

SIXTH JUDICIAL DISTRICT

OMVWI
SENTENCING GUIDELINES

Citation Issued On or After
April 2, 2008

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

John R. Storck, Chief Judge

FIRST OFFENSE

SENTENCING GUIDELINES - STANDARD

Citations Issued On or After
April 2, 2008

BAC Level	.08 to .099 (Effective 9/30/2003)		.10 to .149		.15 to .219		.22 & above		Refusal	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Penalty	150.00	175.00	677.00	740.00	740.00	803.00	803.00	866.00	803.00	866.00
Forfeiture	150.00	175.00	150.00	200.00	200.00	250.00	250.00	300.00	250.00	300.00
DIS			365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs			25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00
CSF			68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00
(26% of Forf.) PA			39.00	52.00	52.00	65.00	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
JISF			12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
CL/DL			8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Revocation	[OWI - 6 mos]	[OWI - 6 mos]	6 mos	7 mos	7 mos	8 mos	8 mos	9 mos	9 mos.*	9 mos*

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

PENALTY RANGE

FORFEITURE: \$150 minimum to \$300 maximum

REVOCAION/DISQUALIFICATION: 6-9 months (no waiting period for occupational license). Effective 09/30/05, revocation applies to all driving privileges -- commercial and noncommercial; disqualification for one (1) year from operation of commercial vehicles.

REVOCAION FOR REFUSAL: 12 months (30 day waiting period)

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
April 2, 2008

BAC Level	.08 to .099		.10 to .149		.15 to .219		.22 & above		Refusal	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Jail Penalty	5 days 904.00	10 days 904.00	10 days 904.00	20 days 967.00	20 days 967.00	30 days 1,030.00	30 days 1,030.00	40 days 1,093.00	40 days 1,030.00	60 days 1,093.00
Fine	350.00	350.00	350.00	400.00	400.00	450.00	450.00	500.00	450.00	500.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00
VWS - A	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
VWS - B	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
(26% of Fine) PA	91.00	91.00	91.00	104.00	104.00	117.00	117.00	130.00	117.00	130.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Revocation	12 mos	12 mos	12 mos	14 mos	14 mos	16 mos	16 mos	18 mos	18 mos*	18 mos*

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

PENALTY RANGE

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

JAIL (OR MONITORED HOME DETENTION): Not less than 5 days or ordered to perform not less than 30 days of community service work nor more than 6 months.

REVOCAION/DISQUALIFICATION: 12 - 18 months. Effective 09/30/05, revocation applies to all driving privileges -- commercial and noncommercial; disqualification for one (1) year from operation of commercial vehicles.

OCCUPATIONAL/COMMERCIAL LICENSE ELIGIBILITY: Effective 9/30/01, OWI offenders with two or more offenses within any five year period are eligible for an occupational license one year from the date of revocation for the offense. If not, a 60 day waiting period for the occupational license applies. Absolute sobriety during use.

Effective 9/30/05, if conviction for a second or subsequent OWI/PAC is coupled with prior OWI/PAC with commercial vehicle, disqualification for life from operating commercial vehicle.

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).

THIRD OFFENSE

GUIDELINES -STANDARD

Citations Issued On or After April 2, 2008

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 plus	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Jail Penalty	30 days 1,219.00	45 days 1,408.00	45 days 1,282.00	60 days 1,534.00	60 days 1,345.00	75 days 1,723.00	75 days 1,977.00	90 days 2,167.50	90 days 2,739.00	120 days 2,993.00	120 days 3,501.00	150 days 3,882.00
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	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00
VWS-A	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
VWS-B	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
(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	10.00	10.00	10.00	10.00	10.00	12.00	13.50	18.00	20.00	24.00	27.00
CL/DL	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Revocation	24 mos	27 mos	27 mos	27 mos	27 mos	30 mos	30 mos	30 mos	30 mos	33 mos	33 mos	33 mos

PENALTY RANGE

FINE AMOUNT: \$600 minimum to \$2000 maximum (**EXCEPTION:** minimum and maximum fines are doubled if BAC is .17 to .199; tripled if BAC is .20 to .249; and quadrupled if BAC is .25 or above).

