

WILLIAM D. DYKE  
Chief Judge  
Iowa County Courthouse  
222 N Iowa Street  
Dodgeville, WI 53533-1548  
Telephone: (608) 935-0347

STATE OF WISCONSIN

## SEVENTH JUDICIAL DISTRICT

LA CROSSE COUNTY LAW ENFORCEMENT CENTER  
333 VINE STREET, ROOM 3504  
LA CROSSE, WISCONSIN 54601



JOHN DAMON  
Deputy Chief Judge  
Trempealeau County Courthouse  
120 Main Street  
Whitehall, WI 54773-0067  
Telephone: (715) 538-2311

PATRICK BRUMMOND  
District Court Administrator  
La Crosse County  
Law Enforcement Center  
333 Vine Street, Room 3504  
LaCrosse, WI 54601  
Telephone: (608) 785-9546

# OWI SENTENCING GUIDELINES

EFFECTIVE 07-01-2009

WILLIAM D. DYKE, CHIEF JUDGE

**SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT**  
**OWI SENTENCING GUIDELINES**

**FIRST OFFENSE**  
(On & After **07-01-2009**)

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

**FIRST OFFENSE**  
(On & After **07-01-2009**)

PENALTY RANGE (§346.65(2)(a))

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

Driver Improvement Surcharge (D.I.S.)	\$365	Justice Information Surcharge (J.I.S.)	\$ 21.50
Court Costs	\$ 25	Crime Lab Surcharge (C.L.D.S.)	\$ 13
Court Support Surcharge (C.S.S.)	\$ 68	Jail Surcharge (J.S.)	Greater of 1% or \$ 10
Penalty Surcharge (P.S.)	(26% of Fine or Forfeiture)		

REVOCAATION: 6 – 9 Months (Occupational - no waiting period; §343.30(1q)(b)2)

**DRIVING FACTORS**

<u>BAC LEVEL</u>	<u>MINIMUM DRIVING</u> – No Accident	<u>AGGRAVATED DRIVING</u> – Accident or Injury Bad Driving Record
<b>.08 to .099</b> (Violations On & After 09/30/2003)	Forfeiture <b>\$250.00</b> (no costs or surcharges)  <b>REVOCAATION – 6 Months</b>	Forfeiture <b>\$275.00</b> (no costs or surcharges)  <b>REVOCAATION – 7 Months</b>
<b>.10 to .159</b>  <b>OR</b>  <b>A Detectable Amount of a Restricted or Controlled Substance</b>	Forfeiture \$250.00 Surcharge (D.I.S.) \$365.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$21.50 Crime Lab (C.L.D.S.) \$13.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$65.00 <b>\$817.50</b> <b>REVOCAATION – 6 Months</b> <b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	Forfeiture \$275.00 Surcharge (D.I.S.) \$365.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$21.50 Crime Lab (C.L.D.S.) \$13.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$71.50 <b>\$849.00</b> <b>REVOCAATION – 7 Months</b> <b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.16 to .249</b>	Forfeiture \$275.00 Surcharge (D.I.S.) \$365.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$21.50 Crime Lab (C.L.D.S.) \$13.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$71.50 <b>\$849.00</b> <b>REVOCAATION – 7 Months</b> <b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	Forfeiture \$300.00 Surcharge (D.I.S.) \$365.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$21.50 Crime Lab (C.L.D.S.) \$13.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$78.00 <b>\$880.50</b> <b>REVOCAATION – 8 Months</b> <b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.25 or Above</b> <b>Or</b> <b>REFUSAL **</b>	Forfeiture \$300.00 Surcharge (D.I.S.) \$365.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$21.50 Crime Lab (C.L.D.S.) \$13.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$78.00 <b>\$880.50</b> <b>REVOCAATION – 9 Months</b> <b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	Forfeiture \$300.00 Surcharge (D.I.S.) \$365.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$21.50 Crime Lab (C.L.D.S.) \$13.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$78.00 <b>\$880.50</b> <b>REVOCAATION – 9 Months</b> <b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>

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

**SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT**  
**OWI SENTENCING GUIDELINES**

**SECOND OFFENSE**  
(On & After **07-01-2009**)

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

**SECOND OFFENSE**  
(On & After **07-01-2009**)

PENALTY RANGE (§346.65(2)(b))

JAIL: 5 Days – 6 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$350 to \$1,100 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.) \$365 Victim Witness Surcharge – B \$ 27

Court Costs \$ 20 Crime Lab Surcharge (C.L.D.S.) \$ 13

Victim Witness Surcharge – A \$ 40 Jail Surcharge (J.S.) Greater of 1% or \$ 10

Penalty Surcharge (P.S.) (26% of Fine or Forfeiture)

