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STATE OF WISCONSIN

## SEVENTH JUDICIAL DISTRICT

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# OWI SENTENCING GUIDELINES EFFECTIVE 07-14-2015

This copy of the Sentencing Guidelines provided as a public service by  
Attorney Charles Kenyon, Madison, Wisconsin.  
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[http://www.addbalance.com/drunk\\_driving\\_lawyer.htm](http://www.addbalance.com/drunk_driving_lawyer.htm)  
608.276.9645

JAMES DUVALL, CHIEF JUDGE

**NO MINOR PASSENGER**

**PENALTY RANGE:** (§346.65(2)(am)1)

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

**REVOCAATION:** 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)). \$50.00 interlock surcharge.

**DRIVING FACTORS**

<b>FIRST OFFENSE NO MINOR PASSENGER BAC Level</b>		<b>Minimum Driving (No Accident/Record)</b>	<b>Agravated Driving (Accident/Injury/Record)</b>
<b>.08 to .119</b>	Forfeiture	\$150.00	\$150.00
	Costs & Surcharges	\$661.50	\$661.50
	<b>Total</b>	<b>\$811.50</b>	<b>\$811.50</b>
	Revocation Alcohol Asses & Driver Safety	<b>6 Months</b> Yes	<b>6 Months</b> Yes
<b>.12 to .149 OR A Detectable Amount of a Restricted Controlled Substance</b>	Forfeiture	\$250.00	\$275.00
	Costs & Surcharges	\$687.50	\$694.00
	<b>Total</b>	<b>\$937.50</b>	<b>\$969.00</b>
	Revocation Alcohol Asses & Driver Safety	<b>6 Months</b> Yes	<b>7 Months</b> Yes
<b>.15 to .249</b>	Forfeiture	\$275.00	\$300.00
	Costs & Surcharges	\$744.00	\$750.50
	<b>Total</b>	<b>\$1,019.00</b>	<b>\$1,050.50</b>
	Revocation Alcohol Asses & Driver Safety & IID	<b>7 Months</b> Yes	<b>8 Months</b> Yes
<b>.25 or Above OR REFUSAL **</b>	Forfeiture	\$300.00	\$300.00
	Costs & Surcharges	\$750.50	\$750.50
	<b>Total</b>	<b>\$1,050.50</b>	<b>\$1,050.50</b>
	Revocation Alcohol Asses & Driver Safety & IID	<b>9 Months</b> Yes	<b>9 Months</b> Yes

\*\* If separate finding of a refusal, 1 year revocation of operating privileges and 30 day waiting period for an occupational.

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

**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. \$50.00 interlock surcharge.

**DRIVING FACTORS**

<b>FIRST OFFENSE WITH MINOR PASSENGER UNDER 16 BAC Level</b>	<b>Minimum Driving (No Accident/Record)</b>	<b>Agravated Driving (Accident/Injury/Record)</b>
<b>.08 to .119</b>	Fine \$350.00 Costs & Surcharges \$1,029.00 <b>Total</b> <b>\$1,379.00</b> Jail <b>5 Days</b> Revocation <b>12 Months</b> Alcohol Asses & Driver Safety Yes	\$350.00 \$1,029.00 <b>\$1,379.00</b> <b>7 Days</b> <b>12 Months</b> Yes
<b>.12 to .149</b> <b>OR</b> <b>A Detectable Amount of a Restricted Controlled Substance</b>	Fine \$350.00 Costs & Surcharges \$1,029.00 <b>Total</b> <b>\$1,379.00</b> Jail <b>10 Days</b> Revocation <b>12 Months</b> Alcohol Asses & Driver Safety Yes	\$450.00 \$1,055.00 <b>\$1,505.00</b> <b>12 Days</b> <b>14 Months</b> Yes
<b>.15 to .199</b>	Fine \$450.00 Costs & Surcharges \$1,105.00 <b>Total</b> <b>\$1,555.00</b> Jail <b>10 Days</b> Revocation <b>14 Months</b> Alcohol Asses & Driver Safety & IID Yes	\$550.00 \$1,131.00 <b>\$1,681.00</b> <b>12 Days</b> <b>16 Months</b> Yes
<b>.20 to .249</b>	Fine \$550.00 Costs & Surcharges \$1,131.00 <b>Total</b> <b>\$1,681.00</b> Jail <b>15 Days</b> Revocation <b>16 Months</b> Alcohol Asses & Driver Safety & IID Yes	\$650.00 \$1,157.00 <b>\$1,807.00</b> <b>20 Days</b> <b>18 Months</b> Yes
<b>.25 or Above</b> <b>OR</b> <b>REFUSAL **</b>	Fine \$650.00 Costs & Surcharges \$1,157.00 <b>Total</b> <b>\$1,807.00</b> Jail <b>30 Days</b> Revocation <b>18 Months</b> Alcohol Asses & Driver Safety & IID Yes	\$750.00 \$1,183.00 <b>\$1,933.00</b> <b>40 Days</b> <b>18 Months</b> Yes

\*\* If separate finding of a refusal, 2 years revocation of operating privileges and 30 day waiting period for an occupational.