JAIL (OR MONITORED HOME DETENTION): 30 days - 12 months (not less than a 48 consecutive hour period in county jail).

REVOCAION/DISQUALIFICATION: 24 - 36 months. Effective 09/30/05, revocation applies to all driving privileges -- commercial and noncommercial; disqualification for one (1) year from operation of commercial vehicles.

OCCUPATIONAL/COMMERCIAL LICENSE ELIGIBILITY: Effective 9/30/01, OWI offenders with two or more offenses within any five year period are eligible for an occupational license one year from the date of revocation for the offense. If OWI offender does not have two or more offenses within any five year period, then 90-day waiting period applies. Completion of alcohol assessment/driver safety plan for occupational license and absolute sobriety during use. Effective 9/30/05, if conviction for a second or subsequent OWI/PAC is coupled with prior OWI/PAC with commercial vehicle, disqualification for life from operating commercial vehicle.

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 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 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).

BAC Level	Refusal	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Jail Penalty	150 days 2,993.00	180 days 2,993.00
Fine	2,000.00	2,000.00
DIS	365.00	365.00
Costs	20.00	20.00
VWS-A	60.00	60.00
VWS-B	60.00	60.00
(26% of Fine) PA	520.00	520.00
JA	20.00	20.00
CL/DL	8.00	8.00
Revocation	33 mos	36 mos

FOURTH OFFENSE

Citations Issued On or After April 2, 2008

BAC Level	.02 to .049		.05 to .079		.08 to .099		.10 to .149		.15 to .169	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Jail	60 days (45 actual)	75 days (57 actual)	75 days (57 actual)	90 days (68 actual)	90 days (68 actual)	120 days (90 actual)	120 days (90 actual)	150 days (113 actual)	150 days (113 actual)	180 days (135 actual)
Probation					2 years	2 years	2 years	2 years	2 years	2 years
Penalty	1,219.00	1,408.00	1,408.00	1,597.00	1,597.00	1,977.00	1,786.50	2,358.00	2,104.00	2,739.00
Fine	600.00	750.00	750.00	900.00	900.00	1,200.00	1,050.00	1,500.00	1,300.00	1,800.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00
VWS-A										
VWS-B	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
(26% of Fine) PA	156.00	195.00	195.00	234.00	234.00	312.00	273.00	390.00	338.00	468.00
JA	10.00	10.00	10.00	10.00	10.00	12.00	10.50	15.00	13.00	18.00
CL/DL	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Revocation	24 mos	27 mos	27 mos	27 mos	27 mos	30 mos	30 mos	30 mos	30 mos	33 mos

FINE AMOUNT: \$600 minimum to \$2000 maximum (*EXCEPTION:* minimum and maximum fines are doubled if BAC is .17 to .199; tripled if BAC is .20 to .249; and quadrupled if BAC is .25 or above.)

JAIL (OR MONITORED HOME DETENTION): 60 days - 12 months (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: Probation is discretionary. It is not recommended on offenses with PAC of .02 through .079. For offenses of OWI and PACs of .08 and greater, it is recommended that the guideline PAC sentence be imposed and stayed and that probation then be ordered with conditions of jail, fine, and revocation two levels down on the guidelines.

OCCUPATIONAL/COMMERCIAL LICENSE ELIGIBILITY: Effective 9/30/01, OWI offenders with two or more offenses within any five year period are eligible for an occupational license one year from the date of revocation for the offense. If OWI offender does not have two or more offenses within any five year period, then 90-day waiting period applies. Completion of alcohol assessment/driver safety plan for occupational license and absolute sobriety during use. Effective 9/30/05, if conviction for a second or subsequent OWI/PAC is coupled with prior OWI/PAC with commercial vehicle, disqualification for life from operating commercial vehicle.

