

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed on or
PAC SENTENCING GUIDELINES after **December 31, 2005**

Pursuant to Sec. 346.65(2m), Wis. Stats.

1ST OFFENSE [§346.65(2)(a)]

PENALTY RANGE

FORFEITURE: \$150 - \$300 Minimum and maximum forfeiture is doubled if there was a minor passenger under 16 [§346.65(2)(f)]

REVOCAATION: 6 - 9 months. Minimum and maximum period is doubled if there was a minor Passenger under 16 [§343.30(1q)(b)4m] (Occupational - no waiting period)

<u>BAC LEVEL</u>	Mitigating Driving Factors		Aggravating Driving Factors	
.08 to .099	\$250.00 Forf		\$275.00 Forf	
		6 months		7 month
below	\$250.00 Total	revocation	\$275.00 Total	revocation

THESE GUIDELINES ONLY APPLY TO CONVICTIONS OF 346.63(1)(b)(PAC) AND NOT 346.63(1)(a)(OWI). FOR THESE CONVICTIONS NO COSTS ARE ASSESSED AND NO ALCOHOL ASSESSMENT IS ORDERED.

8TH JUDICIAL ADMINISTRATIVE DISTRICT
PAC SENTENCING GUIDELINES

Offenses committed on or
after December 31, 2005

Pursuant to Sec. 346.65(2m), Wis. Stats.

COSTS

	FIRST OFFENSE	SECOND & SUBSEQUENT OFFENSES
Driver Improvement Surcharge (DIS)	\$355	\$355
Court Costs	\$ 25	\$ 20
Court Support Fee (CSF)	\$ 68	
Crime Lab & Drug Assessment (CLDA)	\$ 8	\$ 8
Justice Information Fee (JIF)	\$ 12	
Victim Witness Surcharge-Misdemeanor		\$ 60
Victim Witness Surcharge - Felony		\$ 85
Jail Assessment (JA)	\$ 10	1% or \$10, whichever is greater
Penalty Assessment (PA)	26%	26%

ADDITIONAL OWI PENALTIES

ALCOHOL ASSESSMENT: (EXCEPT FIRST OFFENSE PAC (346.63(1)(b) .08 and .09))

The Court shall order the person to submit to and comply with an assessment by an approved public treatment facility for examination of the person's use of alcohol, controlled substances or controlled substance analogs and development of a driver safety plan for the person [§343.30(1q)(c)]. If the Court finds that the person is already covered by an assessment or is participating in a driver safety plan or has evidence presented to it by a County Department under §51.42 that the person has recently completed assessment, a driver safety plan or both, the Court is not required to make such an Order. [343.30(1q)(e)]

Court may order a reduction in court costs, fine or forfeiture to allow the offender to pay the difference for an alcohol assessment and driver safety plan [(§346.65)(2e)].

Court may order community service to reduce the amount of a fine or forfeiture [§346.65(2g)], or may order community service that demonstrates the adverse effects of substance abuse or driving under the influence, and may order a site visit that demonstrates the effects of substance abuse [§346.65(2g), §346.65(2i)].

Court may also order restitution [§346.65(2r)(a)].

FOR REPEAT OWI OFFENDERS:

See Attached OWI - related provisions memo from the Wis DOT regarding vehicle seizure, immobilization or equipping with ignition interlock devices and occupational license eligibility.

MITIGATING AND AGGRAVATING FACTORS IN SENTENCING

MITIGATING FACTORS:

- *Age of prior OAWI/BAC Offense/Conviction
- *Pre-conviction Assessment and Treatment
- *Good Driving Record; * Minimal Poor Driving
- *Cooperation with Authorities; * Positive Attitude/Steps Toward Problem Recognition
- *Blood Test Taken

AGGRAVATING FACTORS:

*Poor Driving; * Accident or Injury Involved; *Poor Prior Driving Record; *Lack of Remorse

*Recent Prior OAWI/BAC Offense/Conviction

*Operating Without Valid Driving Privileges (i.e. OAR, OAS, OWL, HTO).

*Circumstances of Consumption (Binge Drinking, Amount Consumed, Medication, Use, etc)

*Poor/Limited Problem Recognition as Evidenced by Prior Treatment History or Lack Thereof

*Uncooperative/Belligerent/Violent Toward Arresting Officer

*Prior Uncounted Offenses for OAWI/BAC

*For 3rd Plus Offenses: Previously Uncounted Offenses from January 1, 1988, per (1993 Wisconsin Act 317, Effective April 30, 1994

*Combination of alcohol and controlled substance use

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed on or
PAC SENTENCING GUIDELINES after **December 31, 2005**

Pursuant to Sec. 346.65(2m), Wis. Stats.

