

**SIXTH JUDICIAL DISTRICT**

**OMVWI**  
**SENTENCING GUIDELINES**

Citation Issued On or After  
**July 1, 2010**

Sixth Judicial District Office  
3317 Business Park Drive, Suite A  
Stevens Point, WI 54481-5210  
(715) 345-5295

John R. Storck, Chief Judge

*This copy provided as a public service by Attorney Charles Kyle Kenyon, Madison, Wisconsin. (608) 276-9645  
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.*

**FIRST OFFENSE**

**SENTENCING GUIDELINES - STANDARD  
NO MINOR PASSENGER**

Citations Issued On or After  
July 1, 2010

| BAC Level         | .08 to .099   |               | .10 to .149   |               | .15 to .169   |               | .17 to .199   |               | .20 to .249   |               | .25 and above |               |
|-------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
|                   | Mitigated     | Aggravated    | Mitigated     | Aggravated    | Mitigated     | Aggravated    | Mitigated     | Aggravated    | Mitigated     | Aggravated    | Mitigated     | Aggravated    |
| <b>Penalty</b>    | <b>691.50</b> | <b>723.00</b> | <b>691.50</b> | <b>754.50</b> | <b>804.50</b> | <b>867.50</b> | <b>867.50</b> | <b>930.50</b> | <b>867.50</b> | <b>930.50</b> | <b>867.50</b> | <b>930.50</b> |
| Forfeiture        | 150.00        | 175.00        | 150.00        | 200.00        | 200.00        | 250.00        | 250.00        | 300.00        | 250.00        | 300.00        | 250.00        | 300.00        |
| DIS               | 365.00        | 365.00        | 365.00        | 365.00        | 365.00        | 365.00        | 365.00        | 365.00        | 365.00        | 365.00        | 365.00        | 365.00        |
| Costs             | 25.00         | 25.00         | 25.00         | 25.00         | 25.00         | 25.00         | 25.00         | 25.00         | 25.00         | 25.00         | 25.00         | 25.00         |
| CSS               | 68.00         | 68.00         | 68.00         | 68.00         | 68.00         | 68.00         | 68.00         | 68.00         | 68.00         | 68.00         | 68.00         | 68.00         |
| (26% of Forf.) PA | 39.00         | 45.50         | 39.00         | 52.00         | 52.00         | 65.00         | 65.00         | 78.00         | 65.00         | 78.00         | 65.00         | 78.00         |
| JA                | 10.00         | 10.00         | 10.00         | 10.00         | 10.00         | 10.00         | 10.00         | 10.00         | 10.00         | 10.00         | 10.00         | 10.00         |
| JISF              | 21.50         | 21.50         | 21.50         | 21.50         | 21.50         | 21.50         | 21.50         | 21.50         | 21.50         | 21.50         | 21.50         | 21.50         |
| CL/DL             | 13.00         | 13.00         | 13.00         | 13.00         | 13.00         | 13.00         | 13.00         | 13.00         | 13.00         | 13.00         | 13.00         | 13.00         |
| Ign. Int. Surch.  |               |               |               |               | 50.00         | 50.00         | 50.00         | 50.00         | 50.00         | 50.00         | 50.00         | 50.00         |
| <b>Revocation</b> | <b>6 mos</b>  | <b>6 mos</b>  | <b>6 mos</b>  | <b>7 mos</b>  | <b>7 mos</b>  | <b>8 mos</b>  | <b>8 mos</b>  | <b>9 mos</b>  | <b>9 mos.</b> | <b>9 mos</b>  | <b>9 mos.</b> | <b>9 mos</b>  |

**PENALTY RANGE**

**FORFEITURE:** \$150 minimum to \$300 maximum

**REVOCAION/DISQUALIFICATION:** 6-9 months (no waiting period for occupational license).

**IGNITION INTERLOCK:** Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 18 months beginning when license issued. \$50.00 interlock surcharge

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court may**, after a finding of inability to pay, reduce the costs or forfeiture and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.

