

10th Judicial District OWI Guidelines

07/01/10(updated 03/01/11)

No.	BAC	Minimum Driving & No Accident			Aggravated Driving			Other	
		Fine	Jail Days	Rev Mos	Fine	Jail Days	Rev Mos	Occ. Wait	IID?
1 st	Below .15 Restricted Controlled Substance	\$691.50		6	\$754.50		7	0	No
	.15 - .199	\$804.50		7	\$867.50		8	0	Yes
	.20 + or Refusal	\$867.50		8	\$930.50		9	0	Yes
1 st w/ minor under 16	Below .15 Restricted Controlled Substance	\$1,109.00	10	12	\$1,172.00	30	14	0	No
	.15 - .199	\$1,172.00	10	14	\$1,235.00	40	16	0	Yes
	.20 + or Refusal	\$1,235.00	20	16	\$1,298.00	60	18	0	Yes
2 nd	Below .15 Restricted Controlled Substance	\$1,109.00	10	12	\$1,172.00	30	14	45 Days	Yes
	.15 - .199	\$1,172.00	10	14	\$1,235.00	40	16	45	Yes
	.20 + or Refusal	\$1,235.00	20	16	\$1,298.00	60	18	45	Yes
2 nd w/ minor under 16	.Below .15 Restricted Controlled Substance	\$1,550.00	20	12	\$1,676.00	60	14	45 Days	Yes
	.15 - .199	\$1,676.00	20	14	\$1,802.00	80	16	45	Yes
	.20 + or Refusal	\$1,802.00	40	16	\$1,928.00	120	18	45	Yes
3 rd	Below .15 Restricted Controlled Substance	\$1,424.00	60	24	\$1,487.00	80	27	45 Days	Yes
	.15 - .199	\$2,182.00	80	27	\$2,309.00	110	30	45	Yes
	.20 -.249 or Refuse	\$2,944.00	110	30	\$3,071.00	140	30	45	Yes
	.25 +	\$3,706.00	110	30	\$3,833.00	140	30	45	Yes
4 th	Below .08 Restricted Controlled Substance	\$1,424.00	150	27	\$1,487.00	170	30	45	Yes
	.08 - .149	\$1,802.00	230	27	\$1,865.00	270	30	45	Yes
	.15 - .199	\$2,182.00	270	30	\$2,309.00	330	33	45	Yes
	.20 -.249 or Refuse	\$2,944.00	330	33	\$3,071.00	350	36	45	Yes
	.25 +	\$3,706.00	330	33	\$3,833.00	350	36	45	Yes

- The IID surcharge of \$50 is included on all fines **except** for 1st offenses with a BAC below .15. If the court does not impose IID, the \$50 must be subtracted from the total fine.
- IID (Ignition Interlock Device) is **MANDATORY** for all vehicles registered in defendant's name §343.301(1g), **unless** doing so would cause a financial hardship. §343.301(1m). Immobilization is no longer an option.
- Probation is available for 2nd (2 yrs), 3rd (2 yrs), and 4th (3 yrs) offenses if at least the minimum mandatory jail is imposed as a condition. §973.09(1) (d) & § 973.09(2) (am).
- Court prohibited from staying sentences for 3rd and subsequent offenses. §973.15(8) (a) 3.
- **TOTAL REVOCATION PERIOD (w/Jail Imposed) = JAIL + REVOCATION (§343.305 (10g))**

10TH JUDICIAL DISTRICT OWI GUIDELINES - EFF. JULY 1, 2010

Approved By: Chief Judge Benjamin Proctor (updated 03/07/11)

FIRST OFFENSE

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)1

FORFEITURE: \$150 TO \$300 (plus surcharges and costs)

REVOCAION: 6 - 9 MONTHS (no waiting; s.343.30(1q)(b)2).

