

**SIXTH JUDICIAL DISTRICT**

**OMVWI**  
**SENTENCING GUIDELINES**

Citation Issued On or After  
**July 14, 2015**

Sixth Judicial District Office  
3317 Business Park Drive, Suite A  
Stevens Point, WI 54481-5210  
(715) 345-5295

Gregory Potter, Chief Judge

**FIRST OFFENSE**

**SENTENCING GUIDELINES - STANDARD  
NO MINOR PASSENGER**

Citations Issued On or After  
July 14, 2015

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 and above	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Penalty</b>	<b>811.50</b>	<b>843.00</b>	<b>811.50</b>	<b>874.50</b>	<b>924.50</b>	<b>987.50</b>	<b>987.50</b>	<b>1,050.50</b>	<b>987.50</b>	<b>1,050.50</b>	<b>987.50</b>	<b>1,050.50</b>
Forfeiture	150.00	175.00	150.00	200.00	200.00	250.00	250.00	300.00	250.00	300.00	250.00	300.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00
Costs	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00
CSS	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00
(26% of Forf.) PA	39.00	45.50	39.00	52.00	52.00	65.00	65.00	78.00	65.00	78.00	65.00	78.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
JISF	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50
SRPS	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Ign. Int. Surch.					50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
DNA Surcharge	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>IID Period</b>					<b>12 mos</b>	<b>13 mos</b>	<b>14 mos</b>	<b>15 mos</b>	<b>16 mos</b>	<b>17 mos</b>	<b>18 mos</b>	<b>18 mos</b>
<b>Revocation</b>	<b>6 mos</b>	<b>6 mos</b>	<b>6 mos</b>	<b>7 mos</b>	<b>7 mos</b>	<b>8 mos</b>	<b>8 mos</b>	<b>9 mos</b>	<b>9 mos.</b>	<b>9 mos</b>	<b>9 mos.</b>	<b>9 mos</b>

**PENALTY RANGE**

**FORFEITURE:** \$150 minimum to \$300 maximum

**DIS:** Increase per §346.655 **SRPS:** Safe Ride Program Surcharge per 346.657 on offenses committed on or after 7-14-2015

**REVOCAION/DISQUALIFICATION:** 6-9 months (no waiting period for occupational license).

**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 of one year to 18 months beginning when license issued. \$50.00 interlock surcharge

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse **(and a reasonable fee)**.
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court may**, after a finding of inability to pay, reduce the costs or forfeiture and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.

**SECOND OFFENSE**

**SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After  
July 14, 2015

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Jail</b>	<b>5 Days</b>	<b>10 Days</b>	<b>10 Days</b>	<b>23 Days</b>	<b>17 Days</b>	<b>28 Days</b>	<b>22 Days</b>	<b>37 Days</b>	<b>28 Days</b>	<b>50 Days</b>	<b>38 Days</b>	<b>60 Days</b>
<b>Fine + Costs</b>	<b>1,429.00</b>	<b>1,492.00</b>	<b>1,492.00</b>	<b>1,618.00</b>	<b>1,555.00</b>	<b>1,618.00</b>	<b>1,555.00</b>	<b>1,618.00</b>	<b>1,618.00</b>	<b>1,744.00</b>	<b>1,744.00</b>	<b>1,870.00</b>
Fine	350.00	400.00	400.00	500.00	450.00	500.00	450.00	500.00	500.00	600.00	600.00	700.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00
VWS	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch. (26% of Fine) PA	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
JA	91.00	104.00	104.00	130.00	117.00	130.00	117.00	130.00	130.00	156.00	156.00	182.00
CL/DL	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
SRPS	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
DNA Surcharge	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
<b>Id Period</b>	<b>12 mos</b>	<b>13 mos</b>	<b>13 mos</b>	<b>14 mos</b>	<b>14 mos</b>	<b>15 mos</b>	<b>15 mos</b>	<b>16 mos</b>	<b>16 mos</b>	<b>17 mos</b>	<b>17 mos</b>	<b>18 mos</b>
<b>Revocation</b>	<b>12 mos</b>	<b>13 mos</b>	<b>13 mos</b>	<b>14 mos</b>	<b>14 mos</b>	<b>15 mos</b>	<b>15 mos</b>	<b>16 mos</b>	<b>16 mos</b>	<b>17 mos</b>	<b>17 mos</b>	<b>18 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$350 minimum to \$1100 maximum

**DIS:** Increase per §346.655 **SRPS:** Safe Ride Program Surcharge 346.657 effective on offenses committed on or after 7-14-2015

**VWS:** VWS may not be waived, reduced or forgiven [§973.045(1)]

**JAIL:** Not less than 5 days nor more than 6 months, or not less than 5 days nor more than 7 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**JAIL PROBATION & TREATMENT OPTION:** 25 days less jail, but not below 5 days if successful completion of probation & AODA treatment. 6 mos. - 2 yrs prob.