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

**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. \$50.00 interlock surcharge.

**DRIVING FACTORS**

<b>SECOND OFFENSE BAC Level</b>		<b>Minimum Driving (No Accident/Record)</b>	<b>Agravated Driving (Accident/Injury/Record)</b>
<b>.08 to .119</b>	Fine	\$350.00	\$400.00
	Costs & Surcharges	\$1,079.00	\$1,092.00
	<b>Total</b>	<b>\$1,429.00</b>	<b>\$1,492.00</b>
	Jail	<b>10 Days</b>	<b>15 Days</b>
	Revocation	<b>12 Months</b>	<b>12 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.12 to .169 OR A Detectable Amount of a Restricted Controlled Substance</b>	Fine	\$350.00	\$450.00
	Costs & Surcharges	\$1,079.00	\$1,105.00
	<b>Total</b>	<b>\$1,429.00</b>	<b>\$1,555.00</b>
	Jail	<b>15 Days</b>	<b>20 Days</b>
	Revocation	<b>12 Months</b>	<b>14 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.17 to .199</b>	Fine	\$450.00	\$550.00
	Costs & Surcharges	\$1,105.00	\$1,131.00
	<b>Total</b>	<b>\$1,555.00</b>	<b>\$1,681.00</b>
	Jail	<b>20 Days</b>	<b>30 Days</b>
	Revocation	<b>14 Months</b>	<b>16 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.20 to .249</b>	Fine	\$550.00	\$650.00
	Costs & Surcharges	\$1,131.00	\$1,157.00
	<b>Total</b>	<b>\$1,681.00</b>	<b>\$1,807.00</b>
	Jail	<b>30 Days</b>	<b>40 Days</b>
	Revocation	<b>16 Months</b>	<b>18 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>.25 or Above OR REFUSAL **</b>	Fine	\$650.00	\$750.00
	Costs & Surcharges	\$1,157.00	\$1,183.00
	<b>Total</b>	<b>\$1,807.00</b>	<b>\$1,933.00</b>
	Jail	<b>40 Days</b>	<b>50 Days</b>
	Revocation	<b>18 Months</b>	<b>18 Months</b>
	Alcohol Asses & Driver Safety & IID	Yes	Yes
<b>Treatment/Probation Option §346.65(2)(bm)</b>	Fine	\$450.00	
	Costs & Surcharges	\$1,105.00	
	<b>Total</b>	<b>\$1,555.00</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.		

\*\* If separate finding of a refusal, 2 years revocation of operating privileges and 90 day waiting period for an occupational.

**THIRD OFFENSE**

**SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT**

**THIRD OFFENSE**

(On & After 07-14-2015)

**OWI SENTENCING GUIDELINES**

(On & After 07-14-2015)

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

**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 two years 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>THIRD OFFENSE BAC Level</b>	<b>Minimum Driving (No Accident/Record)</b>	<b>Agravated Driving (Accident/Injury/Record)</b>
.08 to .119 Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$600.00 \$1,144.00 <b>\$1,744.00</b> <b>45 Days</b> <b>24 Months</b> Yes	\$650.00 \$1,157.00 <b>\$1,807.00</b> <b>55 Days</b> <b>24 Months</b> Yes
.12 to .169 <b>OR</b> A Detectable Amount of a Restricted Controlled Substance Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$600.00 \$1,144.00 <b>\$1,744.00</b> <b>65 Days</b> <b>24 Months</b> Yes	\$750.00 \$1,183.00 <b>\$1,933.00</b> <b>75 Days</b> <b>27 Months</b> Yes
.17 to .199 BAC Fine Range Doubles to \$1200 - \$4000 Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$1,200.00 \$1,302.00 <b>\$2,502.00</b> <b>95 Days</b> <b>27 Months</b> Yes	\$1,350.00 \$1,342.50 <b>\$2,692.50</b> <b>125 Days</b> <b>30 Months</b> Yes
.20 to .249 BAC Fine Range Triples to \$1800 - \$6000 Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$1,800.00 \$1,464.00 <b>\$3,264.00</b> <b>125 Days</b> <b>30 Months</b> Yes	\$1,950.00 \$1,504.50 <b>\$3,454.50</b> <b>155 Days</b> <b>33 Months</b> Yes
.25 or Above <b>OR</b> REFUSAL ** BAC Fine Range Quadruples \$2400 - \$8000 Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$2,400.00 \$1,626.00 <b>\$4,026.00</b> <b>155 Days</b> <b>33 Months</b> Yes	\$2,550.00 \$1,666.50 <b>\$4,216.50</b> <b>185 Days</b> <b>36 Months</b> Yes
Treatment/Probation Option §346.65(2)(cm) Fine Costs & Surcharges <b>Total</b>	\$900.00 \$1,222.00 <b>\$2,122.00</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.		