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.

4th OFFENSE (continued)

.17 to .199		.20 to .249		.25 plus		Refusal	
Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
180 days (135 actual)	210 days (158 actual)	210 days (158 actual)	240 days (180 actual)	240 days (180 actual)	270 days (203 actual)	300 days (225 actual)	360 days (270 actual)
2 years	2 years	2 years	2 years	2 years	2 years	2 years	2 years
2,358.00	2,993.00	3,310.50	3,628.00	4,263.00	4,580.50	2,993.00	2,993.00
1,500.00	2,000.00	2,250.00	2,500.00	3,000.00	3,250.00	2,000.00	2,000.00
365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00
60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
390.00	520.00	585.00	650.00	780.00	845.00	520.00	520.00
15.00	20.00	22.50	25.00	30.00	32.50	20.00	20.00
8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
33 mos	33 mos	33 mos	36 mos	36 mos	36 mos	36 mos*	36 mos

FIRST OFFENSE

Citations Issued On or After
April 2, 2008

MINOR UNDER 16 YEARS OF AGE IN VEHICLE

BAC Level	.08 to .099		.149 and Below		.15 to .219		.22 & Above		Refusal	
	Minimum Driving	Aggravated Driving	Minimum Driving	Aggravated Driving	Minimum Driving	Aggravated Driving	Minimum Driving	Aggravated Driving	Minimum Driving	Aggravated Driving
	No Accident	Accident or Injury	No Accident	Accident or Injury	No Accident	Accident or Injury	No Accident	Accident or Injury	No Accident	Accident or Injury
		Bad Driving Record		Bad Driving Record		Bad Driving Record		Bad Driving Record		Bad Driving Record
Penalty	300.00	350.00	866.00	992.00	992.00	1,118.00	1,118.00	1,244.00	1,118.00	1,244.00
Forfeiture	300.00	350.00	300.00	400.00	400.00	500.00	500.00	600.00	500.00	600.00
DIS			365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs			25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00
CSF			68.00	68.00	68.00	68.00	68.00	68.00	68.00	68.00
(26% of Forfeiture) PA			78.00	104.00	104.00	130.00	130.00	156.00	130.00	156.00
JA			10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
JISF			12.00	12.00	12.00	12.00	12.00	12.00	12.00	12.00
CL/DL			8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Revocation (violations occurring on or after 04/09/01)	[OWI - 12 mos]	[OWI - 12 mos]	12 mos	14 mos	14 mos	16 mos	16 mos	18 mos	18 mos*	18 mos*

*If separate finding of a refusal, 2 years revocation of operating privileges.

PENALTY RANGE

FORFEITURE: \$300 minimum to \$600 maximum

REVOCAION/DISQUALIFICATION: (violations occurring on or after 04/09/01) 12 - 18 months. Effective 9/30/05, revocation applies to all driving privileges -- commercial and noncommercial; disqualification for one (1) year from operation of commercial vehicles. Effective 9/30/05, if conviction for a second or subsequent OWI/PAC is coupled with prior OWI/PAC with commercial vehicle, disqualification for life from operating commercial vehicle. Penalties are doubled when a minor passenger under 16 years of age is in the motor vehicle at the time of violation (See Section 346.65(2)(f). Wis. Stats.). A minor passenger under 16 years of age in a motor vehicle at the time of a violation of a third, fourth or fifth offense is a felony (see Section 346.65(2)(f) and 973.02, Wis. Stats.).