2ND OFFENSE [§346.65(2)(b)]

PENALTY RANGE

JAIL: 5 days (1) - 6 months Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)]. [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$350 - \$1100 Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)]

REVOCAATION: 12 - 18 months. Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]. (Occupational - 60 day waiting period, unless 2 OWI offenses in any 5 year period making defendant not eligible for 1 year and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>BAC LEVEL</u>	Mitigating Driving Factors	Aggravating Driving Factors
.099 or below	\$350.00 Fine + Costs 5 days jail, \$894.00 Total 12 months revocation	\$400.00 Fine + Costs 10 days jail, \$957.00 Total 13 months revocation
.10 to .169 OR a detectable amount of a restricted or controlled substance	\$400.00 Fine + Costs 10 days jail, \$957.00 Total 13 months revocation	\$450.00 Fine + Costs 20 days jail, \$1,020.00 Total 14 months revocation
.17 to .199	\$450.00 Fine + Costs 20 days jail, \$1,020.00 Total 14 months revocation	\$500.00 Fine + Costs 30 days jail, \$1,083.00 Total 15 months revocation
.20 to .249	\$500.00 Fine + Costs 30 days jail, \$1,083.00 Total 15 months revocation	\$550.00 Fine + Costs 40 days jail, \$1,146.00 Total 16 months revocation
.25 or above	\$550.00 Fine + Costs 40 days jail, \$1,146.00 Total 17 months revocation	\$600.00 Fine & Costs 50 days jail, \$1,209.00 Total 18 months revocation
Refusal	\$650.00 Fine + Costs 60 days jail, \$1,272.00 Total 18 months revocation	\$700.00 Fine + Costs 70 days jail, \$1,335.00 Total 18 months revocation

If separate finding of a refusal, 2 year revocation of operating privileges and 90 day waiting period for an occupational. *
 Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m].

(1) §346.65(2g)(d) The Court shall ensure that the person is imprisoned for not less than 5 days or ordered to perform not less than 30 days of community service work under §973.03(3)(a).

8TH JUDICIAL ADMINISTRATIVE DISTRICT

Offenses committed on or
after **December 31, 2005**

PAC SENTENCING GUIDELINES

Pursuant to Sec. 346.65(2m), Wis. Stats.

3RD OFFENSE [§346.65(2)(c)]

PENALTY RANGE

JAIL: 30 days - 12 months

Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [346.65(2)(f)]. Offense is a felony and place of imprisonment determined under §973.02.

[Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$600 - \$2000

Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)]

(1) Minimum and maximum fine is doubled if PAC .17 to .199.

(2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.

(3) Minimum and maximum fine is quadrupled if PAC 0.25 or above.

REVOCAATION: 24 - 36 months. Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]. *** (Occupational - 90 day waiting period, unless 2 OWI offenses in any 5 year period making defendant not eligible for 1 year and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

BAC LEVEL

Mitigating Driving Factors

Aggravating Driving Factors

.099 or below	\$600.00 Fine + Costs 30 days jail, \$1,209.00 Total 24 months revocation	\$700.00 Fine + Costs 45 days jail, \$1,335.00 Total 27 months revocation
.10 to .169 OR a detectable amount of a restricted or controlled substance	\$800.00 Fine + Costs 45 days jail, \$1,461.00 Total 27 months revocation	\$900.00 Fine + Costs 60 days jail, \$1,587.00 Total 30 months revocation
-.17 to .199 (1)	\$1,200.00 Fine + Costs 60 days jail, \$1,967.00 Total 30 months revocation	\$1,300.00 Fine + Costs 75 days jail, \$2,094.00 Total 33 months revocation
-.20 to .249 (2)	\$1,800.00 Fine + Costs 75 days jail, \$2,729.00 Total 33 months revocation	\$1,900.00 Fine + Costs 90 days jail, \$2,856.00 Total 36 months revocation
-.25 or above (3) revocation	\$2,400.00 Fine + Costs 90 days jail, \$3,491.00 Total 36 months revocation	\$2,500.00 Fine + Costs 120 days jail, \$3,618.00 Total 36 months
--- Refusal	\$2,000.00 Fine + Costs 150 days jail, \$2,983.00 Total 36 months revocation	\$2,000.00 Fine + Costs 180 days jail, \$2,983.00 Total 36 months revocation

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

*** Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m]

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed on or
PAC SENTENCING GUIDELINES after **December 31, 2005**
Pursuant to Sec. 346.65(2m), Wis. Stats.