REVOCAATION: 12 – 18 Months (Occupational – 60 day waiting period and must complete alcohol assessment and be in compliance with drivers safety plan and absolute sobriety during use)

**DRIVING FACTORS**

<b><u>BAC LEVEL</u></b>	<b><u>MINIMUM DRIVING</u></b> – No Accident	<b><u>AGGRAVATED DRIVING</u></b> –Accident or Injury Bad Driving Record
<b>.169 or Below</b>  <b>OR</b> <b>A Detectable Amount Of a Restricted or Controlled Substance</b>	Fine \$350.00	Fine \$450.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$10.00	Jail Surcharge (J.S.) \$10.00
	Penalty Surcharge (P.S.) \$91.00	Penalty Surcharge (P.S.) \$117.00
	<b>\$916.00</b>	<b>\$1042.00</b>
	<b>JAIL – 15 Days REVOCAATION – 12 Months</b>	<b>JAIL – 20 Days REVOCAATION – 14 Months</b>
	<b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.17 to .199</b>	Fine \$450.00	Fine \$550.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$10.00	Jail Surcharge (J.S.) \$10.00
	Penalty Surcharge (P.S.) \$117.00	Penalty Surcharge (P.S.) \$143.00
	<b>\$1042.00</b>	<b>\$1168.00</b>
	<b>JAIL – 20 Days REVOCAATION –14 Months</b>	<b>JAIL – 30 Days REVOCAATION – 16 Months</b>
	<b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.20 to .249</b>	Fine \$550.00	Fine \$650.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$10.00	Jail Surcharge (J.S.) \$10.00
	Penalty Surcharge (P.S.) \$143.00	Penalty Surcharge (P.S.) \$169.00
	<b>\$1168.00</b>	<b>\$1294.00</b>
	<b>JAIL – 30 Days REVOCAATION – 16 Months</b>	<b>JAIL – 40 Days REVOCAATION – 18 Months</b>
	<b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.25 or Above</b> <b>Or</b> <b>REFUSAL **</b>	Fine \$650.00	Fine \$750.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$10.00	Jail Surcharge (J.S.) \$10.00
	Penalty Surcharge (P.S.) \$169.00	Penalty Surcharge (P.S.) \$195.00
	<b>\$1294.00</b>	<b>\$1420.00</b>
	<b>JAIL – 40 Days REVOCAATION – 18 Months</b>	<b>JAIL – 50 Days REVOCAATION – 18 Months</b>
	<b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>PLUS Alcohol Assessment &amp; Driver Safety Plan</b>

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

**SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT**  
**OWI SENTENCING GUIDELINES**

**THIRD OFFENSE**  
(On & After **07-01-2009**)

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

**THIRD OFFENSE**  
(On & After **07-01-2009**)

PENALTY RANGE (§346.65(2)(c))

JAIL: 30 Days – 12 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

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

Driver Improvement Surcharge (D.I.S.) \$365 Victim Witness Surcharge – B \$ 27

Court Costs \$ 20 Crime Lab Surcharge (C.L.D.S.) \$ 13

Victim Witness Surcharge – A \$ 40 Jail Surcharge (J.S.) Greater of 1% or \$ 10

Penalty Surcharge (P.S.) (26% of Fine or Forfeiture)

REVOCAATION: 24 – 36 Months (Occupational – 90 day waiting period and must complete alcohol assessment and be in compliance with drivers safety plan and absolute sobriety during use)

**DRIVING FACTORS**

<u>BAC LEVEL</u>	<u>MINIMUM DRIVING</u> – No Accident	<u>AGGRAVATED DRIVING</u> –Accident or Injury Bad Driving Record
<b>.169 or Below</b>  <b>OR</b> <b>A Detectable Amount Of a Restricted or Controlled Substance</b>	Fine \$600.00	Fine \$750.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$10.00	Jail Surcharge (J.S.) \$10.00
	Penalty Surcharge (P.S.) \$156.00	Penalty Surcharge (P.S.) \$195.00
	<b>\$1231.00</b>	<b>\$1420.00</b>
	<b>JAIL – 65 Days REVOCAATION – 24 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>JAIL – 95 Days REVOCAATION – 27 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.17 to .199</b>  BAC Fine Range Doubles \$1200 – \$4000	Fine \$1200.00	Fine \$1350.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$12.00	Jail Surcharge (J.S.) \$13.50
	Penalty Surcharge (P.S.) \$312.00	Penalty Surcharge (P.S.) \$351.00
	<b>\$1989.00</b>	<b>\$2179.50</b>
	<b>JAIL – 95 Days REVOCAATION – 27 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>JAIL – 125 Days REVOCAATION – 30 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.20 to .249</b>  BAC Fine Range Triples \$1800 – \$6000	Fine \$1800.00	Fine \$1950.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$18.00	Jail Surcharge (J.S.) \$19.50
	Penalty Surcharge (P.S.) \$468.00	Penalty Surcharge (P.S.) \$507.00
	<b>\$2751.00</b>	<b>\$2941.50</b>
	<b>JAIL – 125 Days REVOCAATION – 30 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>JAIL – 155 Days REVOCAATION – 33 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.25 or Above</b> <b>Or</b> <b>REFUSAL **</b>  BAC Fine Range Quadruples to \$2400 – \$8000	Fine \$2400.00	Fine \$2550.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$24.00	Jail Surcharge (J.S.) \$25.50
	Penalty Surcharge (P.S.) \$624.00	Penalty Surcharge (P.S.) \$663.00
	<b>\$3513.00</b>	<b>\$3703.50</b>
	<b>JAIL – 155 Days REVOCAATION – 33 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>JAIL – 185 Days REVOCAATION – 36 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>

