

**4TH JUDICIAL DISTRICT OWI GUIDELINES - EFF. APRIL 2, 2008**

**FIRST OFFENSE**

(for violations of 346.63(1)(am) or (b), penalty - 346.65(2)(a))

**FORFEITURE:** \$150 TO \$300 (plus surcharges and costs, except for a violation with minimum BAC. No alcohol assessment for (b) with minimum BAC level. DOT may require an assessment if conviction is for OAWI and not the BAC.

**REVOCAATION:** 6 - 9 MONTHS (no waiting; s.343.30(1q)(b)2.)

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record		
.08 to less than .10	Forfeiture 6 month revocation	\$250.00		Forfeiture 7 month revocation	\$275.00
.10 to .15  Restricted Controlled Substance	Forfeiture Driver surcharge Costs Court support surcharge Penalty surcharge Justice Info. surcharge Crime Lab surcharge Jail surcharge <hr/> 6 month revocation	\$175.00 \$365.00 \$25.00 \$68.00 \$45.50 \$12.00 \$8.00 \$10.00 \$708.50		Forfeiture Driver surcharge Costs Court support surcharge Penalty surcharge Justice Info. surcharge Crime Lab surcharge Jail surcharge <hr/> 7 month revocation	\$200.00 \$365.00 \$25.00 \$68.00 \$52.00 \$12.00 \$8.00 \$10.00 \$740.00
.16 to .22	Forfeiture Driver surcharge Costs Court support surcharge Penalty surcharge Justice Info. surcharge Crime Lab surcharge Jail surcharge <hr/> 7 month revocation	\$200.00 \$365.00 \$25.00 \$68.00 \$52.00 \$12.00 \$8.00 \$10.00 \$740.00		Forfeiture Driver surcharge Costs Court support surcharge Penalty surcharge Justice Info. surcharge Crime Lab surcharge Jail surcharge <hr/> 8 month revocation	\$250.00 \$365.00 \$25.00 \$68.00 \$65.00 \$12.00 \$8.00 \$10.00 \$803.00
Refusal .23 & Above	Forfeiture Driver surcharge Costs Court support surcharge Penalty surcharge Justice Info. surcharge Crime Lab surcharge Jail surcharge <hr/> 8 month revocation/ Refusal 12 mon. revoc.	\$250.00 \$365.00 \$25.00 \$68.00 \$65.00 \$12.00 \$8.00 \$10.00 \$803.00		Forfeiture Driver surcharge Costs Court support surcharge Penalty surcharge Justice Info. surcharge Crime Lab surcharge Jail surcharge <hr/> 9 month revocation / Refusal 12 mon. revoc.	\$300.00 \$365.00 \$25.00 \$68.00 \$78.00 \$12.00 \$8.00 \$10.00 \$866.00

**FACTORS:** Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**4TH DISTRICT: SECOND OFFENSE**

**April 2, 2008**

(for violations of 346.63(1)(am) or (b), penalty - 346.65(2)(b))

**JAIL:** 5 DAYS - 6 MONTHS (minimum 48 consec. Hours in jail)  
**FINE:** \$350 - \$1100  
**REVOCAATION:** 12 - 18 MONTHS (s.343.30(1q)(b)3.)

Note: Ign. Interlock (343.301(1)(a)2) or immobilization (343.301(2)(a)2) is discretionary unless there is a 2nd Conviction within a 5 yr. Period.

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record		
.15 & Below  Restricted Controlled Substance	Fine	\$350.00		Fine	\$400.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$91.00		Penalty surcharge	\$104.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
		\$904.00			\$967.00
	5 days jail - 12 mon. revocation		10 days jail - 14 mon. revocation		
.16 to .22	Fine	\$400.00		Fine	\$500.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$104.00		Penalty surcharge	\$130.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
		\$967.00			\$1,093.00
	20 days jail - 14 mon. revocation		30 days jail - 16 mon. revocation		
Refusal .23 & above	Fine	\$500.00		Fine	\$600.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$130.00		Penalty surcharge	\$156.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
		\$1,093.00			\$1,219.00
	30 days jail - 16 mon. revocation		40 days jail - 18 mon. revocation		

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**4TH DISTRICT: THIRD OFFENSE**

(for violations of 346.63(1)(am) or (b), penalty - 346.65(2)(c))

**April 2, 2008**

**JAIL:** 30 DAYS - 12 MONTHS (minimum 48 consec. Hours in jail)  
**FINE:** \$600 - \$2000  
**REVOCACTION:** 24 - 36 MONTHS (s.343.30(1q)(b)4.)