**SECOND OFFENSE**

**SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After  
July 1, 2010

| BAC Level        | .08 to .099 |            | .10 to .149 |            | .15 to .169 |            | .17 to .199 |            | .20 to .249 |            | .25 plus  |            |
|------------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-----------|------------|
|                  | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated | Aggravated |
| Jail             | 5 Days      | 10 Days    | 10 Days     | 23 Days    | 17 Days     | 28 Days    | 22 Days     | 37 Days    | 28 Days     | 50 Days    | 38 Days   | 60 Days    |
| Fine + Costs     | 1,109.00    | 1,172.00   | 1,172.00    | 1,298.00   | 1,235.00    | 1,298.00   | 1,235.00    | 1,298.00   | 1,298.00    | 1,424.00   | 1,424.00  | 1,550.00   |
| Fine             | 350.00      | 400.00     | 400.00      | 500.00     | 450.00      | 500.00     | 450.00      | 500.00     | 500.00      | 600.00     | 600.00    | 700.00     |
| DIS              | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00    | 365.00     |
| Costs            | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00    | 163.00     |
| VWS-A&B          | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00     | 67.00      |
| Ign. Int. Surch. | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00     | 50.00      |
| (26% of Fine) PA | 91.00       | 104.00     | 104.00      | 130.00     | 117.00      | 130.00     | 117.00      | 130.00     | 130.00      | 156.00     | 156.00    | 182.00     |
| JA               | 10.00       | 10.00      | 10.00       | 10.00      | 10.00       | 10.00      | 10.00       | 10.00      | 10.00       | 10.00      | 10.00     | 10.00      |
| CL/DL            | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00     | 13.00      |
| Revocation       | 12 mos      | 18 mos     | 12 mos      | 18 mos     | 12 mos      | 18 mos     | 12 mos      | 18 mos     | 12 mos      | 18 mos     | 12 mos    | 18 mos     |

**PENALTY RANGE**

**FINE AMOUNT:** \$350 minimum to \$1100 maximum

**JAIL:** Not less than 5 days nor more than 6 months, or not less than 5 days nor more than 7 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**JAIL PROBATION AND TREATMENT OPTION:** 25 days less jail, but not below 5 days if successful completion of probation and AODA treatment. 6 mos. - 2 yrs probation.

**REVOCAION/DISQUALIFICATION:** 12 - 18 months.

**IGNITION INTERLOCK DEVICE**

The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles owned shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT:**

The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10m), and shall be denied unless within two weeks of the order, the person submits proof to the sheriff that an ignition interlock device has been install in each motor vehicle to which the order applies..

This copy provided as a public service by Attorney Charles Kyle Kenyon, Madison, Wisconsin. (608) 276-9645  
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**THIRD OFFENSE**

**SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After July 1, 2010

| BAC Level        | .08 to .099 |            | .10 to .149 |            | .15 to .169 |            | .17 to .199 |            | .20 to .249 |            | .25 plus  |            |
|------------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-----------|------------|
|                  | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated | Aggravated |
| Jail             | 45 Days     | 50 Days    | 50 Days     | 75 Days    | 60 Days     | 90 Days    | 75 Days     | 105 Days   | 90 Days     | 135 Days   | 120 Days  | 220 Days   |
| Fine + Costs     | 1,424.00    | 1,618.00   | 1,487.00    | 1,747.00   | 1,550.00    | 1,938.00   | 2,182.00    | 2,399.00   | 2,944.00    | 3,238.00   | 3,706.00  | 4,140.00   |
| Fine             | 600.00      | 750.00     | 650.00      | 850.00     | 700.00      | 1,000.00   | 1,200.00    | 1,350.00   | 1,800.00    | 2,000.00   | 2,400.00  | 2,700.00   |
| DIS              | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00    | 365.00     |
| Costs            | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00    | 163.00     |
| VWS-A & B        | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00     | 67.00      |
| Ign. Int. Surch. | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00     | 50.00      |
| (26% of Fine) PA | 156.00      | 195.00     | 169.00      | 221.00     | 182.00      | 260.00     | 312.00      | 351.00     | 468.00      | 520.00     | 624.00    | 702.00     |
| JA               | 10.00       | 15.00      | 10.00       | 18.00      | 10.00       | 20.00      | 12.00       | 40.00      | 18.00       | 60.00      | 24.00     | 80.00      |
| CL/DL            | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00     | 13.00      |
| Revocation       | 12 mos      | 18 mos     | 12 mos      | 18 mos     | 12 mos      | 18 mos     | 18 mos      | 18 mos     | 12 mos      | 18 mos     | 12 mos    | 18 mos     |