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

**SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT**  
**OWI SENTENCING GUIDELINES**

**FOURTH OFFENSE**  
(On & After **07-01-2009**)

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

**FOURTH OFFENSE**  
(On & After **07-01-2009**)

PENALTY RANGE (§346.65(2)(d))

JAIL: 60 Days – 12 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

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

Driver Improvement Surcharge (D.I.S.) \$365 Victim Witness Surcharge – B \$ 27

Court Costs \$ 20 Crime Lab Surcharge (C.L.D.S.) \$ 13

Victim Witness Surcharge – A \$ 40 Jail Surcharge (J.S.) Greater of 1% or \$ 10

Penalty Surcharge (P.S.) (26% of Fine or Forfeiture)

REVOCAATION: 24 – 36 Months (Occupational – 90 day waiting period and must complete alcohol assessment and be in compliance with drivers safety plan and absolute sobriety during use)

**DRIVING FACTORS**

<u>BAC LEVEL</u>	<u>MINIMUM DRIVING</u> – No Accident	<u>AGGRAVATED DRIVING</u> –Accident or Injury Bad Driving Record
<b>.169 or Below</b>  <b>OR</b> <b>A Detectable Amount Of a Restricted or Controlled Substance</b>	Fine \$1200.00	Fine \$1350.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$12.00	Jail Surcharge (J.S.) \$13.50
	Penalty Surcharge (P.S.) \$312.00	Penalty Surcharge (P.S.) \$351.00
	<b>\$1989.00</b>	<b>\$2179.50</b>
	<b>JAIL – 185 Days REVOCAATION – 36 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>JAIL – 215 Days REVOCAATION – 36 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.17 to .199</b>  BAC Fine Range Doubles \$1200 – \$4000	Fine \$2000.00	Fine \$2150.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$20.00	Jail Surcharge (J.S.) \$21.50
	Penalty Surcharge (P.S.) \$520.00	Penalty Surcharge (P.S.) \$559.00
	<b>\$3005.00</b>	<b>\$3195.50</b>
	<b>JAIL – 215 Days REVOCAATION – 36 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>JAIL – 245 Days REVOCAATION – 36 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.20 to .249</b>  BAC Fine Range Triples \$1800 – \$6000	Fine \$2300.00	Fine \$2400.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$23.00	Jail Surcharge (J.S.) \$24.00
	Penalty Surcharge (P.S.) \$598.00	Penalty Surcharge (P.S.) \$624.00
	<b>\$3386.00</b>	<b>\$3513.00</b>
	<b>JAIL – 245 Days REVOCAATION – 36 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>JAIL – 275 Days REVOCAATION – 36 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>
<b>.25 or Above</b> <b>Or</b> <b>REFUSAL **</b>  BAC Fine Range Quadruples to \$2400 – \$8000	Fine \$2900.00	Fine \$3000.00
	Surcharge (D.I.S.) \$365.00	Surcharge (D.I.S.) \$365.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – (A&B) \$67.00	Victim Witness Surcharge – (A&B) \$67.00
	Crime Lab (C.L.D.S.) \$13.00	Crime Lab (C.L.D.S.) \$13.00
	Jail Surcharge (J.S.) \$29.00	Jail Surcharge (J.S.) \$30.00
	Penalty Surcharge (P.S.) \$754.00	Penalty Surcharge (P.S.) \$780.00
	<b>\$4148.00</b>	<b>\$4275.00</b>
	<b>JAIL – 275 Days REVOCAATION – 36 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>	<b>JAIL – 305 Days REVOCAATION – 36 Months PLUS Alcohol Assessment &amp; Driver Safety Plan</b>

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