Note: Ign. Interlock (343.301(1)(a)2) or immobilization (343.301(2)(a)2) is mandatory if there are 2 or more convictions within a 5 yr. Period, and vehicle seizure/forfeiture is discretionary (346.65(6)(a)1).

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record		
.15 & Below  Restricted Controlled Substance	Fine	\$600.00		Fine	\$750.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$156.00		Penalty surcharge	\$195.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
		\$1,219.00			\$1,408.00
	30 days jail - 24 mon. revocation		45 days jail - 28 mon. revocation		
.16 to .22  <b>Enhancer</b> .17-.199=fine X 2 .20-.249=fine X 3	Fine	\$750.00		Fine	\$900.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$195.00		Penalty surcharge	\$234.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
		\$1,408.00			\$1,597.00
	60 days jail - 28 mon. revocation		75 days jail - 32 mon. revocation		
Refusal .23 & above  <b>Enhancer</b> .20-.249= fine X 3 .25 & over= fine X 4	Fine	\$900.00		Fine	\$1,050.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$234.00		Penalty surcharge	\$273.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.50
		\$1,597.00			\$1,786.50
	90 days jail - 32 mon. revocation		120 days jail - 36 mon. revocation		

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**4TH DISTRICT: FOURTH OFFENSE**

**April 2, 2008**

(for violations of 346.63(1)(am) or (b), penalty - 346.65(2)(d))

**JAIL:** 60 DAYS - 12 MONTHS (minimum 48 consec. hours in jail)  
**FINE:** \$600 - \$2000  
**REVOCACTION:** 24 - 36 MONTHS (s.343.30(1q)(b)4.)

Note: Ign. Interlock (343.301(1)(a)2) or immobilization (343.301(2)(a)2) is mandatory if there are 2 or more convictions within a 5 yr. Period, and vehicle seizure/forfeiture is discretionary (346.65(6)(a)1).

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record		
.15 & Below  Restricted Controlled Substance	Fine	\$800.00		Fine	\$900.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$208.00		Penalty surcharge	\$234.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	\$1,471.00		\$1,597.00		
	75 days jail - 24 mon. revocation		100 days jail - 28 mon. revocation		
.16 to .22  <b>Enhancer</b> .17-.199= fine X 2 .20-.249= fine X 3	Fine	\$900.00		Fine	\$1,050.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$234.00		Penalty surcharge	\$273.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.50
	\$1,597.00		\$1,786.50		
	150 days jail - 28 mon. revocation		175 days jail - 32 mon. revocation		
Refusal .23 & above  <b>Enhancer</b> .20-.249= fine X 3 .25 & over= fine X 4	Fine	\$1,050.00		Fine	\$1,200.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$273.00		Penalty surcharge	\$312.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$10.50		Jail surcharge	\$12.00
	\$1,786.50		\$1,977.00		
	200 days jail - 32 mon. revocation		225 days jail - 36 mon. revocation		

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**4TH DISTRICT: FIFTH OFFENSE**

**April 2, 2008**

(for violations of 346.63(1)(am) or (b), penalty - 346.65(2)(e), 939.50(3)(h))

**JAIL/PRISON:** 6 MONTHS - 6 YEARS (min. 48 consec. Hrs. in jail)  
**FINE:** \$600 - \$10,000  
**REVOCACTION:** 24 - 36 MONTHS (s.343.30(1q)(b)4.)