**REVOCATION/DISQUALIFICATION:** 12 - 18 months.

**IGNITION INTERLOCK DEVICE**

The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles owned shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT:**

The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce costs or fine & order the person to pay the difference toward the cost of the alcohol assessment & driver safety plan
6. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10m), and shall be denied unless within two weeks of the order, the person submits proof to the sheriff that an ignition interlock device has been install in each motor vehicle to which the order applies.

**THIRD OFFENSE**

**SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After  
July 14, 2015

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Jail</b>	<b>45 Days</b>	<b>50 Days</b>	<b>50 Days</b>	<b>75 Days</b>	<b>60 Days</b>	<b>90 Days</b>	<b>75 Days</b>	<b>105 Days</b>	<b>90 Days</b>	<b>135 Days</b>	<b>120 Days</b>	<b>220 Days</b>
<b>Fine + Costs</b>	<b>1,744.00</b>	<b>1,938.00</b>	<b>1,807.00</b>	<b>2,067.00</b>	<b>1,870.00</b>	<b>2,258.00</b>	<b>2,502.00</b>	<b>2,719.00</b>	<b>3,264.00</b>	<b>3,558.00</b>	<b>4,026.00</b>	<b>4,460.00</b>
Fine	600.00	750.00	650.00	850.00	700.00	1,000.00	1,200.00	1,350.00	1,800.00	2,000.00	2,400.00	2,700.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00
VWS	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	156.00	195.00	169.00	221.00	182.00	260.00	312.00	351.00	468.00	520.00	624.00	702.00
JA	10.00	15.00	10.00	18.00	10.00	20.00	12.00	40.00	18.00	60.00	24.00	80.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00
<b>IID Period</b>	<b>24 mos</b>	<b>27 mos</b>	<b>27 mos</b>	<b>28 mos</b>	<b>29 mos</b>	<b>30 mos</b>	<b>31 mos</b>	<b>32 mos</b>	<b>33 mos</b>	<b>34 mos</b>	<b>35 mos</b>	<b>36 mos</b>
<b>Revocation</b>	<b>24 mos</b>	<b>27 mos</b>	<b>27 mos</b>	<b>28 mos</b>	<b>29 mos</b>	<b>30 mos</b>	<b>31 mos</b>	<b>32 mos</b>	<b>33 mos</b>	<b>34 mos</b>	<b>35 mos</b>	<b>36 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$600 minimum to \$2000 maximum , **EXCEPTION:** \$1200 minimum and \$4000 maximum if BAC is .17 to .199; \$1800 minimum and \$6000 maximum if BAC is .20 to .249; and \$2400 minimum and \$8000 maximum if BAC is .25 or above.

**DIS:** Increase per §346.655 **SRPS:** Safe Ride Program surcharge 346.657 effective on offenses committed on or after 7-14-2015

**VWS:** VWS may not be waived, reduced or forgiven [§973.045(1)]

**JAIL :** 45 days minimum and 12 months maximum. 14 days minimum if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**JAIL PROBATION&TREATMENT OPTION.45 days less, but not less than minimum, if successful completion of probation & AODA treatment. 6 mos.- 2 yrs prob.**

**REVOCAION/DISQUALIFICATION:** 24 - 36 months.

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device, and shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)2.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order a **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may after a finding of inability to pay, reduce costs & fine & order the person to pay the difference toward the cost of the alcohol assessment & driver safety plan
6. **Court may** order a motor vehicle owned and used by a violator to be used but **must order** ignition interlock or immobilization **if vehicle is not seized** unless undue hardship, extreme inconvenience or endangerment of person's health and safety is found.
7. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and driver safety plan pursuant to Wis. Stats. 303.08(10m).