IGNITION INTERLOCK: Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

DRIVING FACTORS

<u>BAC LEVEL</u>	<u>Minimum Driving - No Accident</u>		<u>Aggravated Driving - Accident or Injury; Bad Driving Record</u>	
.149 & Below Restricted Controlled Substance	Forfeiture	\$150.00	Forfeiture	\$200.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$25.00	Costs	\$25.00
	Court support surcharge	\$68.00	Court support surcharge	\$68.00
	Penalty surcharge	\$39.00	Penalty surcharge	\$52.00
	Justice Info. surcharge	\$21.50	Justice Info. surcharge	\$21.50
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
		<u>\$691.50</u>		<u>\$754.50</u>
		6 month revocation		7 month revocation
.15 to .199	Forfeiture	\$200.00	Forfeiture	\$250.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$25.00	Costs	\$25.00
	Court support surcharge	\$68.00	Court support surcharge	\$68.00
	Penalty surcharge	\$52.00	Penalty surcharge	\$65.00
	Justice Info. surcharge	\$21.50	Justice Info. surcharge	\$21.50
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$804.50</u>		<u>\$867.50</u>
	7 month revocation		8 month revocation	
Refusal or .20 & Above	Forfeiture	\$250.00	Forfeiture	\$300.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$25.00	Costs	\$25.00
	Court support surcharge	\$68.00	Court support surcharge	\$68.00
	Penalty surcharge	\$65.00	Penalty surcharge	\$78.00
	Justice Info. surcharge	\$21.50	Justice Info. surcharge	\$21.50
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$867.50</u>		<u>\$930.50</u>
	8 month revocation/ Refusal 12 mon. revoc.		9 month revocation / Refusal 12 mon. revoc.	

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

This copy provided as a public service by Attorney Charles Kyle Kenyon, Madison, Wisconsin.
Please check with the court for possible updates or changes.

SECOND OFFENSE

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)2

JAIL: 5 DAYS - 6 MONTHS

FINE: \$350 - \$1100

REVOCAATION: 12 - 18 MONTHS (s.343.30(1q)(b)3.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

Drug court provisions may apply.

DRIVING FACTORS

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
.149 & Below Restricted Controlled Substance	Fine	\$350.00	Fine	\$400.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$91.00	Penalty surcharge	\$104.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,109.00</u>		<u>\$1,172.00</u>
	10 days jail - 12 mon. revocation		30 days jail - 14 mon. revocation	
.15 to .199	Fine	\$400.00	Fine	\$450.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$104.00	Penalty surcharge	\$117.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,172.00</u>		<u>\$1,235.00</u>
	10 days jail - 14 mon. revocation		40 days jail - 16 mon. revocation	
Refusal or .20 & above	Fine	\$450.00	Fine	\$500.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$117.00	Penalty surcharge	\$130.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,235.00</u>		<u>\$1,298.00</u>
	20 days jail - 16 mon. revocation		60 days jail - 18 mon. revocation	

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

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Please check with the court for possible updates or changes. A DNA surcharge may be added to criminal sentences on or after January 1, 2014 and will be added for offenses committed after that date.

THIRD OFFENSE

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)3

JAIL: 45 DAYS - 12 MONTHS

FINE: \$600 - \$2000

REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

Drug court provisions may apply.

DRIVING FACTORS

BAC LEVEL	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
.149 & Below Restricted Controlled Substance	Fine	\$600.00	Fine	\$650.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$156.00	Penalty surcharge	\$169.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,424.00</u>		<u>\$1,487.00</u>
	60 days jail - 24 mon. revocation		80 days jail - 27 mon. revocation	
.15 to .199 Enhancer .17-.199=fine X 2 .20-.249=fine X 3	Fine	\$1,200.00	Fine	\$1,300.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$312.00	Penalty surcharge	\$338.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$12.00	Jail surcharge	\$13.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$2,182.00</u>		<u>\$2,309.00</u>
	80 days jail - 27 mon. revocation		110 days jail - 30 mon. revocation	
Refusal or .20 to .249 Enhancer .20-.249= fine X 3 .25 & over= fine X 4	Fine	\$1,800.00	Fine	\$1,900.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$468.00	Penalty surcharge	\$494.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$18.00	Jail surcharge	\$19.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$2,944.00</u>		<u>\$3,071.00</u>
	110 days jail - 30 mon. revocation		140 days jail - 30 mon. revocation	

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

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THIRD OFFENSE (CONTINUED)

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)3

JAIL: 45 DAYS - 12 MONTHS

FINE: \$600 - \$2000

REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

Drug court provisions may apply.