Note: Ign. Interlock (343.301(1)(a)2) or immobilization (343.301(2)(a)2) is mandatory if there are 2 or more convictions within a 5 yr. Period, and vehicle seizure/forfeiture is discretionary (346.65(6)(a)1). **Length of incarceration at the discretion of the court.**

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record		
.15 & Below  Restricted Controlled Substance	Fine	\$1,000.00		Fine	\$1,100.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$260.00		Penalty surcharge	\$286.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$65.00		Victim/Witness surcharge A	\$65.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$10.00		Jail surcharge	\$11.00
		<u>\$1,748.00</u>			<u>\$1,875.00</u>
	24 mon. revocation, incar. at disc. of Court		28 mon. revocation, incar. at disc. of Court		
.16 to .22  <b>Enhancer</b> .17-.199= fine X 2 .20-.249= fine X 3	Fine	\$1,100.00		Fine	\$1,200.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$286.00		Penalty surcharge	\$312.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$65.00		Victim/Witness surcharge A	\$65.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$11.00		Jail surcharge	\$12.00
		<u>\$1,875.00</u>			<u>\$2,002.00</u>
	28 mon. revocation, incar. at disc. of Court		32 mon. revocation, incar. at disc. of Court		
Refusal .23 & above  <b>Enhancer</b> .20-.249= fine X 3 .25 & over= fine X 4	Fine	\$1,300.00		Fine	\$1,400.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$338.00		Penalty surcharge	\$364.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$65.00		Victim/Witness surcharge A	\$65.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Jail surcharge	\$13.00		Jail surcharge	\$14.00
		<u>\$2,129.00</u>			<u>\$2,256.00</u>
	32 mon. revocation, incar. at disc. of Court		36 month revoc.; incar. At disc. of Court		

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**COMMERCIAL VEHICLES**

**4TH JUDICIAL DISTRICT OWI GUIDELINES - EFF. APRIL 2, 2008**

**4TH DISTRICT: FIRST OFFENSE**

(for violations of 346.63(1)(am) or (b) & 346.63(5)(a), penalty - 346.65(2)(a) & 346.65(2j)(a))

**FORFEITURE:** \$150 TO \$300  
**SUSPENSION-REVOCAION:** Suspension not mandatory with commercial BAC of .04 to less than .08 (343.30(1)).  
 Mandatory revocation of 6-9 months with BAC of .08 or greater (343.30(1q)(b)2).

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident			Aggravated Driving - Accident or Injury; Bad Driving Record	
.04 to less than .08	Forfeiture	\$150.00		Forfeiture	\$200.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$25.00		Costs	\$25.00
	Court support surcharge	\$68.00		Court support surcharge	\$68.00
	Penalty surcharge	\$39.00		Penalty surcharge	\$52.00
	Justice Info. surcharge	\$12.00		Justice Info. surcharge	\$12.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	6 month suspension	\$685.00		7 month suspension	\$748.00
.08 to less than .10	Forfeiture	\$250.00		Forfeiture	\$275.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	6 month revocation	\$258.00		7 month revocation	\$283.00
.10 to .15  Restricted Controlled Substance	Forfeiture	\$200.00		Forfeiture	\$250.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$25.00		Costs	\$25.00
	Court support surcharge	\$68.00		Court support surcharge	\$68.00
	Penalty surcharge	\$52.00		Penalty surcharge	\$65.00
	Justice Info. surcharge	\$12.00		Justice Info. surcharge	\$12.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	7 month revocation	\$748.00		8 month revocation	\$811.00
Above .15	Forfeiture	\$250.00		Forfeiture	\$300.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$25.00		Costs	\$25.00
	Court support surcharge	\$68.00		Court support surcharge	\$68.00
	Penalty surcharge	\$65.00		Penalty surcharge	\$78.00
	Justice Info. surcharge	\$12.00		Justice Info. surcharge	\$12.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	8 month revocation	\$811.00		9 month revocation	\$874.00

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**4TH DISTRICT: SECOND OFFENSE - COMMERCIAL**

**April 2, 2008**

(for violations of 346.63(1)(am) or (b) & 346.63(5)(a))

(penalty - 346.65(2)(b) & 346.65(2j)(b))

**JAIL:** 5 DAYS - 6 MONTHS  
**FINE:** \$350 - \$1000 (commercial, BAC of .04 to less than .08)  
 \$350 - \$1100 (non-commercial, BAC of .08 or greater)  
**SUSPENSION/REVOCAION:** Suspension not mandatory with commercial BAC of .04 to less than .08 (343.30(1)).  
 Mandatory revocation of 12 - 18 months with BAC of .08 or greater (343.30(1q)(b)3).