**FOURTH OFFENSE**

**STANDARD MISDEMEANOR**

Citations Issued On or After  
July 14, 2015

BAC Level	.02 to .049		.05 to .079		.08 to .099		.10 to .149		.15 to .169	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Jail</b>	<b>60 days</b>	<b>70 days</b>	<b>60 days</b>	<b>90 days</b>	<b>70 days</b>	<b>120 days</b>	<b>100 days</b>	<b>150 days</b>	<b>120 days</b>	<b>180 days</b>
<b>Fine + costs</b>	<b>1,744.00</b>	<b>1,933.00</b>	<b>1,933.00</b>	<b>2,122.00</b>	<b>2,122.00</b>	<b>2,502.00</b>	<b>2,248.00</b>	<b>2,756.00</b>	<b>2,438.50</b>	<b>3,264.00</b>
Fine	600.00	750.00	750.00	900.00	900.00	1,200.00	1,000.00	1,400.00	1,150.00	1,800.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00
VWS	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	156.00	195.00	195.00	234.00	234.00	312.00	260.00	364.00	299.00	468.00
JA	10.00	10.00	10.00	10.00	10.00	12.00	10.00	14.00	11.50	18.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00
<b>IID Period</b>	<b>24 mos</b>	<b>27 mos</b>	<b>27 mos</b>	<b>28 mos</b>	<b>29 mos</b>	<b>30 mos</b>	<b>31 mos</b>	<b>32 mos</b>	<b>33 mos</b>	<b>34 mos</b>
<b>Revocation</b>	<b>24 mos</b>	<b>27 mos</b>	<b>27 mos</b>	<b>28 mos</b>	<b>29 mos</b>	<b>30 mos</b>	<b>31 mos</b>	<b>32 mos</b>	<b>33 mos</b>	<b>34 mos</b>

BAC Level	.17 to .199		.20 to .249		.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Jail</b>	<b>150 days</b>	<b>210 days</b>	<b>180 days</b>	<b>240 days</b>	<b>220 days</b>	<b>360 days</b>
<b>Fine + costs</b>	<b>2,502.00</b>	<b>3,518.00</b>	<b>3,264.00</b>	<b>4,788.00</b>	<b>4,026.00</b>	<b>6,058.00</b>
Fine	1,200.00	2,000.00	1,800.00	3,000.00	2,400.00	4,000.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00
VWS	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	312.00	520.00	468.00	780.00	624.00	1,040.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00
JA	12.00	20.00	18.00	30.00	24.00	40.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
<b>IID Period</b>	<b>35 mos</b>	<b>36 mos</b>	<b>36 mos</b>	<b>36 mos</b>	<b>36 mos</b>	<b>36 mos</b>
<b>Revocation</b>	<b>35 mos</b>	<b>36 mos</b>	<b>36 mos</b>	<b>36 mos</b>	<b>36 mos</b>	<b>36 mos</b>

**FINE AMOUNT:** \$600 minimum to \$2000 maximum, *EXCEPTION: \$1200 minimum and \$4000 maximum if BAC is .17 to .199; \$1800 minimum and \$6000 maximum if BAC is .20 to .249; and \$2400 minimum and \$8000 maximum if BAC is .25 or above.*

**DIS:** Increase per §346.655 **SRPS:** Safe Ride Program Surcharge 346.657 effective on offenses committed on or after 7-14-2015

**VWS:** VWS may not be waived, reduced or forgiven [§973.045(1)].

**JAIL:** 60 days - 12 months; 29 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail).

**REVOCAION/DISQUALIFICATION:** 24 - 36 months (90 day waiting period and completion of alcohol assessment/driver safety plan for occupational license and absolute sobriety during use). Effective 09/30/05, revocation applies to all driving privileges -- commercial and noncommercial; disqualification for one (1) year from operation of commercial vehicles.

**PROBATION OPTION:** 50 days less, but not less than minimum, if successful completion of probation and AODA treatment. 6 mos. - 3 yrs probation.

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device, and shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)2.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drug

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (and a reasonable fee).
3. Court may order a visit to a site that demonstrates adverse effects of abuse (and a reasonable fee).
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), require the defendant to perform community service work in lieu of paying the fine imposed or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. **Court may**, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Court may** order a motor vehicle owned and used by a violator to be seized but **must order** ignition interlock or immobilization if vehicle is not seized unless undue hardship, extreme inconvenience or endangerment of person's health and safety is found.
7. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10)m.