DRIVING FACTORS

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
.25 and Above	Fine	\$2,400.00	Fine	\$2,500.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
Enhancer	Costs	\$163.00	Costs	\$163.00
.20-.249= fine X 3	Penalty surcharge	\$624.00	Penalty surcharge	\$650.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
.25 & over= fine X 4	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$24.00	Jail surcharge	\$25.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$3,706.00</u>		<u>\$3,833.00</u>
	110 days jail - 30 mon. revocation		140 days jail - 30 mon. revocation	

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

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FOURTH OFFENSE

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)4

JAIL: 60 DAYS - 12 MONTHS (minimum 48 consec. hours in jail)

FINE: \$600 - \$2000

REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

Note: class H felony penalty could apply; see s.346.65(2)(am)4m; drug court provisions may apply.

DRIVING FACTORS

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
.079 & Below Restricted Controlled Substance	Fine	\$600.00	Fine	\$650.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$156.00	Penalty surcharge	\$169.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,424.00</u>		<u>\$1,487.00</u>
	150 days jail - 27 mon. revocation		170 days jail - 30 mon. revocation	
.08 to .149 Restricted Controlled Substance	Fine	\$900.00	Fine	\$950.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$234.00	Penalty surcharge	\$247.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,802.00</u>		<u>\$1,865.00</u>
	230 days jail - 27 mon. revocation		270 days jail - 30 mon. revocation	
.15 to .199 Enhancer .15-.199= fine X 2 .20-.249= fine X 3	Fine	\$1,200.00	Fine	\$1,300.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$312.00	Penalty surcharge	\$338.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$12.00	Jail surcharge	\$13.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$2,182.00</u>		<u>\$2,309.00</u>
	270 days jail - 30 mon. revocation		330 days jail - 33 mon. revocation	

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

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FOURTH OFFENSE (CONTINUED)

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)4

JAIL: 60 DAYS - 12 MONTHS (minimum 48 consec. hours in jail)

FINE: \$600 - \$2000

REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

Note: class H felony penalty could apply; see s.346.65(2)(am)4m; drug court provisions may apply.

DRIVING FACTORS

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record
Refusal Or .24 to.249	Fine \$1,800.00		Fine \$1,900.00
	Driver surcharge \$365.00		Driver surcharge \$365.00
Enhancer	Costs \$163.00		Costs \$163.00
.20-.249= fine X 3	Penalty surcharge \$468.00		Penalty surcharge \$494.00
	Crime Lab surcharge \$13.00		Crime Lab surcharge \$13.00
.25 & over= fine X 4	Victim/Witness surcharge A \$40.00		Victim/Witness surcharge A \$40.00
	Victim/Witness surcharge B \$27.00		Victim/Witness surcharge B \$27.00
	Jail surcharge \$18.00		Jail surcharge \$19.00
	*Interlock surcharge \$50.00		*Interlock surcharge \$50.00
	<u>\$2,944.00</u>		<u>\$3,071.00</u>
	330 days jail - 33 mon. revocation		350 days jail - 36 mon. revocation
.25 or above	Fine \$2,400.00		Fine \$2,500.00
	Driver surcharge \$365.00		Driver surcharge \$365.00
Enhancer	Costs \$163.00		Costs \$163.00
.20-.249= fine X 3	Penalty surcharge \$624.00		Penalty surcharge \$650.00
	Crime Lab surcharge \$13.00		Crime Lab surcharge \$13.00
.25 & over= fine X 4	Victim/Witness surcharge A \$40.00		Victim/Witness surcharge A \$40.00
	Victim/Witness surcharge B \$27.00		Victim/Witness surcharge B \$27.00
	Jail surcharge \$24.00		Jail surcharge \$25.00
	*Interlock surcharge \$50.00		*Interlock surcharge \$50.00
	<u>\$3,706.00</u>		<u>\$3,833.00</u>
	330 days jail - 33 mon. revocation		350 days jail - 36 mon. revocation

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

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**FIRST OFFENSE:
MINOR UNDER 16
IN VEHICLE**

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(f)1

JAIL: 5 DAYS - 6 MONTHS (minimum 48 consec. hours in jail)

FINE: \$350 - \$1100

REVOCAION: 12 - 18 MONTHS (s.343.30(1q)(b)3.)

