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STATE OF WISCONSIN

SEVENTH JUDICIAL DISTRICT

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OWI, OAR & OAS SENTENCING GUIDELINES

EFFECTIVE 12-31-2005

MICHAEL J. ROSBOROUGH, CHIEF JUDGE

SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT
OWI SENTENCING GUIDELINES

(For violations of §346.63(1)(am) or §346.63(1)(b) on and after 12-31-2005)

FIRST OFFENSE

PENALTY RANGE (§346.65(2)(a))

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

Driver Improvement Surcharge (D.I.S.)	\$355	Justice Information Surcharge (J.I.S.)	\$ 12
Court Costs	\$ 25	Crime Lab Surcharge (C.L.D.S.)	\$ 8
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
.08 to .099 (Violations On & After 09/30/2003)	Forfeiture \$250.00 (no costs or surcharges) REVOCAATION – 6 Months	Forfeiture \$275.00 (no costs or surcharges) REVOCAATION – 7 Months
.10 to .159 OR A Detectable Amount Of a Restricted or Controlled Substance	Forfeiture \$250.00 Surcharge (D.I.S.) \$355.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$12.00 Crime Lab (C.L.D.S.) \$8.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$65.00 \$793.00 REVOCAATION – 6 Months PLUS Alcohol Assessment & Driver Safety Plan	Forfeiture \$275.00 Surcharge (D.I.S.) \$355.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$12.00 Crime Lab (C.L.D.S.) \$8.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$71.50 \$824.50 REVOCAATION – 7 Months PLUS Alcohol Assessment & Driver Safety Plan
.16 to .249	Forfeiture \$275.00 Surcharge (D.I.S.) \$355.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$12.00 Crime Lab (C.L.D.S.) \$8.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$71.50 \$824.50 REVOCAATION – 7 Months PLUS Alcohol Assessment & Driver Safety Plan	Forfeiture \$300.00 Surcharge (D.I.S.) \$355.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$12.00 Crime Lab (C.L.D.S.) \$8.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$78.00 \$856.00 REVOCAATION – 8 Months PLUS Alcohol Assessment & Driver Safety Plan
.25 or Above Or REFUSAL **	Forfeiture \$300.00 Surcharge (D.I.S.) \$355.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$12.00 Crime Lab (C.L.D.S.) \$8.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$78.00 \$856.00 REVOCAATION – 9 Months PLUS Alcohol Assessment & Driver Safety Plan	Forfeiture \$300.00 Surcharge (D.I.S.) \$355.00 Court Costs \$25.00 Court Support Surcharge \$68.00 Justice Info Surcharge (J.I.S.) \$12.00 Crime Lab (C.L.D.S.) \$8.00 Jail Surcharge (J.S.) \$10.00 Penalty Surcharge (P.S.) \$78.00 \$856.00 REVOCAATION – 9 Months PLUS Alcohol Assessment & Driver Safety Plan

** 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

(For violations of §346.63(1)(am) or §346.63(1)(b) on and after **12-31-2005**)

SECOND OFFENSE

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.)	\$355	Victim Witness Surcharge – B	\$ 20
Court Costs	\$ 20	Crime Lab Surcharge (C.L.D.S.)	\$ 8
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

