

District 3 OAR/OAS Guidelines

For violations after June 2, 2005

Wis. Stat. § 343.44

Adopted October 17, 2007

| | # OFFENSE | FORFEITURE / FINE (+ Costs) | JAIL | DRIVER LICENSE SUSP. OR REV. |
|---|------------------|--|------------------|---|
| OAR (Non-Aggravated) | | | | |
| (Wis. Stat. 343.44(1)(b)) | | | | |
| | 1* (Civil) | \$100 | N/A | 0 mths SUS. |
| | 1* (Criminal) | \$100 - 200 | 0-10 days jail | 0 mths SUS. |
| <u>Stat. Penalty Ranges</u> | | | | |
| - \$0-\$2500 | 2 | \$100 - 300 | 0 - 20 days jail | 0-2 mths SUS. |
| - 365 days jail | | | | |
| - 0-6 mths susp. | 3 | \$100 - 500 | 0 - 30 days jail | 0-3 mths SUS. |
| - 6 mths rev. for 4+ | | | | |
| | 4+ | \$150 - 1000 | 0 -90 days jail | 0 - 6 mths REV. ** |
| OAR (Aggravated) | | | | |
| (Wis. Stat. 343.44(1)(b)) | | | | |
| | 1* (Civil) | \$100 | N/A | 0 - 2 mths SUS. |
| | 1* (Criminal) | \$250 - 500 | 0-30 days jail | 0 - 2 mths SUS. |
| <u>Stat. Penalty Ranges</u> | | | | |
| - \$0-\$2500 | 2 | \$100 - 500 | 0-60 days jail | 0 - 3 mths SUS. |
| - 0-365 days jail | | | | |
| - 0-6 mths susp. | 3 | \$100 - 750 | 0-90 days jail | 0 - 6 mths SUS. |
| - 6 mths rev. for 4+ | | | | |
| | 4+ | \$150 - 2500 | 0-365 days jail | 0 - 6 mths REV. ** |
| OAS | | | | |
| (Wis. Stat. 343.44(1)(a)) | | | | |
| | 1, 2 & 3 | \$50 | N/A | 0-3 mths SUS. |
| <u>Stat. Penalty Ranges</u> | | | | |
| - \$50-\$200 | 4+ | \$50 | N/A | 0 - 6 mths REV. ** |
| - no jail | | | | |
| - 0-6 mths suspension | | | | |
| - 6 mths revocation 4+ | | | | |
| Aggravating Factors | | Mitigating Factors | | |
| Accident: Aggravated Driving | | Not OWI Related | | |
| Alcohol/Controlled Substances Present | | No Unsafe Driving; Prior Record Good | | |
| Attempting to Elude an Officer | | Cooperation with Arresting Officer | | |
| Prior OWI/PAC Convictions | | History of Payment of Fines | | |
| Record of Unsafe Driving | | Reinstated D.L. before Final Hearing | | |
| Injuries to Person/Property | | Remedial Actions since Incident | | |
| * First Offense OAR is a civil forfeiture unless there has been a prior OAR conviction in the previous 5 years, or if the current revocation resulted from an offense of operating under the influence of an intoxicant or drug or of operating a commercial motor vehicle with an alcohol concentration between .04 and .08. | | | | |
| ** For revocation on 4 th offense OAR/OAS and higher, a 6 month revocation is the presumptive minimum. If the revocation is less than 6 months, the Court must state on the record its grounds for the shorter revocation period (Wis. Stat. 343.30(1g)(b); 343.31(1)(hm)). | | | | |
| - For offenses committed from 05/01/02 to 07/27/05, a first offense OAR is criminal. | | | | |