Costs 36 Months Revocation & IID Alcohol Assessment 3 years Probation <b>Fine + Costs = \$2,323.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$260.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,323.00</b>
.12 to .169	Confinement at discretion of court Fine of \$1,000 + Costs 36 Months Revocation & IID Alcohol Assessment 3 years Probation <b>Fine + Costs = \$2,323.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$10.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$260.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,323.00</b>	Confinement at discretion of court Fine of \$1,100 + Costs 36 Months Revocation & IID Alcohol Assessment 3 years Probation <b>Fine + Costs = \$2,450.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$11.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$286.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,350.00</b>
.17 to .199	Confinement at discretion of court Fine of \$1,400 (\$700 x 2) + Costs 36 Months Revocation & IID Alcohol Assessment 3 years Probation <b>Fine + Costs = \$2,831.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$14.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$364.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,431.00</b>	Confinement at discretion of court Fine of \$1,500 (\$750 x 2) + Costs 36 Months Revocation & IID Alcohol Assessment 3 years Probation <b>Fine + Costs = \$2,958.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$15.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$390.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,458.00</b>
.20 to .249	Confinement at discretion of court Fine of \$2,100 (\$700 x 3) + Costs 36 Months Revocation & IID Alcohol Assessment 3 years Probation <b>Fine + Costs = \$3,720.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$21.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$546.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,620.00</b>	Confinement at discretion of court Fine of \$2,250 (\$750 x 3) + Costs 36 Months Revocation & IID Alcohol Assessment 3 years Probation <b>Fine + Costs = \$3,910.50</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$22.50 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$585.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,660.50</b>
.25 & Over (Refusal)	Confinement at discretion of court Fine of \$2,800 (\$700 x 4) + Costs 36 Months Revocation & IID Alcohol Assessment 3 years Probation <b>Fine + Costs = \$4,609.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$28.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$728.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,809.00</b>	Confinement at discretion of court Fine of \$3,000 (\$750 x 4) + Costs 36 Months Revocation & IID Alcohol Assessment 3 years Probation <b>Fine + Costs = \$4,863.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$30.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$780.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,863.00</b>

**JAIL, PRISON**

60 days jail to 6 years prison (3 years initial confinement/3 years extended supervision)  
(346.65(2)(am)4m)

**FINE/COSTS**

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

**REVOCAION**

24-36 Months (343.30)

45-day waiting period for Occupational License

**PASSENGER UNDER AGE 16**

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

**ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN**

**Court Shall Order:**

- Interlock for not less than 1 year nor more than 36 months (343.301(2m))
- 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:**

- Reimbursement for the blood testing under 814.63(3m).
- 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))

**FIFTH OR SIXTH OFFENSE NON-COMMERCIAL \*\*\*CLASS G FELONY\*\*\***

<b>PAC</b>		<b>COSTS</b>	
Below .119	Confinement at discretion of court Fine of \$1,000 + Costs 36 Months Revocation & IID Alcohol Assessment 5 years Probation <b>Fine + Costs = \$2,323.00</b>	Driver Surcharge = Court Costs = Jail Surcharge = Victim-Witness = Crime Lab = Penalty Surcharge = Interlock = DNA = Safe Ride Program = <b>COSTS TOTAL =</b>	\$435.00 \$163.00 \$10.00 \$92.00 \$13.00 \$260.00 \$50.00 \$250.00 \$50.00 <b>\$1,323.00</b>
.12 to .169	Confinement at discretion of court Fine of \$1,100 + Costs 36 Months Revocation & IID Alcohol Assessment 5 years Probation <b>Fine + Costs = \$2,450.00</b>	Driver Surcharge = Court Costs = Jail Surcharge = Victim-Witness = Crime Lab = Penalty Surcharge = Interlock = DNA = Safe Ride Program = <b>COSTS TOTAL =</b>	\$435.00 \$163.00 \$11.00 \$92.00 \$13.00 \$286.00 \$50.00 \$250.00 \$50.00 <b>\$1,350.00</b>
.17 to .199	Confinement at discretion of court Fine of \$1,500 + Costs 36 Months Revocation & IID Alcohol Assessment 5 years Probation <b>Fine + Costs = \$2,958.00</b>	Driver Surcharge = Court Costs = Jail Surcharge = Victim-Witness = Crime Lab = Penalty Surcharge = Interlock = DNA = Safe Ride Program = <b>COSTS TOTAL =</b>	\$435.00 \$163.00 \$15.00 \$92.00 \$13.00 \$390.00 \$50.00 \$250.00 \$50.00 <b>\$1,458.00</b>
.20 to .249	Confinement at discretion of court Fine of \$2,250 + Costs 36 Months Revocation & IID Alcohol Assessment 5 years Probation <b>Fine + Costs = \$3,910.50</b>	Driver Surcharge = Court Costs = Jail Surcharge = Victim-Witness = Crime Lab = Penalty Surcharge = Interlock = DNA = Safe Ride Program = <b>COSTS TOTAL =</b>	\$435.00 \$163.00 \$22.50 \$92.00 \$13.00 \$585.00 \$50.00 \$250.00 \$50.00 <b>\$1,651.50</b>
.25 & Over (Refusal)	Confinement at discretion of court Fine of \$3,000 + Costs 36 Months Revocation & IID Alcohol Assessment 5 years Probation <b>Fine + Costs = \$4,863.00</b>	Driver Surcharge = Court Costs = Jail Surcharge = Victim-Witness = Crime Lab = Penalty Surcharge = Interlock = DNA = Safe Ride Program = <b>COSTS TOTAL =</b>	\$435.00 \$163.00 \$30.00 \$92.00 \$13.00 \$780.00 \$50.00 \$250.00 \$50.00 <b>\$1,863.00</b>