<u>BAC LEVEL</u>	<u>MINIMUM DRIVING</u> – No Accident	<u>AGGRAVATED DRIVING</u> –Accident or Injury Bad Driving Record
.169 or Below OR A Detectable Amount Of a Restricted or Controlled Substance	Fine \$350.00	Fine \$450.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$10.00	Jail Surcharge (J.S.) \$10.00
	Penalty Surcharge (P.S.) \$91.00	Penalty Surcharge (P.S.) \$117.00
	\$894.00	\$1020.00
	JAIL – 15 Days REVOCAATION – 12 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 20 Days REVOCAATION – 14 Months PLUS Alcohol Assessment & Driver Safety Plan
.17 to .199	Fine \$450.00	Fine \$550.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$10.00	Jail Surcharge (J.S.) \$10.00
	Penalty Surcharge (P.S.) \$117.00	Penalty Surcharge (P.S.) \$143.00
	\$1020.00	\$1146.00
	JAIL – 20 Days REVOCAATION –14 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 30 Days REVOCAATION – 16 Months PLUS Alcohol Assessment & Driver Safety Plan
.20 to .249	Fine \$550.00	Fine \$650.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$10.00	Jail Surcharge (J.S.) \$10.00
	Penalty Surcharge (P.S.) \$143.00	Penalty Surcharge (P.S.) \$169.00
	\$1146.00	\$1272.00
	JAIL – 30 Days REVOCAATION – 16 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 40 Days REVOCAATION – 18 Months PLUS Alcohol Assessment & Driver Safety Plan
.25 or Above Or REFUSAL **	Fine \$650.00	Fine \$750.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$10.00	Jail Surcharge (J.S.) \$10.00
	Penalty Surcharge (P.S.) \$169.00	Penalty Surcharge (P.S.) \$195.00
	\$1272.00	\$1398.00
	JAIL – 40 Days REVOCAATION – 18 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 50 Days REVOCAATION – 18 Months PLUS Alcohol Assessment & Driver Safety Plan

** 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

(For violations of §346.63(1)(am) or §346.63(1)(b) on and after 12-31-2005)

THIRD OFFENSE

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.)	\$355	Victim Witness Surcharge – B	\$ 20
Court Costs	\$ 20	Crime Lab Surcharge (C.L.D.S.)	\$ 8
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
.169 or Below OR A Detectable Amount Of a Restricted or Controlled Substance	Fine \$600.00	Fine \$750.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$10.00	Jail Surcharge (J.S.) \$10.00
	Penalty Surcharge (P.S.) \$156.00	Penalty Surcharge (P.S.) \$195.00
	\$1209.00	\$1398.00
	JAIL – 65 Days REVOCAATION – 24 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 95 Days REVOCAATION – 27 Months PLUS Alcohol Assessment & Driver Safety Plan
.17 to .199 BAC Fine Range Doubles \$1200 – \$4000	Fine \$1200.00	Fine \$1350.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$12.00	Jail Surcharge (J.S.) \$13.50
	Penalty Surcharge (P.S.) \$312.00	Penalty Surcharge (P.S.) \$351.00
	\$1967.00	\$2157.50
	JAIL – 95 Days REVOCAATION – 27 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 125 Days REVOCAATION – 30 Months PLUS Alcohol Assessment & Driver Safety Plan
.20 to .249 BAC Fine Range Triples \$1800 – \$6000	Fine \$1800.00	Fine \$1950.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$18.00	Jail Surcharge (J.S.) \$19.50
	Penalty Surcharge (P.S.) \$468.00	Penalty Surcharge (P.S.) \$507.00
	\$2729.00	\$2919.50
	JAIL – 125 Days REVOCAATION – 30 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 155 Days REVOCAATION – 33 Months PLUS Alcohol Assessment & Driver Safety Plan
.25 or Above Or REFUSAL ** BAC Fine Range Quadruples to \$2400 – \$8000	Fine \$2400.00	Fine \$2550.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$24.00	Jail Surcharge (J.S.) \$25.50
	Penalty Surcharge (P.S.) \$624.00	Penalty Surcharge (P.S.) \$663.00
	\$3491.00	\$3681.50
	JAIL – 155 Days REVOCAATION – 33 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 185 Days REVOCAATION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan

** 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

(For violations of §346.63(1)(am) or §346.63(1)(b) on and after **12-31-2005**)