**FIRST OFFENSE - MINOR PASSENGER**

**SENTENCING GUIDELINES**

Citations Issued On or After  
July 14, 2015

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		0.2	0.249	.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Jail</b>	<b>5 Days</b>	<b>10 Days</b>	<b>10 Days</b>	<b>23 Days</b>	<b>17 Days</b>	<b>28 Days</b>	<b>22 Days</b>	<b>37 Days</b>	<b>28 Days</b>	<b>50 Days</b>	<b>38 Days</b>	<b>60 Days</b>
<b>Fine + Costs</b>	<b>1,429.00</b>	<b>1,492.00</b>	<b>1,492.00</b>	<b>1,618.00</b>	<b>1,555.00</b>	<b>1,618.00</b>	<b>1,555.00</b>	<b>1,618.00</b>	<b>1,618.00</b>	<b>1,744.00</b>	<b>1,744.00</b>	<b>1,870.00</b>
Fine	350.00	400.00	400.00	500.00	450.00	500.00	450.00	500.00	500.00	600.00	600.00	700.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00
VWS	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	91.00	104.00	104.00	130.00	117.00	130.00	117.00	130.00	130.00	156.00	156.00	182.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00
<b>IID Period</b>	<b>12 mos</b>	<b>13 mos</b>	<b>13 mos</b>	<b>14 mos</b>	<b>14 mos</b>	<b>15 mos</b>	<b>15 mos</b>	<b>16 mos</b>	<b>16 mos</b>	<b>17 mos</b>	<b>18 mos</b>	<b>18 mos</b>
<b>Revocation</b>	<b>12 mos</b>	<b>13 mos</b>	<b>13 mos</b>	<b>14 mos</b>	<b>14 mos</b>	<b>15 mos</b>	<b>15 mos</b>	<b>16 mos</b>	<b>16 mos</b>	<b>17 mos</b>	<b>18 mos</b>	<b>18 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$350 minimum to \$1100 maximum

**DIS:** Increase per §346.655 **SRPS:** Safe Ride Program Surcharge 346.657 effective on offenses committed on or after 7-14-2015

**VWS:** VWS may not be waived, reduced or forgiven [§973.045(1)]

**JAIL :** Not less than 5 days nor more than 6 months, or not less than 5 days nor more than 7 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**JAIL PROBATION AND TREATMENT OPTION. 70 days less jail, but not below 5 days if successful completion of probation and AODA treatment. 6 mos. - 2 yrs probation.**

**REVOCATION/DISQUALIFICATION:** 12 - 18 months.

**IGNITION INTERLOCK DEVICE:**The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles owned shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.**
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10m), and shall be denied unless within two weeks of the order, the person submits proof to the sheriff that an ignition interlock device has been install in each motor vehicle to which the order applies..

**SECOND OFFENSE - MINOR PASSENGER**

**SENTENCING GUIDELINES**

Citations issued On or After  
July 14, 2015

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Jail</b>	<b>10 Days</b>	<b>20 Days</b>	<b>20 Days</b>	<b>46 Days</b>	<b>34 Days</b>	<b>56 Days</b>	<b>44 Days</b>	<b>74 Days</b>	<b>56 Days</b>	<b>100 Days</b>	<b>76 Days</b>	<b>120 Days</b>
<b>Fine + Costs</b>	<b>1,870.00</b>	<b>1,996.00</b>	<b>1,996.00</b>	<b>2,248.00</b>	<b>2,122.00</b>	<b>2,248.00</b>	<b>2,122.00</b>	<b>2,248.00</b>	<b>2,248.00</b>	<b>2,500.00</b>	<b>2,500.00</b>	<b>2,756.00</b>
Fine	700.00	800.00	800.00	1,000.00	900.00	1,000.00	900.00	1,000.00	1,000.00	1,200.00	1,200.00	1,400.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00	163.00
VWS	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	182.00	208.00	208.00	260.00	234.00	260.00	234.00	260.00	260.00	312.00	312.00	364.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	14.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00
<b>IID Period</b>	<b>24 mos</b>	<b>26 mos</b>	<b>26 mos</b>	<b>28 mos</b>	<b>28 mos</b>	<b>30 mos</b>	<b>30 mos</b>	<b>32 mos</b>	<b>32 mos</b>	<b>34 mos</b>	<b>34 mos</b>	<b>36 mos</b>
<b>Revocation</b>	<b>24 mos</b>	<b>26 mos</b>	<b>26 mos</b>	<b>28 mos</b>	<b>28 mos</b>	<b>30 mos</b>	<b>30 mos</b>	<b>32 mos</b>	<b>32 mos</b>	<b>34 mos</b>	<b>34 mos</b>	<b>36 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$700 minimum to \$2200 maximum