**JAIL, PRISON**

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

**FINE/COSTS**

\$600 - \$25,000 Fine (346.65(2)(g))

**REVOCAATION**

24-36 Months (343.30)  
45-day waiting period for Occupational License

**PASSENGER UNDER AGE 16**

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

**ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN**

**Court Shall Order:**

- Interlock for not less than 1 year nor more than 36 months (343.301(2m))
- 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:**

- Reimbursement for the blood testing under 814.63(3m).
- 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))

**SEVENTH, EIGHTH OR NINTH OFFENSE NON-COMMERCIAL \*\*\*CLASS F FELONY\*\*\***

PAC		COSTS
Below .119	Fine of \$1,200 + Costs 36 Months Revocation & IID Alcohol Assessment <b>Fine + Costs = \$2,577.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$12.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$312.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,377.00</b>
.12 to .169	Fine of \$1,400 + Costs 36 Months Revocation & IID Alcohol Assessment <b>Fine + Costs = \$2,831.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$14.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$364.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,431.00</b>
.17 to .119	Fine of \$1,600 + Costs 36 Months Revocation & IID Alcohol Assessment <b>Fine + Costs = \$3,085.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$16.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$416.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,485.00</b>
.20 to .249	Fine of \$2,400 + Costs 36 Months Revocation & IID Alcohol Assessment <b>Fine + Costs = \$4,101.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$24.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$624.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,701.00</b>
.25 & Over (Refusal)	Fine of \$3,200 + Costs 36 Months Revocation & IID Alcohol Assessment <b>Fine + Costs = \$5,117.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$32.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$832.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,917.00</b>
*****	<b>Ineligible for bail or stay after conviction Wis. Stats 973.15(8)(a)(3)</b>	

**PRISON**

Up to 12.5 years prison (7.5 years initial confinement/5 years extended supervision) (346.65(2)(am)6)  
Confinement shall not be less than 3 years.

**FINE/COSTS**

Up to \$25,000 Fine (346.65(2)(g))

**REVOCATION**

24-36 Months (343.30(1g)(b)4)  
45-day waiting period for Occupational License

**PASSENGER UNDER AGE 16**

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

**ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN**

**Court Shall Order:**

- Interlock for not less than 1 year nor more than 36 months (343.301(2m))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

**Court May Order:**

- Reimbursement for the blood testing under 814.63(3m).
- 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))

**TENTH OR SUBSEQUENT OFFENSE NON-COMMERCIAL \*\*\*CLASS E FELONY\*\*\***

<b>PAC</b>		<b>COSTS</b>
Below .119	Fine of \$1,600 + Costs 36 Months Revocation & IID Alcohol Assessment <b>Fine + Costs = \$3,085.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$16.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$416.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,485.00</b>
.12 to .169	Fine of \$1,800 + Costs 36 Months Revocation & IID Alcohol Assessment <b>Fine + Costs = \$3,339.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$18.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$468.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,539.00</b>
.17 to .199	Fine of \$2,000 + Costs 36 Months Revocation & IID Alcohol Assessment <b>Fine + Costs = \$3,593.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$20.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$520.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,593.00</b>
.20 to .249	Fine of \$3,000 + Costs 36 Months Revocation & IID Alcohol Assessment <b>Fine + Costs = \$4,863.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$30.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$780.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$1,863.00</b>
.25 & Over (Refusal)	Fine of \$4,000 + Costs 36 Months Revocation & IID Alcohol Assessment <b>Fine + Costs = \$6,133.00</b>	Driver Surcharge = \$435.00 Court Costs = \$163.00 Jail Surcharge = \$40.00 Victim-Witness = \$92.00 Crime Lab = \$13.00 Penalty Surcharge = \$1,040.00 Interlock = \$50.00 DNA = \$250.00 Safe Ride Program = \$50.00 <b>COSTS TOTAL = \$2,133.00</b>

**PRISON**

Up to 15 years prison (10 years initial confinement/5 years extended supervision) (346.65(2)(am)7).  
Confinement shall not be less than 4 years.

**FINE/COSTS**

Up to \$50,000 Fine (346.65(2)(g))

**REVOCATION**

24-36 Months (343.30(1g)(b)4)  
45-day waiting period for Occupational License

**PASSENGER UNDER AGE 16**

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

**ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN**

**Court Shall Order:**

- Interlock for not less than 1 year nor more than 36 months (343.301(2m))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

**Court May Order:**

- Reimbursement for the blood testing under 814.63(3m).
- 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))



## SENTENCING CRITERIA

<b>Factor (listed alphabetically)</b>	<b>Non-Aggravated</b>	<b>Other Factors</b>	<b>Aggravated</b>
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 <sup>th</sup> 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