**PENALTY RANGE**

**FINE AMOUNT:** \$600 minimum to \$2000 maximum , **EXCEPTION:** \$1200 minimum and \$4000 maximum if BAC is .17 to .199; \$1800 minimum and \$6000 maximum if BAC is .20 to .249; and \$2400 minimum and \$8000 maximum if BAC is .25 or above.

**JAIL :** 45 days minimum and 12 months maximum. 14 days minimum if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**JAIL PROBATION AND TREATMENT OPTION. 45 days less, but not less than minimum, if successful completion of probation and AODA treatment. 6 mos. - 2 yrs probation.**

**REVOCAION/DISQUALIFICATION:** 24 - 36 months.

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equiped with an ignition interlock device, and shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)2.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order a **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (and a reasonable fee).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Court may** order a motor vehicle owned and used by a violator to be used but **must order** ignition interlock or immobilization if **vehicle is not seized** unless undue hardship, extreme inconvenience or endangerment of person's health and safety is found.
7. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and driver safety plan pursuant to Wis. Stats. 303.08(10m).

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**FOURTH OFFENSE**

**STANDARD MISDEMEANOR**

Citations Issued On or After July 1, 2010

| BAC Level        | .02 to .049 |            | .05 to .079 |            | .08 to .099 |            | .10 to .149 |            | .15 to .169 |            |
|------------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|
|                  | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated |
| Jail             | 60 days     | 70 days    | 60 days     | 90 days    | 70 days     | 120 days   | 100 days    | 150 days   | 120 days    | 180 days   |
| Fine + costs     | 1,424.00    | 1,613.00   | 1,613.00    | 1,802.00   | 1,802.00    | 2,182.00   | 1,928.00    | 2,436.00   | 2,118.50    | 2,944.00   |
| Fine             | 600.00      | 750.00     | 750.00      | 900.00     | 900.00      | 1,200.00   | 1,000.00    | 1,400.00   | 1,150.00    | 1,800.00   |
| DIS              | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     |
| Costs            | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     |
| VWS-A & B        | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      |
| Ign. Int. Surch. | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      |
| (26% of Fine) PA | 156.00      | 195.00     | 195.00      | 234.00     | 234.00      | 312.00     | 260.00      | 364.00     | 299.00      | 468.00     |
| JA               | 10.00       | 10.00      | 10.00       | 10.00      | 10.00       | 12.00      | 10.00       | 14.00      | 11.50       | 18.00      |
| CL/DL            | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      |
| Revocation       | 24 mos      | 27 mos     | 27 mos      | 27 mos     | 27 mos      | 30 mos     | 30 mos      | 30 mos     | 30 mos      | 33 mos     |

| BAC Level        | .17 to .199 |            | .20 to .249 |            | .25 plus  |            |
|------------------|-------------|------------|-------------|------------|-----------|------------|
|                  | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated | Aggravated |
| Jail             | 150 days    | 210 days   | 180 days    | 240 days   | 220 days  | 360 days   |
| Fine + costs     | 2,182.00    | 3,198.00   | 2,944.00    | 4,468.00   | 3,706.00  | 5,738.00   |
| Fine             | 1,200.00    | 2,000.00   | 1,800.00    | 3,000.00   | 2,400.00  | 4,000.00   |
| DIS              | 365.00      | 365.00     | 365.00      | 365.00     | 365.00    | 365.00     |
| Costs            | 163.00      | 163.00     | 163.00      | 163.00     | 163.00    | 163.00     |
| VWS-A & B        | 67.00       | 67.00      | 67.00       | 67.00      | 67.00     | 67.00      |
| Ign. Int. Surch. | 50.00       | 50.00      | 50.00       | 50.00      | 50.00     | 50.00      |
| (26% of Fine) PA | 312.00      | 520.00     | 468.00      | 780.00     | 624.00    | 1,040.00   |
| JA               | 12.00       | 20.00      | 18.00       | 30.00      | 24.00     | 40.00      |
| CL/DL            | 13.00       | 13.00      | 13.00       | 13.00      | 13.00     | 13.00      |
| Revocation       | 33 mos      | 33 mos     | 33 mos      | 36 mos     | 36 mos    | 36 mos     |