**DIS:** Increase per §346.655 **SRPS:** Safe Ride Program Surcharge 346.657 effective on offenses committed on or after 7-14-2015

**VWS:** VWS may not be waived, reduced or forgiven [§973.045(1)]

**JAIL:** Not less than 10 days nor more than 12 months, or not less than 10 days nor more than 14 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**PROBATION AND TREATMENT OPTION. 45 days less jail, but not below 5 days if successful completion of probation and AODA treatment. 6 mos. - 2 yrs probation.**

**REVOCATION/DISQUALIFICATION:** 24-36 months.

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles owned shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse **(and a reasonable fee)**.
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10m), and shall be denied unless within two weeks of the order, the person submits proof to the sheriff that an ignition interlock device has been install in each motor vehicle to which the order applies..

**FIRST OFFENSE****COMMERCIAL MOTOR VEHICLES**Citations Issued On or After  
July 14, 2015

<b>BAC Level</b>	<b>.040 to .08</b>	
	Mitigated	Aggravated
<b>Penalty</b>	<b>1,019.50</b>	<b>1,208.50</b>
Forfeiture	150.00	300.00
DIS	435.00	435.00
SRPS	50.00	50.00
Costs	25.00	25.00
CSF	68.00	68.00
(26% of Forfeiture) PA	39.00	78.00
JA	10.00	10.00
JISF	21.50	21.50
CL/DL	13.00	13.00
TDEA	8.00	8.00
DNA Surcharge	200.00	200.00
<b>Suspension</b>	<b>6 mos</b>	<b>7 mos</b>

**PENALTY RANGE****FORFEITURE:** \$150 minimum to \$400 maximum**DIS:** Increase per §346.655 **SRPS:** Safe Ride Program Surcharge 346.657 effective on offenses committed on or after 7-14-2015**SUSPENSION:** NOT MANDATORY**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a forfeiture. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum forfeiture is doubled.



**SECOND OFFENSE**

**COMMERCIAL MOTOR VEHICLES**

Citations Issued On or After  
July 14, 2015

<b>BAC Level</b>	<b>.040 to .080</b>	
	Mitigated	Aggravated
<b>Jail</b>	<b>20 days</b>	<b>40 days</b>
<b>Penalty</b>	<b>1181.00</b>	<b>2063.00</b>
Fine	300.00	1,000.00
DIS	435.00	435.00
SRPS	50.00	50.00
Costs	20.00	20.00
VWS	67.00	67.00
(26% of Fine) PA	78.00	260.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
DNA Surcharge	200.00	200.00
<b>Revocation/Suspension</b>	<b>12 mos</b>	<b>14 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$300 minimum to \$1000 maximum

**DIS:** Increase per §346.655 **SRPS:** Safe Ride Program Surcharge 346.457 effective on offenses committed on or after 7-14

**VWS:** VWS may not be waived, reduced or forgiven [§973.045(1)]

**JAIL:** Not less than 5 days or ordered to perform not less than 30 days of community service work nor more than 6 months.

**REVOCAION/SUSPENSION:** NOT MANDATORY

**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a fine. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of the violation, the minimum and maximum fine is doubled.

**THIRD OFFENSE**

**COMMERCIAL MOTOR VEHICLES**

Citations Issued On or After  
July 14, 2015

<b>BAC Level</b>	<b>.040 to .080</b>	
	Minimum Driving	Aggravated Driving
	<i>No Accident</i>	<i>Accident or Injury</i>
		<i>Bad Driving Record</i>
<b>Jail</b>	<b>45 days</b>	<b>120 days</b>
<b>Penalty</b>	<b>1559.00</b>	<b>3323.00</b>
Fine	600.00	2,000.00
DIS	435.00	435.00
SRPS	50.00	50.00
Costs	20.00	20.00
VWS	67.00	67.00
(26% of Fine) PA	156.00	520.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
DNA Surcharge	200.00	200.00
<b>Revocation/Suspension</b>	<b>12 mos</b>	<b>14 mos</b>