**DRIVING FACTORS**

<b>BAC LEVEL</b>	<b>Minimum Driving - No Accident</b>			<b>Aggravated Driving - Accident or Injury; Bad Driving Record</b>	
.04 to less than .08	Fine	\$300.00		Fine	\$400.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$78.00		Penalty surcharge	\$104.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	5 days jail - 12 mon. suspension	\$849.00		10 days jail - 12 mon. suspension	\$975.00
.08 to .15  Restricted Controlled Substance	Fine	\$400.00		Fine	\$500.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$104.00		Penalty surcharge	\$130.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	20 days jail - 12 mon. revocation	\$975.00		30 days jail - 14 mon. revocation	\$1,101.00
Above .15	Fine	\$500.00		Fine	\$600.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$130.00		Penalty surcharge	\$156.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	30 days jail - 14 mon. revocation	\$1,101.00		40 days jail - 16 mon. revocation	\$1,227.00

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**4TH DISTRICT: THIRD OFFENSE - COMMERCIAL**

**April 2, 2008**

(for violations of 346.63(1)(am) or (b) & 346.63(5)(a))

(penalty - 346.65(2)(c) & 346.65(2)(c))

**JAIL:** 30 DAYS - 12 MONTHS  
**FINE:** \$600 - \$2000  
**SUSPENSION/REVOICATION:** Suspension not mandatory with commercial BAC of .04 to less than .08 (343.30(1)).  
Mandatory revocation of 24 - 36 months with BAC of .08 or greater (343.30(1q)(b)4).

**DRIVING FACTORS**

<u>BAC LEVEL</u>	<u>Minimum Driving - No Accident</u>		<u>Aggravated Driving - Accident or Injury; Bad Driving Record</u>		
.04 to less than .08	Fine	\$600.00		Fine	\$750.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$156.00		Penalty surcharge	\$195.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	30 days jail - 12 month susp.	\$1,227.00		45 days jail - 12 month susp.	\$1,416.00
.08 to .15  Restricted Controlled Substance	Fine	\$750.00		Fine	\$900.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$195.00		Penalty surcharge	\$234.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	60 days jail - 24 month revoc.	\$1,416.00		75 days jail - 28 month revoc.	\$1,605.00
Above .15	Fine	\$900.00		Fine	\$1,050.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$234.00		Penalty surcharge	\$273.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.50
	90 days jail - 28 month revoc.	\$1,605.00		120 days jail - 32 month revoc.	\$1,794.50

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.



**4TH DISTRICT: FOURTH OFFENSE - COMMERCIAL**

**April 2, 2008**

(for violations of 346.63(1)(am) or (b) & 346.63(5)(a))

(penalty - 346.65(2)(d) & 346.65(2)(c))

JAIL:

30 DAYS - 12 MONTHS (commercial: BAC of .04 to less than .08)

60 DAYS - 12 MONTHS (non-commercial: BAC of .08 or greater)

FINE:

\$600 - \$2000

SUSPENSION/REVOICATION:

Suspension not mandatory with commercial BAC of .04 to less than .08 (343.30(1)).

Mandatory revocation of 24 - 36 months with BAC of .08 or greater (343.30(1q)(b)4).