**FINE AMOUNT:** \$600 minimum to \$2000 maximum, *EXCEPTION: \$1200 minimum and \$4000 maximum if BAC is .17 to .199; \$1800 minimum and \$6000 maximum if BAC is .20 to .249; and \$2400 minimum and \$8000 maximum if BAC is .25 or above.*

**JAIL:** 60 days - 12 months; 29 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail).

**REVOCAION/DISQUALIFICATION:** 24 - 36 months (90 day waiting period and completion of alcohol assessment/driver safety plan for occupational license and absolute sobriety during use). Effective 09/30/05, revocation applies to all driving privileges -- commercial and noncommercial; disqualification for one (1) year from operation of commercial vehicles.

**PROBATION OPTION:** 50 days less, but not less than minimum, if successful completion of probation and AODA treatment. 6 mos. - 3 yrs probation.

**IGNITION INTERLOCK DEVICE:** The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device, and shall order that each motor vehicle for which the person's name appears on the vehicle's certificate of title or registration be equipped with an ignition interlock device for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)2.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drug

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (and a reasonable fee).
3. Court may order a visit to a site that demonstrates adverse effects of abuse (and a reasonable fee).
4. Court shall, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), require the defendant to perform community service work in lieu of paying the fine imposed or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. Court may order a motor vehicle owned and used by a violator to be seized but **must order** ignition interlock or immobilization if vehicle is not seized unless undue hardship, extreme inconvenience or endangerment of person's health and safety is found.
7. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10)m.

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| BAC Level           | .08 to .099     |                 | .10 to .149     |                 | .15 to .169     |                 | .17 to .199     |                 | 0.2             |                 | 0.249           |                 | .25 plus  |            |
|---------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------|------------|
|                     | Mitigated       | Aggravated      | Mitigated       | Aggravated      | Mitigated       | Aggravated      | Mitigated       | Aggravated      | Mitigated       | Aggravated      | Mitigated       | Aggravated      | Mitigated | Aggravated |
| Jail                | 5 Days          | 10 Days         | 10 Days         | 23 Days         | 17 Days         | 28 Days         | 22 Days         | 37 Days         | 28 Days         | 50 Days         | 38 Days         | 60 Days         |           |            |
| <b>Fine + Costs</b> | <b>1,109.00</b> | <b>1,172.00</b> | <b>1,172.00</b> | <b>1,298.00</b> | <b>1,235.00</b> | <b>1,298.00</b> | <b>1,235.00</b> | <b>1,298.00</b> | <b>1,298.00</b> | <b>1,424.00</b> | <b>1,424.00</b> | <b>1,550.00</b> |           |            |
| Fine                | 350.00          | 400.00          | 400.00          | 500.00          | 450.00          | 500.00          | 450.00          | 500.00          | 500.00          | 600.00          | 600.00          | 700.00          |           |            |
| DIS                 | 365.00          | 365.00          | 365.00          | 365.00          | 365.00          | 365.00          | 365.00          | 365.00          | 365.00          | 365.00          | 365.00          | 365.00          |           |            |
| Costs               | 163.00          | 163.00          | 163.00          | 163.00          | 163.00          | 163.00          | 163.00          | 163.00          | 163.00          | 163.00          | 163.00          | 163.00          |           |            |
| VWS-A&B             | 67.00           | 67.00           | 67.00           | 67.00           | 67.00           | 67.00           | 67.00           | 67.00           | 67.00           | 67.00           | 67.00           | 67.00           |           |            |
| Ign. Int. Surch.    | 50.00           | 50.00           | 50.00           | 50.00           | 50.00           | 50.00           | 50.00           | 50.00           | 50.00           | 50.00           | 50.00           | 50.00           |           |            |
| (26% of Fine) PA    | 91.00           | 104.00          | 104.00          | 130.00          | 117.00          | 130.00          | 117.00          | 130.00          | 130.00          | 156.00          | 156.00          | 182.00          |           |            |
| JA                  | 10.00           | 10.00           | 10.00           | 10.00           | 10.00           | 10.00           | 10.00           | 10.00           | 10.00           | 10.00           | 10.00           | 10.00           |           |            |
| CL/DL               | 13.00           | 13.00           | 13.00           | 13.00           | 13.00           | 13.00           | 13.00           | 13.00           | 13.00           | 13.00           | 13.00           | 13.00           |           |            |
| <b>Revocation</b>   | <b>12 mos</b>   | <b>18 mos</b>   | <b>12 mos</b>   | <b>18 mos</b>   | <b>12 mos</b>   | <b>18 mos</b>   | <b>12 mos</b>   | <b>18 mos</b>   | <b>12 mos</b>   | <b>18 mos</b>   | <b>12 mos</b>   | <b>18 mos</b>   |           |            |