IGNITION INTERLOCK: Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

Drug court provisions may apply.

DRIVING FACTORS

BAC LEVEL	Minimum Driving - No Accident	Aggravated Driving - Accident or Injury; Bad Driving Record																																								
.149 & Below Restricted Controlled Substance	<table border="1"> <tr><td>Fine</td><td>\$350.00</td></tr> <tr><td>Driver surcharge</td><td>\$365.00</td></tr> <tr><td>Costs</td><td>\$163.00</td></tr> <tr><td>Penalty surcharge</td><td>\$91.00</td></tr> <tr><td>Crime Lab surcharge</td><td>\$13.00</td></tr> <tr><td>Victim/Witness surcharge A</td><td>\$40.00</td></tr> <tr><td>Victim/Witness surcharge B</td><td>\$27.00</td></tr> <tr><td>Jail surcharge</td><td>\$10.00</td></tr> <tr><td>*Interlock surcharge</td><td>\$50.00</td></tr> <tr><td>Total</td><td>\$1,109.00</td></tr> </table> <p>10 days jail - 12 mon. revocation</p>	Fine	\$350.00	Driver surcharge	\$365.00	Costs	\$163.00	Penalty surcharge	\$91.00	Crime Lab surcharge	\$13.00	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge B	\$27.00	Jail surcharge	\$10.00	*Interlock surcharge	\$50.00	Total	\$1,109.00	<table border="1"> <tr><td>Fine</td><td>\$400.00</td></tr> <tr><td>Driver surcharge</td><td>\$365.00</td></tr> <tr><td>Costs</td><td>\$163.00</td></tr> <tr><td>Penalty surcharge</td><td>\$104.00</td></tr> <tr><td>Crime Lab surcharge</td><td>\$13.00</td></tr> <tr><td>Victim/Witness surcharge A</td><td>\$40.00</td></tr> <tr><td>Victim/Witness surcharge B</td><td>\$27.00</td></tr> <tr><td>Jail surcharge</td><td>\$10.00</td></tr> <tr><td>*Interlock surcharge</td><td>\$50.00</td></tr> <tr><td>Total</td><td>\$1,172.00</td></tr> </table> <p>30 days jail - 14 mon. revocation</p>	Fine	\$400.00	Driver surcharge	\$365.00	Costs	\$163.00	Penalty surcharge	\$104.00	Crime Lab surcharge	\$13.00	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge B	\$27.00	Jail surcharge	\$10.00	*Interlock surcharge	\$50.00	Total	\$1,172.00
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FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

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**SECOND OFFENSE:
MINOR UNDER 16
IN VEHICLE**

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(f)2

JAIL: 10 DAYS - 12 MONTHS

FINE: \$700 - \$2200

REVOCAION: 12 - 18 MONTHS (s.343.30(1q)(b)3.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

Drug court provisions may apply.

DRIVING FACTORS

BAC LEVEL	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
.149 & Below Restricted Controlled Substance	Fine	\$700.00	Fine	\$800.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$182.00	Penalty surcharge	\$208.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,550.00</u>		<u>\$1,676.00</u>
	20 days jail - 12 mon. revocation		60 days jail - 14 mon. revocation	
.15 to .199	Fine	\$800.00	Fine	\$900.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$208.00	Penalty surcharge	\$234.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,676.00</u>		<u>\$1,802.00</u>
	20 days jail - 14 mon. revocation		80 days jail - 16 mon. revocation	
Refusal or .20 & above	Fine	\$900.00	Fine	\$1,000.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$234.00	Penalty surcharge	\$260.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,802.00</u>		<u>\$1,928.00</u>
	40 days jail - 16 mon. revocation		120 days jail - 18 mon. revocation	

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

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**FIRST OFFENSE:
COMMERCIAL
MOTOR VEHICLE**

For violations of 346.63(5), penalty - 346.65(2j)(am)1

FORFEITURE: \$150 TO \$300 (plus surcharges and costs)

REVOCAATION: 6 - 9 MONTHS (no waiting; s.343.30(1q)(b)2.)