SECOND OFFENSE

Citations Issued On or After
April 2, 2008

MINOR UNDER 16 YEARS OF AGE IN VEHICLE

BAC Level	.08 to .099		.10 to .149		.15 to .219		.22 & Above		Refusal	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Jail Penalty	10 days 1,345.00	20 days 1,345.00	20 days 1,345.00	40 days 1,471.00	40 days 1,471.00	60 days 1,597.00	60 days 1,597.00	80 days 1,723.00	80 days 1,597.00	120 days 1,723.00
Fine	700.00	700.00	700.00	800.00	800.00	900.00	900.00	1000.00	900.00	1,000.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
Costs	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00
VWS - A	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
VWS - B	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00
(26% of Fine) PA	182.00	182.00	182.00	208.00	208.00	234.00	234.00	260.00	234.00	260.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Revocation	24 mos	24 mos	24 mos	28 mos	28 mos	32 mos	32 mos	36 mos	36 mos*	36 mos*

*If separate finding of a refusal, 4 year revocation of operating privileges.

PENALTY RANGE

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

REVOCATION/DISQUALIFICATION: 24 to 36 months. Effective 9/30/05, revocation applies to all driving privileges -- commercial and noncommercial; disqualification for one (1) year from operation of commercial vehicles.

OCCUPATIONAL/COMMERCIAL LICENSE ELIGIBILITY: Effective 9/30/01, OWI offenders with two or more offenses within any five year period are eligible for an occupational license one year from the date of revocation for the offense. If OWI offender does not have two or more offenses within any five year period, then 90-day waiting period applies. Completion of alcohol assessment/driver safety plan for occupational license and absolute sobriety during use. Effective 9/30/05, if conviction for a second or subsequent OWI/PAC is coupled with prior OWI/PAC with commercial vehicle, disqualification for life from operating commercial vehicle.

Penalties are doubled when a minor passenger under 16 years of age is in the motor vehicle at the time of violation (see Section 346.65(2)(f), Wis. Stats.). A minor passenger under 16 years of age in a motor vehicle at the time of a violation of a third, fourth or fifth offense is a felony (see Section 346.65(2)(f) and 973.02, Wis. Stats.).

FIRST OFFENSE

Citations Issued On or After
April 2, 2008

Commercial Motor Vehicles

BAC Level	.040 to .100		.101 to .150		.151 and Above	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Penalty	685.00	748.00	748.00	811.00	811.00	874.00
Forfeiture	150.00	200.00	200.00	250.00	250.00	300.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00
Costs	25.00	25.00	25.00	25.00	25.00	25.00
CSF	68.00	68.00	68.00	68.00	68.00	68.00
(26% of Forfeiture) PA	39.00	52.00	52.00	65.00	65.00	78.00
JA	10.00	10.00	10.00	10.00	10.00	10.00
JISF	12.00	12.00	12.00	12.00	12.00	12.00
CL/DL	8.00	8.00	8.00	8.00	8.00	8.00
TDEA	8.00	8.00	8.00	8.00	8.00	8.00
Suspension	6 mos	7 mos	7 mos	8 mos	8 mos	9 mos

PENALTY RANGE

FORFEITURE: \$150 minimum to \$300 maximum

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

Citations Issued On or After
April 2, 2008

COMMERCIAL MOTOR VEHICLES

BAC Level	.040 to .100		.101 to .150		.151 and Above	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Jail Penalty	20 days 912.00	30 days 975.00	30 days 975.00	45 days 1038.00	45 days 1038.00	60 days 1101.00
Fine	350.00	400.00	400.00	450.00	450.00	500.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00
Costs	20.00	20.00	20.00	20.00	20.00	20.00
VWS - A	60.00	60.00	60.00	60.00	60.00	60.00
VWS - B						
(26% of Fine) PA	91.00	104.00	104.00	117.00	117.00	130.00
JA	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	8.00	8.00	8.00	8.00	8.00	8.00
TDEA	8.00	8.00	8.00	8.00	8.00	8.00
Revocation/Suspension	12 mos	14 mos	14 mos	16 mos	16 mos	18 mos