**PENALTY RANGE**

**FINE AMOUNT:** \$350 minimum to \$1100 maximum

**JAIL :** Not less than 5 days nor more than 6 months, or not less than 5 days nor more than 7 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**JAIL PROBATION AND TREATMENT OPTION. 70 days less jail, but not below 5 days if successful completion of probation and AODA treatment. 6 mos. - 2 yrs probation.**

**REVOCAION/DISQUALIFICATION:** 12 - 18 months.

**IGNITION INTERLOCK DEVICE:**The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles owned shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10m), and shall be denied unless within two weeks of the order, the person submits proof to the sheriff that an ignition interlock device has been install in each motor vehicle to which the order applies..

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**SECOND OFFENSE - MINOR PASSENGER**

**SENTENCING GUIDELINES**

Citations issued On or After July 1, 2010

| BAC Level        | .08 to .099 |            | .10 to .149 |            | .15 to .169 |            | .17 to .199 |            | .20 to .249 |            | .25 plus  |            |
|------------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-----------|------------|
|                  | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated   | Aggravated | Mitigated | Aggravated |
| Jail             | 10 Days     | 20 Days    | 20 Days     | 46 Days    | 34 Days     | 56 Days    | 44 Days     | 74 Days    | 56 Days     | 100 Days   | 76 Days   | 120 Days   |
| Fine + Costs     | 1,550.00    | 1,676.00   | 1,676.00    | 1,928.00   | 1,802.00    | 1,928.00   | 1,802.00    | 1,928.00   | 1,928.00    | 2,180.00   | 2,180.00  | 2,436.00   |
| Fine             | 700.00      | 800.00     | 800.00      | 1,000.00   | 900.00      | 1,000.00   | 900.00      | 1,000.00   | 1,000.00    | 1,200.00   | 1,200.00  | 1,400.00   |
| DIS              | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00      | 365.00     | 365.00    | 365.00     |
| Costs            | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00      | 163.00     | 163.00    | 163.00     |
| VWS-A&B          | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00       | 67.00      | 67.00     | 67.00      |
| Ign. Int. Surch. | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00       | 50.00      | 50.00     | 50.00      |
| (26% of Fine) PA | 182.00      | 208.00     | 208.00      | 260.00     | 234.00      | 260.00     | 234.00      | 260.00     | 260.00      | 312.00     | 312.00    | 364.00     |
| JA               | 10.00       | 10.00      | 10.00       | 10.00      | 10.00       | 10.00      | 10.00       | 10.00      | 10.00       | 10.00      | 10.00     | 14.00      |
| CL/DL            | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00       | 13.00      | 13.00     | 13.00      |
| Revocation       | 24 mos      | 36 mos     | 24 mos      | 36 mos     | 24 mos      | 36 mos     | 24 mos      | 36 mos     | 24 mos      | 36 mos     | 24 mos    | 36 mos     |

**PENALTY RANGE**

**FINE AMOUNT:** \$700 minimum to \$2200 maximum

**JAIL:** Not less than 10 days nor more than 12 months, or not less than 10 days nor more than 14 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**PROBATION AND TREATMENT OPTION. 45 days less jail, but not below 5 days if successful completion of probation and AODA treatment. 6 mos. - 2 yrs probation.**

**REVOCAION/DISQUALIFICATION:** 24-36 months.

**IGNITION INTERLOCK DEVICE:**The Court shall order that the person's operating privileges for "Class D" vehicles be restricted to "Class D" vehicles that are equipped with an ignition interlock device and all vehicles owned shall have an ignition interlock installed for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)1.