IGNITION INTERLOCK: Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

DRIVING FACTORS

BAC LEVEL	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record
.04 to less than .079	Forfeiture \$150.00 Driver surcharge \$365.00 Costs \$25.00 Court support surcharge \$68.00 Penalty surcharge \$39.00 Justice Info. surcharge \$21.50 Crime Lab surcharge \$13.00 Jail surcharge \$10.00 Truck Driver Education surcharge \$8.00 *Interlock surcharge \$50.00 \$749.50		Forfeiture \$200.00 Driver surcharge \$365.00 Costs \$25.00 Court support surcharge \$68.00 Penalty surcharge \$52.00 Justice Info. surcharge \$21.50 Crime Lab surcharge \$13.00 Jail surcharge \$10.00 Truck Driver Education surcharge \$8.00 *Interlock surcharge \$50.00 \$812.50
	6 month revocation		7 month revocation
.08 to .15 Restricted controlled substance	Forfeiture \$200.00 Driver surcharge \$365.00 Costs \$25.00 Court support surcharge \$68.00 Penalty surcharge \$52.00 Justice Info. surcharge \$21.50 Crime Lab surcharge \$13.00 Jail surcharge \$10.00 Truck Driver Education surcharge \$8.00 *Interlock surcharge \$50.00 \$812.50		Forfeiture \$250.00 Driver surcharge \$365.00 Costs \$25.00 Court support surcharge \$68.00 Penalty surcharge \$65.00 Justice Info. surcharge \$21.50 Crime Lab surcharge \$13.00 Jail surcharge \$10.00 Truck Driver Education surcharge \$8.00 *Interlock surcharge \$50.00 \$875.50
	7 month revocation		8 month revocation
.151 and above	Forfeiture \$250.00 Driver surcharge \$365.00 Costs \$25.00 Court support surcharge \$68.00 Penalty surcharge \$65.00 Justice Info. surcharge \$21.50 Crime Lab surcharge \$13.00 Jail surcharge \$10.00 Truck Driver Education surcharge \$8.00 *Interlock surcharge \$50.00 \$875.50		Forfeiture \$300.00 Driver surcharge \$365.00 Costs \$25.00 Court support surcharge \$68.00 Penalty surcharge \$78.00 Justice Info. surcharge \$21.50 Crime Lab surcharge \$13.00 Jail surcharge \$10.00 Truck Driver Education surcharge \$8.00 *Interlock surcharge \$50.00 \$938.50
	8 month revocation/ Refusal 12 mon. revoc.		9 month revocation / Refusal 12 mon. revoc.

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

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**SECOND OFFENSE:
COMMERCIAL
MOTOR VEHICLE**

For violations of 346.63(5), penalty - 346.65(2)(am)2

JAIL: 5 DAYS - 6 MONTHS

FINE: \$350 - \$1100

REVOCAION: 12 - 18 MONTHS (s.343.30(1q)(b)3.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

Drug court provisions may apply.

DRIVING FACTORS

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	<u>\$1,243.00</u>																																														
Fine	\$500.00																																														
Driver surcharge	\$365.00																																														
Costs	\$163.00																																														
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	20 days jail - 16 mon. revocation		60 days jail - 18 mon. revocation																																												

FACTORS: Ability to pay, def. conduct since offense, incldg. assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

This copy provided as a public service by Attorney Charles Kyle Kenyon, Madison, Wisconsin.

Please check with the court for possible updates or changes. A DNA surcharge may be added to criminal sentences on or after January 1, 2014 and will be added for offenses committed after that date.

**THIRD OFFENSE:
COMMERCIAL
MOTOR VEHICLE**

For violations of 346.63(5), penalty - 346.65(2)(am)3

JAIL: 45 DAYS - 12 MONTHS

FINE: \$600 - \$2000

REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

Drug court provisions may apply.