**PENALTY RANGE**

**FINE AMOUNT:** \$600 minimum to \$2000 maximum

**JAIL:** 30 days - 12 months

**DIS:** Increase per §346.655    **SRPS:** Safe Ride Prgram Surcharge 346.657 effective on offenses committed on or after 7-14-2015

**VWS:** VWS may not be waived, reduced or forgiven [§973.045(1)]

**REVOCAION/SUSPENSION:** NOT MANDATORY

**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a fine. Court may also order restitution.

2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of the violation, the minimum and maximum fine is doubled.

**FIRST OFFENSE**

**MUNICIPAL SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After  
July 14, 2015

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 and above	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
<b>Penalty</b>	<b>712.00</b>	<b>743.50</b>	<b>712.00</b>	<b>775.00</b>	<b>825.00</b>	<b>888.00</b>	<b>888.00</b>	<b>951.00</b>	<b>888.00</b>	<b>951.00</b>	<b>888.00</b>	<b>951.00</b>
Forfeiture	150.00	175.00	150.00	200.00	200.00	250.00	250.00	300.00	250.00	300.00	250.00	300.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00
*Costs	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Forf.) PA	39.00	45.50	39.00	52.00	52.00	65.00	65.00	78.00	65.00	78.00	65.00	78.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Ign. Int. Surch.					50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
<b>IID Period</b>					<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>	<b>12 mos</b>
<b>Revocation</b>	<b>6 mos</b>	<b>6 mos</b>	<b>6 mos</b>	<b>7 mos</b>	<b>7 mos</b>	<b>8 mos</b>	<b>8 mos</b>	<b>9 mos</b>	<b>9 mos.</b>	<b>9 mos</b>	<b>9 mos.</b>	<b>9 mos</b>

1/15/2015

**PENALTY RANGE**  
**FORFEITURE:** \$150 minimum to \$300 maximum  
**DIS:** Increase per §346.655 **SRPS:** Safe Ride Program Surcharge 346.657 effective on offenses committed on or after 7-14-2015  
**\*COSTS** are calculated at the minimum of \$15 but may be assessed to a maximum of \$38 pursuant to Wis. Stats. 814.65(1)  
**REVOCAION/DISQUALIFICATION:** 6-9 months (no waiting period for occupational license).  
**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 of one year to 18 months beginning when license issued. \$50.00 interlock surcharge  
**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.  
 1. Court may order the **safety plan** to include effect on any victim or victim's family.  
 2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).  
 3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.  
 4. **Court may**, after a finding of inability to pay, reduce the costs or forfeiture and order the person to pay the difference toward the cost of the alcohol

**FIRST OFFENSE****MUNICIPAL SENTENCING GUIDELINES  
COMMERCIAL**Citations Issued On or After  
July 14, 2015

<b>BAC Level</b>	<b>.040 to .080</b>	
	Minimum Driving	Aggravated Driving
	<i>No Accident</i>	<i>Accident or Injury</i>
		<i>Bad Driving Record</i>
<b>Penalty</b>	<b>720.00</b>	<b>909.00</b>
Forfeiture	150.00	300.00
DIS	435.00	435.00
SRPS	50.00	50.00
*Costs	15.00	15.00
(26% of Forfeiture) PA	39.00	78.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
<b>Suspension</b>	<b>6 mos</b>	<b>7 mos</b>

**PENALTY RANGE****FORFEITURE:** \$150 minimum to \$300 maximum\* **Costs** are calculated at the minimum of \$15 but may be assessed to a maximum of \$38 pursuant to Wis. Stats. 814.65(1)**DIS:** Increase per §346.655 **SRPS:** Safe Ride Program Surcharge 346.657 effective on offenses committed on or after 7-14-2015**SUSPENSION:** NOT MANDATORY**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a forfeiture. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum forfeiture is doubled.

**Effective August 1, 2004, municipal courts will hold hearings relating to a person's refusal to provide a breath, blood or urine sample, under the implied consent law (s.343.305). This applies to refusals committed on or after August 1, 2004, but does not preclude the counting of previous suspensions, revocations, or convictions for purposes of determining the period that a person's operating privilege is revoked.**