4TH OFFENSE [§346.65(2)(d)]

<u>PROBATION:</u>	Probation may be used if the person is subjected to at least the mandatory minimum period of imprisonment [973.09(1)(d)(1).
<u>JAIL:</u> 60 days - 12 months (1)	Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)]. Offense is a felony and place of imprisonment determined under §973.02. [Minimum 48 consecutive hours in jail (§346.65(7))
<u>FINE:</u> \$600 - \$2000	Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)] (1) Minimum and maximum fine is doubled if PAC .17 to .199. (2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249. (3) Minimum and maximum fine is quadrupled if PAC 0.25 or above.

REVOCAATION: 24 - 36 months. Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]. *** (Occupational - 90 day waiting period, unless 2 OWI offenses in any 5 year period making defendant not eligible for 1 year and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>BAC LEVEL</u>	Mitigating Driving Factors	Aggravating Driving Factors

.0989 or below	\$800.00 Fine + Costs 100 days jail, \$1,461.00 Total 36 month revocation	\$900.00 Fine + Costs 125 days jail, \$1,587.00 Total 36 month revocation

.10 to .169 OR a detectable amount of a restricted or controlled substance	\$1,000.00 Fine + Costs 125 days jail, \$1,713.00 Total 36 month revocation	\$1,100.00 Fine + Costs 150 days jail, \$1,840.00 Total 36 month revocation

.17 to .199 (1)	\$1,400.00 Fine + Costs 150 days jail, \$2,221.00 Total 36 month revocation	\$1,500.00 Fine + Costs 175 days jail, \$2,348.00 Total 36 month revocation

.20 to .249 (2)	\$2,000.00 Fine + Costs 175 days jail, \$2,983.00 Total 36 month revocation	\$2,100.00 Fine + Costs 200 days jail, \$3,110.00 Total 36 month revocation

.25 or above (3)	\$2,600.00 Fine + Costs 200 days jail \$3,745.00 Total 36 month revocation	\$2,700.00 Fine + Costs 225 days jail, \$3,872.00 Total 36 month revocation

Refusal	\$2,000.00 Fine + Costs 250 days jail \$2,983.00 Total 36 month revocation	\$2,000.00 Fine + Costs 275 days jail, \$2,983.00 Total 36 month revocation

** If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational.
*** Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m]

**8TH JUDICIAL ADMINISTRATIVE DISTRICT
PAC SENTENCING GUIDELINES**

Offenses committed on or
after December 31, 2005

Pursuant to Sec. 346.65(2m), Wis. Stats.

5TH AND SUBSEQUENT OFFENSES [§346.65(2)(e)]

PROBATION:

Probation may be used if the person is subjected to at least the mandatory minimum period of imprisonment [973.09(1)(d)(1)].

INCARCERATION:

[Offense is a Class H Felony and place of imprisonment determined under §973.02].

6-Months - 6 years (a)

COURT'S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRE-SENTENCE REPORT.

(a) Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)].

[Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$600 - \$10,000

Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)]

(1) Minimum and maximum fine is doubled if PAC .17 to .199.

(2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.

(3) Minimum and maximum fine is quadrupled if PAC .25 or above.

REVOCAION: 24 - 36 months. Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m].

*** (Occupational - 90 day waiting period, unless 2 OWI offenses in any 5 year period making defendant not eligible for 1 year and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>BAC LEVEL</u>	Mitigating Driving Factors	Aggravating Driving Factors
.099 or	\$1,000.00 Fine + Costs INCARCERATION \$1,738.00 Total SEE ABOVE 36 month revocation	\$1,100.00 Fine + Costs INCARCERATION \$1,865.00 Total SEE ABOVE 36 month revocation
.10 to .169 OR a detectable amount of a restricted or controlled substance	\$1,200.00 Fine + Costs INCARCERATION \$1,992.00 Total SEE ABOVE 36 month revocation	\$1,300.00 Fine + Costs INCARCERATION \$2,119.00 Total SEE ABOVE 36 month revocation
.17 to .249 (1)	\$1,600.00 Fine + Costs INCARCERATION \$2,500.00 Total SEE ABOVE 36 month revocation	\$1,700.00 Fine + Costs INCARCERATION \$2,627.00 Total SEE ABOVE 36 month revocation
.20 to .249 (2)	\$2,200.00 Fine + Costs INCARCERATION \$3,262.00 Total SEE ABOVE 36 month revocation	\$2,300.00 Fine + Costs INCARCERATION \$3,389.00 Total SEE ABOVE 36 month revocation
.25 or above (3)	\$2,800.00 Fine + Costs INCARCERATION \$4,024.00 Total SEE ABOVE 36 month revocation	\$2,900.00 Fine + Costs INCARCERATION \$4,151.00 Total SEE ABOVE 36 month revocation
Refusal	\$2,000.00 Fine + Costs INCARCERATION \$3,008.00 Total SEE ABOVE 36 month revocation	\$2,000.00 Fine + Costs INCARCERATION \$3,008.00 Total SEE ABOVE 36 month revocation

** If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational, unless 2 OWI offenses in any 5 year period making defendant not eligible for 1 year. *** Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m].