DRIVING FACTORS

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record																																												
.04 to less than .079	<table border="1"> <tr><td>Fine</td><td>\$600.00</td></tr> <tr><td>Driver surcharge</td><td>\$365.00</td></tr> <tr><td>Costs</td><td>\$163.00</td></tr> <tr><td>Penalty surcharge</td><td>\$156.00</td></tr> <tr><td>Crime Lab surcharge</td><td>\$13.00</td></tr> <tr><td>Victim/Witness surcharge A</td><td>\$40.00</td></tr> <tr><td>Victim/Witness surcharge B</td><td>\$27.00</td></tr> <tr><td>Jail surcharge</td><td>\$10.00</td></tr> <tr><td>Truck Driver Education surcharge</td><td>\$8.00</td></tr> <tr><td>*Interlock surcharge</td><td>\$50.00</td></tr> <tr><td></td><td><u>\$1,432.00</u></td></tr> </table>	Fine	\$600.00	Driver surcharge	\$365.00	Costs	\$163.00	Penalty surcharge	\$156.00	Crime Lab surcharge	\$13.00	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge B	\$27.00	Jail surcharge	\$10.00	Truck Driver Education surcharge	\$8.00	*Interlock surcharge	\$50.00		<u>\$1,432.00</u>		<table border="1"> <tr><td>Fine</td><td>\$650.00</td></tr> <tr><td>Driver surcharge</td><td>\$365.00</td></tr> <tr><td>Costs</td><td>\$163.00</td></tr> <tr><td>Penalty surcharge</td><td>\$169.00</td></tr> <tr><td>Crime Lab surcharge</td><td>\$13.00</td></tr> <tr><td>Victim/Witness surcharge A</td><td>\$40.00</td></tr> <tr><td>Victim/Witness surcharge B</td><td>\$27.00</td></tr> <tr><td>Jail surcharge</td><td>\$10.00</td></tr> <tr><td>Truck Driver Education surcharge</td><td>\$8.00</td></tr> <tr><td>*Interlock surcharge</td><td>\$50.00</td></tr> <tr><td></td><td><u>\$1,495.00</u></td></tr> </table>	Fine	\$650.00	Driver surcharge	\$365.00	Costs	\$163.00	Penalty surcharge	\$169.00	Crime Lab surcharge	\$13.00	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge B	\$27.00	Jail surcharge	\$10.00	Truck Driver Education surcharge	\$8.00	*Interlock surcharge	\$50.00		<u>\$1,495.00</u>
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.151 to .169 Restricted controlled substance	<table border="1"> <tr><td>Fine</td><td>\$700.00</td></tr> <tr><td>Driver surcharge</td><td>\$365.00</td></tr> <tr><td>Costs</td><td>\$163.00</td></tr> <tr><td>Penalty surcharge</td><td>\$182.00</td></tr> <tr><td>Crime Lab surcharge</td><td>\$13.00</td></tr> <tr><td>Victim/Witness surcharge A</td><td>\$40.00</td></tr> <tr><td>Victim/Witness surcharge B</td><td>\$27.00</td></tr> <tr><td>Jail surcharge</td><td>\$10.00</td></tr> <tr><td>Truck Driver Education surcharge</td><td>\$8.00</td></tr> <tr><td>*Interlock surcharge</td><td>\$50.00</td></tr> <tr><td></td><td><u>\$1,558.00</u></td></tr> </table>	Fine	\$700.00	Driver surcharge	\$365.00	Costs	\$163.00	Penalty surcharge	\$182.00	Crime Lab surcharge	\$13.00	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge B	\$27.00	Jail surcharge	\$10.00	Truck Driver Education surcharge	\$8.00	*Interlock surcharge	\$50.00		<u>\$1,558.00</u>		<table border="1"> <tr><td>Fine</td><td>\$750.00</td></tr> <tr><td>Driver surcharge</td><td>\$365.00</td></tr> <tr><td>Costs</td><td>\$163.00</td></tr> <tr><td>Penalty surcharge</td><td>\$195.00</td></tr> <tr><td>Crime Lab surcharge</td><td>\$13.00</td></tr> <tr><td>Victim/Witness surcharge A</td><td>\$40.00</td></tr> <tr><td>Victim/Witness surcharge B</td><td>\$27.00</td></tr> <tr><td>Jail surcharge</td><td>\$10.00</td></tr> <tr><td>Truck Driver Education surcharge</td><td>\$8.00</td></tr> <tr><td>*Interlock surcharge</td><td>\$50.00</td></tr> <tr><td></td><td><u>\$1,621.00</u></td></tr> </table>	Fine	\$750.00	Driver surcharge	\$365.00	Costs	\$163.00	Penalty surcharge	\$195.00	Crime Lab surcharge	\$13.00	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge B	\$27.00	Jail surcharge	\$10.00	Truck Driver Education surcharge	\$8.00	*Interlock surcharge	\$50.00		<u>\$1,621.00</u>
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FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