FOURTH OFFENSE

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.)	\$355	Victim Witness Surcharge – B	\$ 20
Court Costs	\$ 20	Crime Lab Surcharge (C.L.D.S.)	\$ 8
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
.169 or Below OR A Detectable Amount Of a Restricted or Controlled Substance	Fine \$1200.00	Fine \$1350.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$12.00	Jail Surcharge (J.S.) \$13.50
	Penalty Surcharge (P.S.) \$312.00	Penalty Surcharge (P.S.) \$351.00
	\$1967.00	\$2157.50
	JAIL – 185 Days REVOCAATION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 215 Days REVOCAATION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan
.17 to .199 BAC Fine Range Doubles \$1200 – \$4000	Fine \$2000.00	Fine \$2150.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$20.00	Jail Surcharge (J.S.) \$21.50
	Penalty Surcharge (P.S.) \$520.00	Penalty Surcharge (P.S.) \$559.00
	\$2983.00	\$3173.50
	JAIL – 215 Days REVOCAATION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 245 Days REVOCAATION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan
.20 to .249 BAC Fine Range Triples \$1800 – \$6000	Fine \$2300.00	Fine \$2400.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$23.00	Jail Surcharge (J.S.) \$24.00
	Penalty Surcharge (P.S.) \$598.00	Penalty Surcharge (P.S.) \$624.00
	\$3364.00	\$3491.00
	JAIL – 245 Days REVOCAATION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 275 Days REVOCAATION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan
.25 or Above Or REFUSAL ** BAC Fine Range Quadruples to \$2400 – \$8000	Fine \$2900.00	Fine \$3000.00
	Surcharge (D.I.S.) \$355.00	Surcharge (D.I.S.) \$355.00
	Court Costs \$20.00	Court Costs \$20.00
	Victim Witness Surcharge – A \$40.00	Victim Witness Surcharge – A \$40.00
	Victim Witness Surcharge – B \$20.00	Victim Witness Surcharge – B \$20.00
	Crime Lab (C.L.D.S.) \$8.00	Crime Lab (C.L.D.S.) \$8.00
	Jail Surcharge (J.S.) \$29.00	Jail Surcharge (J.S.) \$30.00
	Penalty Surcharge (P.S.) \$754.00	Penalty Surcharge (P.S.) \$780.00
	\$4126.00	\$4253.00
	JAIL – 275 Days REVOCAATION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan	JAIL – 305 Days REVOCAATION – 36 Months PLUS Alcohol Assessment & Driver Safety Plan

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

Statewide OAR/OAS Guidelines

For violations after July 27, 2005

Wis. Stat. § 343.44(1)(b); Wis. Stat. § 343.44(2)(as)

# OFFENSE	FORFEITURE / FINE (+ Costs)	JAIL	DRIVER LICENSE SUSP. OR REV.
OAR (Non-Aggravated)			
1* (Civil)	\$100	N/A	0-6 mths SUS.
1* (Criminal)	\$250 - 400	0-30 days jail	0-6 mths SUS.
<u>Stat. Penalty Ranges</u>			
- \$0-\$2500	2	\$250 - 600	5-30 days jail
- 365 days jail			0-6 mths SUS.
- 0-6 mths susp.	3	\$300 - 800	10-90 days jail
- 6 mths rev. for 4+			0-6 mths SUS.
	4+	\$400 - 2500	30-210 days jail
			6 mths REV. **
OAR (Aggravated)			
1* (Civil)	\$100	N/A	6 mths SUS.
1* (Criminal)	\$250 - 500	0-60 days jail	6 mths SUS.
<u>Stat. Penalty Ranges</u>			
- \$0-\$2500	2	\$350 - 700	5-60 days jail
- 0-365 days jail			6 mths SUS.
- 0-6 mths susp.	3	\$400 - 1000	30-180 days jail
- 6 mths rev. for 4+			6 mths SUS.
	4+	\$500 - 2500	60-360 days jail
			6 mths REV. **
OAS			
1, 2 & 3	\$50	N/A	0-6 mths SUS.
<u>Stat. Penalty Ranges</u>			
- \$50-\$200	4+	\$50	N/A
- no jail			6 mths REV. **
- 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.			