**8TH JUDICIAL ADMINISTRATIVE DISTRICT
PAC SENTENCING GUIDELINES**
Pursuant to Sec. 346.65(2m), Wis. Stats.
1ST OFFENSE [§346.65(2j)(a)]

Offenses committed on or
after **December 31, 2005**

COMMERCIAL

PENALTY RANGE

FORFEITURE: \$150 - \$300 *Minimum and maximum forfeiture is doubled if there was a minor passenger under 16 [§346.65(2j)(d)].

Driver Improvement Surcharge (DIS)	\$355
Court Costs	\$ 25
Court Support Fee (CSF)	\$ 68
Crime Lab & Drug Assessment (CLDA)	\$ 8
Justice Information Fee (JIF)	\$ 12
Jail Assessment (JA) (1% or \$10, whichever is greater)	
Truck Driver Education Surcharge	\$ 8
Penalty Assessment (PA) (26%)	

REVOCATON: None, but driver subject to disqualification of CDL by DMV under §343.315

ALCOHOL ASSESSMENT: None.

POINTS: None.

Court may also order restitution [§346.65(2r)(a)].

<u>BAC LEVEL</u>	Mitigating Driving Factors	Aggravating Driving Factors
<hr/>		
.04 - .079	\$150.00 Forf. + Costs	\$200.00 Forf. + Costs
	\$675.00 Total	\$738.00 Total

**8TH JUDICIAL ADMINISTRATIVE DISTRICT
PAC SENTENCING GUIDELINES**
Pursuant to Sec. 346.65(2m), Wis. Stats.
2ND OFFENSE [§346.65(2j)(b)]

Offenses committed on or
after **December 31, 2005**

COMMERCIAL

PENALTY RANGE

<u>JAIL:</u> 5 days - 6 months	Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2j)(d)]. [Minimum 48 consecutive hours in jail (§346.65(7))]
<u>FINE:</u> \$300 - \$1000*	Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2j)(d)]
Driver Improvement Surcharge (DIS)	\$355
Victim, Witness Surcharge (VW)	\$ 60
Court Costs	\$ 20
Crime Lab & Drug Assessment (CLDA)	\$ 8
Jail Assessment (JA) [1% or \$10, whichever is greater]	
Truck Driver Education Surcharge	\$ 8
Penalty Assessment (PA) [26%]	

REVOCACTION: None, but driver subject to disqualification of CDL by DMV under §343.315

ALCOHOL ASSESSMENT: None.

POINTS: None.

Court may also order restitution [§346.65(2r)(a)].

BAC LEVEL

Mitigating Driving Factors

Aggravating Driving Factors

.04 - .079

\$300.00 Fine + Costs

\$400.00 Fine + Costs

\$839.00 Total

\$965.00 Total

**8TH JUDICIAL ADMINISTRATIVE DISTRICT
PAC SENTENCING GUIDELINES
Pursuant to Sec. 346.65(2m), Wis. Stats.
3RD OFFENSE [§346.65(2j)(c)]**

Offenses committed on or
after **December 31, 2005**

COMMERCIAL

PENALTY RANGE

JAIL: 30 days - 12 months Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [346.65(2j)(d)]. Offense is a felony and place of imprisonment determined under §973.02. [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$600 - \$2000* Minimum and maximum forfeiture is doubled if there was a minor passenger under age 16 [§346.65(2j)(d)]

Driver Improvement Surcharge (DIS)	\$ 355
Victim, Witness Surcharge (VW)	\$ 60
Court Costs	\$ 20
Crime Lab & Drug Assessment (CLDA)	\$ 8
Jail Assessment (JA) [1% or \$10, whichever is greater]	
Truck Driver Education Surcharge	\$ 8
Penalty Assessment (PA) [26%]	

REVOCAATION: None, but driver subject to disqualification of CDL by DMV under §343.315

ALCOHOL ASSESSMENT: None.

POINTS: None.

Court may also order restitution [§346.65(2r)(a)].

BAC LEVEL

Mitigating Driving Factors

Aggravating Driving Factors

.04 - .079	\$600.00 Fine + Costs	\$700.00 Fine + Costs
	\$1,217.00 Total	\$1,343.00 Total