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THIRD OFFENSE (CONTINUED):
COMMERCIAL
MOTOR VEHICLE

For violations of 346.63(5), penalty - 346.65(2)(am)3

JAIL: 45 DAYS - 12 MONTHS
FINE: \$600 - \$2000
REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

*Revocation Period = Jail + Revocation (343.305 (10g))

Drug court provisions may apply.

DRIVING FACTORS

BAC LEVEL

Minimum Driving - No Accident

.17 to .199	Fine	\$1,200.00		Fine	\$1,300.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$312.00		Penalty surcharge	\$338.00
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00		Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$12.00		Jail surcharge	\$13.00
	Truck Driver Education surcharge	\$8.00		Truck Driver Education surcharge	\$8.00
	*Interlock surcharge	\$50.00		*Interlock surcharge	\$50.00
		<u>\$2,190.00</u>			<u>\$2,317.00</u>
150 days jail - 30 mon. revocation			180 days jail - 33 mon. revocation		
.20 to .249	Fine	\$1,800.00		Fine	\$1,900.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$468.00		Penalty surcharge	\$494.00
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00		Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$18.00		Jail surcharge	\$19.00
	Truck Driver Education surcharge	\$8.00		Truck Driver Education surcharge	\$8.00
	*Interlock surcharge	\$50.00		*Interlock surcharge	\$50.00
		<u>\$2,952.00</u>			<u>\$3,079.00</u>
150 days jail - 30 mon. revocation			180 days jail - 33 mon. revocation		
.25 and above	Fine	\$2,400.00		Fine	\$2,500.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$624.00		Penalty surcharge	\$650.00
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00		Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$24.00		Jail surcharge	\$25.00
	Truck Driver Education surcharge	\$8.00		Truck Driver Education surcharge	\$8.00
	*Interlock surcharge	\$50.00		*Interlock surcharge	\$50.00
		<u>\$3,714.00</u>			<u>\$3,841.00</u>
150 days jail - 30 mon. revocation			180 days jail - 33 mon. revocation		

FACTORS:

Ability to pay, def. conduct since offense, in/dg assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

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OWI GUIDELINE -- STATUTE GUIDE (NOT PART OF GUIDELINES - STAFF USE ONLY)

CHIEF JUDGE TO ADOPT GUIDELINES	346.65(2m)(a)
COURT REVOCATION & SUSPENSION	343.30, 343.305 (10g)
PENALTY SURCHARGE	757.05(1), 814.75(18)
JAIL SURCHARGE	302.46, 814.75(14)
CRIME LAB & DRUG SURCHARGE	165.755, 814.75(3)
VICTIM-WITNESS SURCHARGE. A and B	973.045, 814.75(5)
COURT COSTS	814.60, 814.63
COURT COSTS - MUNICIPAL	814.65(1)
JUSTICE INFORMATION SURCHARGE	814.86(1), 814.75(15)
COURT SUPPORT SURCHARGE	814.85(1)(a), 814.75(2)
DRIVE IMPROVEMENT SURCHARGE	346.655, 814.75(9)
BAC PENALTY ENHANCER	346.65(2)(g)
TRUCK DRIVER ED. SURCHARGE	349.04(1), 814.75(23)
PROHIBITED ALCOHOL CONTENT AND VIOLATION OF....	340.01(46m) 346.63(1)
SUSPENSION/REVOCATION BY THE COURT	343.30(1q)(b)
REFUSALS	343.305(9), (10), (10m)
DRUNK DRIVING PENALTIES	346.65(2)
COMMERCIAL DRUNK DRIVING	346.63(5)(a)
COMMERCIAL DRUNK DRIVING PENALTIES	346.65(2j)
IGNITION INTERLOCK/IMMOBILIZATION	343.301
MINOR PASSENGER UNDER 16	346.65(2)(f)
MINOR PASSENGER UNDER 16 (COMMERCIAL)	346.65(2j)(d)