**DRIVING FACTORS**

<u>BAC LEVEL</u>	<u>Minimum Driving - No Accident</u>			<u>Aggravated Driving - Accident or Injury; Bad Driving Record</u>	
.04 to less than .08	Fine	\$750.00		Fine	\$900.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$195.00		Penalty surcharge	\$234.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	75 days jail - 12 month susp.	\$1,416.00		100 days jail - 12 month susp.	\$1,605.00
.08 to .15  Restricted Controlled Substance	Fine	\$900.00		Fine	\$1,050.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$234.00		Penalty surcharge	\$273.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.50
	150 days jail - 24 month revoc.	\$1,605.00		175 days jail - 28 month revoc.	\$1,794.50
Above .15	Fine	\$1,050.00		Fine	\$1,200.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$273.00		Penalty surcharge	\$312.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.50		Jail surcharge	\$12.00
	200 days jail - 28 month revoc.	\$1,794.50		225 days jail - 32 month revoc.	\$1,985.00

FACTORS:

Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**4TH DISTRICT: FIFTH OFFENSE - COMMERCIAL**

**April 2, 2008**

(for violations of 346.63(1)(am) or (b) & 346.63(5)(a))

(penalty - 346.65(2)(e) & 346.65(2)(c))

JAIL/PRISON

30 DAYS - 12 MONTHS (commercial: BAC of .04 to less than .08)

6 MONTHS - 6 YEARS (non-commercial: BAC of .08 or greater)

FINE:

\$600 - \$2000 (commercial: BAC .04 to less than .08)

\$600 - \$10,000 (non-commercial: BAC of .08 or greater)

SUSPENSION/REVOCAION:

Suspension not mandatory with commercial BAC of .04 to less than .08 (343.30(1)).

Mandatory revocation of 24 - 36 months with BAC of .08 or greater (343.30(1q)(b)4).

**Length of Incarceration at the discretion of the court .**

**DRIVING FACTORS**

<u>BAC LEVEL</u>	<u>Minimum Driving - No Accident</u>			<u>Aggravated Driving - Accident or Injury; Bad Driving Record</u>	
.04 to less than .08	Fine	\$900.00		Fine	\$1,050.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$234.00		Penalty surcharge	\$273.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.50
	Jail time disc. - 12 month susp.	\$1,605.00		Jail time disc. - 12 month susp.	\$1,794.50
.08 to .15  Restricted Controlled Substance	Fine	\$1,050.00		Fine	\$1,200.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$273.00		Penalty surcharge	\$312.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$10.50		Jail surcharge	\$12.00
	Jail time disc. - 24 month revoc.	\$1,794.50		Jail time disc. - 28 month revoc.	\$1,985.00
Above .15	Fine	\$1,200.00		Fine	\$1,350.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$20.00		Costs	\$20.00
	Penalty surcharge	\$312.00		Penalty surcharge	\$351.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$20.00		Victim/Witness surcharge B	\$20.00
	Truck driver surcharge	\$8.00		Truck driver surcharge	\$8.00
	Jail surcharge	\$12.00		Jail surcharge	\$13.50
	Jail time disc. - 28 month revoc.	\$1,985.00		Jail time disc. - 32 month revoc.	\$2,175.50

FACTORS:

Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**4TH JUDICIAL DISTRICT OWI GUIDELINES - APRIL 2, 2008**

**MUNICIPAL COURT**

**FIRST OFFENSE**

(for violations of 346.63(1)(am) or (b); penalty 346.65(2)(a))

**FORFEITURE:** \$150 TO \$300

**REVOCAION:** 6 - 9 MONTHS (no waiting)

**ALCOHOL ASSESSMENT** Surrender driver's license. The court may order a reduction in court costs, fine or forfeiture so an offender is able to pay the difference for an alcohol assessment and driver safety plan (346.65(2e). No alcohol assessment with minimum .08 to less than .10 BAC level.