PENALTY RANGE

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

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

Citations Issued On or After
April 2, 2008

COMMERCIAL MOTOR VEHICLES

BAC Level	.040 to .100		.101 to .150		.151 and Above	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Jail Penalty	45 days 1290.00	60 days 1353.00	60 days 1353.00	75 days 1416.00	75 days 1416.00	90 days 1479.00
Fine	650.00	700.00	700.00	750.00	750.00	800.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00
Costs	20.00	20.00	20.00	20.00	20.00	20.00
VWS-A	60.00	60.00	60.00	60.00	60.00	60.00
VWS-B	60.00	60.00	60.00	60.00	60.00	60.00
(26% of Fine) PA	169.00	182.00	182.00	195.00	195.00	208.00
JA	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	8.00	8.00	8.00	8.00	8.00	8.00
TDEA	8.00	8.00	8.00	8.00	8.00	8.00
Revocation/Suspension	24 mos	27 mos	27 mos	30 mos	30 mos	33 mos

PENALTY RANGE

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

JAIL: 30 days - 12 months

REVOCATION/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 COURTS

Citations Issued On or After
April 2, 2008

BAC Level	.08 to .099 (effective 9/30/2003)		.10 to .149		.15 to .219		.22 & above		Refusal	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Penalty	150.00	175.00	587.00	650.00	650.00	713.00	713.00	776.00	713.00	776.00
Forfeiture	150.00	175.00	150.00	200.00	200.00	250.00	250.00	300.00	250.00	300.00
DIS			365.00	365.00	365.00	365.00	365.00	365.00	365.00	365.00
*Costs			15.00	15.00	15.00	15.00	15.00	15.00	15.00	15.00
(26% of Forf.) PA			39.00	52.00	52.00	65.00	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
CL/DL			8.00	8.00	8.00	8.00	8.00	8.00	8.00	8.00
Suspension (violations occurring between 1/01/01 - 04/08/01)			6 mos	7 mos	7 mos	8 mos	8 mos	9 mos	NA	NA
Revocation (violations occurring on or after 04/09/01)	[OWI - 6 mos]	[OWI - 6 mos]	6 mos	7 mos	7 mos	8 mos	8 mos	9 mos	12 mos (30 day waiting period)	12 mos (30 day waiting period)

PENALTY RANGE

FORFEITURE: \$150 minimum to \$300 maximum

***COSTS** are calculated at the minimum of \$15 but may be assessed to a maximum of \$23 pursuant to Wis Stats. 814.65(1)

SUSPENSION (for violations occurring 01/01/01 - 4/08/01): 6-9 months (no waiting period for occupational license)

REVOCAION/DISQUALIFICATION (for violations occurring on or after 4/09/01): 6-9 months (no waiting period for occupational license). Effective 09/30/05, revocation applies to all driving privileges -- commercial and noncommercial; disqualification for one (1) year from operation of commercial vehicles.

REVOCAION FOR REFUSAL: 12 months (30 day waiting period)

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 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

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.

FIRST OFFENSE

Citations Issued On or After
April 2, 2008

OMVWI SENTENCING GUIDELINES - MUNICIPAL - COMMERCIAL

BAC Level	.040 to .100		.101 to .150		.151 and Above	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
Penalty	595.00	658.00	658.00	721.00	721.00	784.00
Forfeiture	150.00	200.00	200.00	250.00	250.00	300.00
DIS	365.00	365.00	365.00	365.00	365.00	365.00
*Costs	15.00	15.00	15.00	15.00	15.00	15.00
(26% of Forfeiture) PA	39.00	52.00	52.00	65.00	65.00	78.00
JA	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	8.00	8.00	8.00	8.00	8.00	8.00
TDEA	8.00	8.00	8.00	8.00	8.00	8.00
Suspension	6 mos	7 mos	7 mos	8 mos	8 mos	9 mos

PENALTY RANGE

FORFEITURE: \$150 minimum to \$300 maximum

* **Costs** are calculated at the minimum of \$15 but may be assessed to a maximum of \$23 pursuant to Wis. Stats. 814.65(1)

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.