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

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

**PENALTY RANGE:** (§346.65(2)(am)4) (Non-felony = last offense more than 5 years prior to current offense.)

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

**JAIL:** 60 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:** 6-36 Months

**IGNITION INTERLOCK:** Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of two years 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 BAC Level</b>	<b>Minimum Driving (No Accident/Record)</b>	<b>Agravated Driving (Accident/Injury/Record)</b>
.02 to .079 Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$600.00 \$1,144.00 <b>\$1,744.00</b> <b>60 Days</b> <b>24 Months</b> Yes	\$650.00 \$1,157.00 <b>\$1,807.00</b> <b>70 Days</b> <b>24 Months</b> Yes
.08 to .119 Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$900.00 \$1,222.00 <b>\$2,122.00</b> <b>75 Days</b> <b>30 Months</b> Yes	\$1,000.00 \$1,248.00 <b>\$2,248.00</b> <b>85 Days</b> <b>30 Months</b> Yes
.12 to .169 <b>OR</b> A Detectable Amount of a Restricted Controlled Substance Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$1,200.00 \$1,302.00 <b>\$2,502.00</b> <b>185 Days</b> <b>36 Months</b> Yes	\$1,350.00 \$1,342.50 <b>\$2,692.50</b> <b>215 Days</b> <b>36 Months</b> Yes
.17 to .199 BAC Fine Range Doubles to \$1200 - \$4000 Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$2,000.00 \$1,518.00 <b>\$3,518.00</b> <b>215 Days</b> <b>36 Months</b> Yes	\$2,150.00 \$1,558.50 <b>\$3,708.50</b> <b>245 Days</b> <b>36 Months</b> Yes
.20 to .249 BAC Fine Range Triples to \$1800 - \$6000 Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$2,300.00 \$1,599.00 <b>\$3,899.00</b> <b>245 Days</b> <b>36 Months</b> Yes	\$2,400.00 \$1,626.00 <b>\$4,026.00</b> <b>275 Days</b> <b>36 Months</b> Yes
.25 or Above <b>OR</b> REFUSAL ** BAC Fine Range Quadruples \$2400 - \$8000 Fine Costs & Surcharges <b>Total</b> Jail Revocation Alcohol Asses & Driver Safety & IID	\$2,900.00 \$1,761.00 <b>\$4,661.00</b> <b>275 Days</b> <b>36 Months</b> Yes	\$3,000.00 \$1,788.00 <b>\$4,788.00</b> <b>305 Days</b> <b>36 Months</b> Yes
Treatment/Probation Option §346.65(2)(dm) Fine Costs & Surcharges <b>Total</b>	\$900.00 \$1,222.00 <b>\$2,122.00</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.

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

**SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT**

(On & After 07-14-2015)

**OWI SENTENCING GUIDELINES**

(On & After 07-14-2015)

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

**OWI SENTENCING GUIDELINES FORFEITURE COSTS & SURCHARGES FORFEITURE**

**COSTS & SURCHARGES**

Driver Improvement Surcharge (D.I.S.)	\$435	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.)	0.26
\$50	Penalty Surcharge (P.S.) (26% of Fine/Forfeiture)		
Safe Ride Program Surcharge (SRPS)	\$50		

**OWI SENTENCING GUIDELINES CRIMINAL COSTS & SURCHARGES**

**CRIMINAL COSTS & SURCHARGES**

Driver Improvement Surcharge (D.I.S.)	\$435	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)	Safe Ride Program Surcharge (SRPS) \$50	\$200

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