**DRIVING FACTORS**

<b><u>BAC LEVEL</u></b>	<b>Minimum Driving - No Accident</b>		<b>Aggravated Driving - Accident or Injury; Bad Driving Record</b>
.08 to less than .10	Forfeiture \$250.00 6 month revocation		Forfeiture \$275.00 7 month revocation
.10 to .15  Restricted Controlled Substance	Forfeiture \$175.00 Driver surcharge \$365.00 Costs \$15 to 28 Penalty surcharge \$45.50 Crime Lab surcharge \$8.00 Jail surcharge \$10.00 6 month revocation		Forfeiture \$200.00 Driver surcharge \$365.00 Costs \$15 to 28 Penalty surcharge \$52.00 Crime Lab surcharge \$8.00 Jail surcharge \$10.00 7 month revocation
.16 to .22	Forfeiture \$200.00 Driver surcharge \$365.00 Costs \$15 to 28 Penalty surcharge \$52.00 Crime Lab surcharge \$8.00 Jail surcharge \$10.00 7 month revocation		Forfeiture \$250.00 Driver surcharge \$365.00 Costs \$15 to 28 Penalty surcharge \$65.00 Crime Lab surcharge \$8.00 Jail surcharge \$10.00 8 month revocation
Refusal .23 & above	Forfeiture \$250.00 Driver surcharge \$365.00 Costs \$15 to 28 Penalty surcharge \$65.00 Crime Lab surcharge \$8.00 Jail surcharge \$10.00 8 month revocation		Forfeiture \$300.00 Driver surcharge \$365.00 Costs \$15 to 28 Penalty surcharge \$78.00 Crime Lab surcharge \$8.00 Jail surcharge \$10.00 9 month revocation

**FACTORS:** Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**4TH JUDICIAL DISTRICT OWI GUIDELINES - APRIL 2, 2008**

**COMMERCIAL VEHICLES**

**MUNICIPAL COURT**

**FIRST OFFENSE**

(for violations of 346.63(1)(am) or (b) & 346.63(5)(a), penalty 346.65(2)(a) & 346.65(2j)(a))

**FORFEITURE:** \$150 TO \$300 (plus surcharges and costs, except for a violation with minimum BAC).

**SUSPENSION/REVOCAION:** Suspension not mandatory with BAC of .04 to less than .08 (343.30(1)).

Mandatory revocation of 6-9 months with BAC of .08 or greater (343.30(1q)(b)2). No alcohol assessment with .08 to less than .10 BAC level.

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record		
.04 to less than .08	Forfeiture	\$150.00		Forfeiture	\$200.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$15 to 28		Costs	\$15 to 28
	Penalty surcharge	\$39.00		Penalty surcharge	\$52.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	6 month suspension			7 month suspension	
.08 to less than .10	Forfeiture	\$250.00		Forfeiture	\$275.00
	6 month revocation			7 month revocation	
.10 to .15  Restricted Controlled Substance	Forfeiture	\$200.00		Forfeiture	\$250.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$15 to 28		Costs	\$15 to 28
	Penalty surcharge	\$52.00		Penalty surcharge	\$65.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	7 month revocation			8 month revocation	
Above .15	Forfeiture	\$250.00		Forfeiture	\$300.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$15 to 28		Costs	\$15 to 28
	Penalty surcharge	\$65.00		Penalty surcharge	\$78.00
	Crime Lab surcharge	\$8.00		Crime Lab surcharge	\$8.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	8 month revocation			9 month revocation	

**FACTORS:** Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

**OWI GUIDELINE -- STATUTE GUIDE** (not included as part of guidelines - staff use only)

CHIEF JUDGE TO ADOPT GUIDELINES	346.65(2m)(a)
COURT REVOCATION & SUSPENSION	343.30
PENALTY SURCHARGE	757.05(1), 814.75(18)
JAIL SURCHARGE	302.46, 814.75(14)
CRIME LAB & DRUG SURCHARGE	165.755, 814.75(3)
VICTIM-WITNESS SURCHG. A and B	973.045, 814.75(5)
COURT COSTS	814.60, 814.63
COURT COSTS - MUNICIPAL	814.65(1)
JUSTICE INFORMATION SURCHARGE	814.86(1), 814.75(15)
COURT SUPPORT SURCHARGE	814.85(1)(a), 814.75(2)
DRIVE IMPROVEMENT SURCHARGE	346.655, 814.75(9)
BAC PENALTY ENHANCER	346.65(2)(g)
TRUCK DRIVER ED. SURCHARGE	349.04(1), 814.75(23)
Prohibited alcohol content And violation of	340.01(46m) 346.63(1)
Suspension/Rev. by courts	343.30(1q)(b)
Refusals	343.305(9), (10), (10m)
Drunk driving penalties	346.65(2)
Commercial drunk driving	346.63(5)(a)
Commercial drunk driving penalties	346.65(2j)
Ignition Interlock/Immobilization	343.301(1) and (2)
Minor passenger under 16 (fine doubled)	346.65(2)(f)
Minor passenger under 16 (commercial)	346.65(2j)(d)
Vehicle seizure/forfeiture	346.65(6)