BAC PENALTY ENHANCER FINE TABLE (NOT PART OF GUIDELINES - STAFF USE ONLY)

<u>Formula:</u>	Fine Amount			\$ Amount
	Penalty surcharge			0.26
	Driver improvement surcharge			\$365.00
	Court costs			\$163.00
	Crime Lab surcharge			\$13.00
	Victim/Witness surcharges A plus B			\$67.00
	Jail surcharge	0.01	or	\$10
	Interlock surcharge			\$50.00

NOTE: for felonies, 5th offense and over, add \$25 to amount found below (Part A surcharge is \$65)

<u>FINE AMOUNT</u>	FINE X 2 Plus Costs	FINE X 3 Plus Costs	FINE X 4 Plus Costs
\$100.00	\$920.00	\$1,046.00	\$1,172.00
\$150.00	\$1,046.00	\$1,235.00	\$1,424.00
\$200.00	\$1,172.00	\$1,424.00	\$1,676.00
\$250.00	\$1,298.00	\$1,613.00	\$1,928.00
\$300.00	\$1,424.00	\$1,802.00	\$2,182.00
\$350.00	\$1,550.00	\$1,991.50	\$2,436.00
\$400.00	\$1,676.00	\$2,182.00	\$2,690.00
\$450.00	\$1,802.00	\$2,372.50	\$2,944.00
\$500.00	\$1,928.00	\$2,563.00	\$3,198.00
\$550.00	\$2,055.00	\$2,753.50	\$3,452.00
\$600.00	\$2,182.00	\$2,944.00	\$3,706.00
\$650.00	\$2,309.00	\$3,134.50	\$3,960.00
\$700.00	\$2,436.00	\$3,325.00	\$4,214.00
\$750.00	\$2,563.00	\$3,515.50	\$4,468.00
\$800.00	\$2,690.00	\$3,706.00	\$4,722.00
\$850.00	\$2,817.00	\$3,896.50	\$4,976.00
\$900.00	\$2,944.00	\$4,087.00	\$5,230.00
\$950.00	\$3,071.00	\$4,277.50	\$5,484.00
\$1,000.00	\$3,198.00	\$4,468.00	\$5,738.00
\$1,050.00	\$3,325.00	\$4,658.50	\$5,992.00
\$1,100.00	\$3,452.00	\$4,849.00	\$6,246.00
\$1,150.00	\$3,579.00	\$5,039.50	\$6,500.00
\$1,200.00	\$3,706.00	\$5,230.00	\$6,754.00
\$1,250.00	\$3,833.00	\$5,420.50	\$7,008.00
\$1,300.00	\$3,960.00	\$5,611.00	\$7,262.00
\$1,350.00	\$4,087.00	\$5,801.50	\$7,516.00
\$1,400.00	\$4,214.00	\$5,992.00	\$7,770.00

The BAC penalty enhancer ranges contained in 346.65(2)(g) apply to the fines found in 346.65(2) pars. (c) to (e). You can use these table amounts in 3rd & 4th offenses, but for 5th must add \$25 because the Part A surcharge for a felony is \$65, rather than \$40. This table shows the total amount due after the multiplier is applied (per 1999 Act 109, 346.65(2)(g) eff. 1/1/2001).

Enhancer Range Minimums-Maximums:

<u>3rd Offense</u>	X2	X3
\$600-2000	\$1200-4000	\$1800-6000

<u>4th Offense</u>	X2	X3
\$600-2000	\$1200-4000	\$1800-6000

<u>5th Offense</u>	X2	X3
\$600-10,000	\$1200-10K	\$1800-10K

(no maximum contained in 346.65(2)(e), therefore maximum is that for a Class H felony, 939.50(3)(h))