**BAC PENALTY ENHANCER FINE TABLE**

(NOT PART OF GUIDELINES - STAFF USE ONLY)

<b><u>Formula:</u></b>	Fine Amount			\$ Amount
	Penalty surcharge			0.26
	Driver improvement surcharge			\$365.00
	Court costs			\$20.00
	Crime Lab surcharge			\$8.00
	Victim/Witness surcharges A plus B			\$60.00
	Jail surcharge	0.01	or	\$10 \$ Amount

NOTE: for felonies, 5th offense and over, add \$25 to amount found below (Part A surcharge is \$65)

<u>FINE AMOUNT</u>	<u>FINE X 2 Plus Costs</u>	<u>FINE X 3 Plus Costs</u>	<u>FINE X 4 Plus Costs</u>
\$100.00	\$715.00	\$841.00	\$967.00
\$150.00	\$841.00	\$1,030.00	\$1,219.00
\$200.00	\$967.00	\$1,219.00	\$1,471.00
\$250.00	\$1,093.00	\$1,408.00	\$1,723.00
\$300.00	\$1,219.00	\$1,597.00	\$1,977.00
\$350.00	\$1,345.00	\$1,786.50	\$2,231.00
\$400.00	\$1,471.00	\$1,977.00	\$2,485.00
\$450.00	\$1,597.00	\$2,167.50	\$2,739.00
\$500.00	\$1,723.00	\$2,358.00	\$2,993.00
\$550.00	\$1,850.00	\$2,548.50	\$3,247.00
\$600.00	\$1,977.00	\$2,739.00	\$3,501.00
\$650.00	\$2,104.00	\$2,929.50	\$3,755.00
\$700.00	\$2,231.00	\$3,120.00	\$4,009.00
\$750.00	\$2,358.00	\$3,310.50	\$4,263.00
\$800.00	\$2,485.00	\$3,501.00	\$4,517.00
\$850.00	\$2,612.00	\$3,691.50	\$4,771.00
\$900.00	\$2,739.00	\$3,882.00	\$5,025.00
\$950.00	\$2,866.00	\$4,072.50	\$5,279.00
\$1,000.00	\$2,993.00	\$4,263.00	\$5,533.00
\$1,050.00	\$3,120.00	\$4,453.50	\$5,787.00
\$1,100.00	\$3,247.00	\$4,644.00	\$6,041.00
\$1,150.00	\$3,374.00	\$4,834.50	\$6,295.00
\$1,200.00	\$3,501.00	\$5,025.00	\$6,549.00
\$1,250.00	\$3,628.00	\$5,215.50	\$6,803.00
\$1,300.00	\$3,755.00	\$5,406.00	\$7,057.00
\$1,350.00	\$3,882.00	\$5,596.50	\$7,311.00
\$1,400.00	\$4,009.00	\$5,787.00	\$7,565.00

The BAC penalty enhancer ranges contained in 346.65(2)(g) apply to the fines found in 346.65(2) pars. (c) to (e). You can use these table amounts in 3rd & 4th offenses, but for 5th must add \$25 because the Part A surcharge for a felony is \$65, rather than \$40. This table shows the total amount due after the multiplier is applied (per 1999 Act 109, 346.65(2)(g) eff. 1/1/2001).

Enhancer Range Minimums-Maximums:

<u>3rd Offense</u>	X2	X3	X4
\$600-2000	\$1200-4000	\$1800-6000	\$2400-8000

<u>4th Offense</u>	X2	X3	X4
\$600-2000	\$1200-4000	\$1800-6000	\$2400-8000

<u>5th Offense</u>	X2	X3	X4
\$600-10,000	\$1200-10K	\$1800-10K	\$2400-10K

(no maximum contained in 346.65(2)(e), therefore maximum is that for a Class H felony, 939.50(3)(h))