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), **require the defendant to perform community service work in lieu of paying the fine imposed** or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. Court may, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10m), and shall be denied unless within two weeks of the order, the person submits proof to the sheriff that an ignition interlock device has been install in each motor vehicle to which the order applies..

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**FIRST OFFENSE****COMMERCIAL MOTOR VEHICLES**

Citations issued On or After July 1, 2010

| BAC Level              | <b>.040 to .08</b> |                   |
|------------------------|--------------------|-------------------|
|                        | <b>Mitigated</b>   | <b>Aggravated</b> |
| <b>Penalty</b>         | <b>699.50</b>      | <b>888.50</b>     |
| Forfeiture             | 150.00             | 300.00            |
| DIS                    | 365.00             | 365.00            |
| Costs                  | 25.00              | 25.00             |
| CSF                    | 68.00              | 68.00             |
| (26% of Forfeiture) PA | 39.00              | 78.00             |
| JA                     | 10.00              | 10.00             |
| JISF                   | 21.50              | 21.50             |
| CL/DL                  | 13.00              | 13.00             |
| <b>TDEA</b>            | 8.00               | 8.00              |
| <b>Suspension</b>      | <b>6 mos</b>       | <b>7 mos</b>      |

**PENALTY RANGE****FORFEITURE:** \$150 minimum to \$400 maximum**SUSPENSION:** NOT MANDATORY**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a forfeiture. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum forfeiture is doubled.



**SECOND OFFENSE****COMMERCIAL MOTOR VEHICLES**Citations Issued On or After  
July 1, 2010

| BAC Level                    | <b>.040 to .080</b> |                   |
|------------------------------|---------------------|-------------------|
|                              | <b>Mitigated</b>    | <b>Aggravated</b> |
| <b>Jail</b>                  | <b>20 days</b>      | <b>40 days</b>    |
| <b>Penalty</b>               | <b>861.00</b>       | <b>1743.00</b>    |
| Fine                         | 300.00              | 1,000.00          |
| DIS                          | 365.00              | 365.00            |
| Costs                        | 20.00               | 20.00             |
| VWS - A                      | 67.00               | 67.00             |
| VWS - B                      |                     |                   |
| (26% of Fine) PA             | 78.00               | 260.00            |
| JA                           | 10.00               | 10.00             |
| CL/DL                        | 13.00               | 13.00             |
| TDEA                         | 8.00                | 8.00              |
| <b>Revocation/Suspension</b> | <b>12 mos</b>       | <b>14 mos</b>     |

**PENALTY RANGE****FINE AMOUNT:** \$300 minimum to \$1000 maximum**JAIL:** Not less than 5 days or ordered to perform not less than 30 days of community service work nor more than 6 months.**REVOCATION/SUSPENSION:** NOT MANDATORY**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a fine. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of the violation, the minimum and maximum fine is doubled.

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**THIRD OFFENSE**

**COMMERCIAL MOTOR VEHICLES**

Citations Issued On or After July 1, 2010

**BAC Level**

|                              |                  | <b>.040 to .080</b>            |  |
|------------------------------|------------------|--------------------------------|--|
|                              |                  | Minimum Driving<br>No Accident | Aggravated Driving<br>Accident or Injury<br>Bad Driving Record |
| <b>Jail<br/>Penalty</b>      |                  | <b>45 days<br/>1239.00</b>     | <b>120 days<br/>3003.00</b>                                    |
|                              | Fine             | 600.00                         | 2,000.00   |
|                              | DIS              | 365.00                         | 365.00   |
|                              | Costs            | 20.00                          | 20.00  |
|                              | VWS-A            | 67.00                          | 67.00  |
|                              | VWS-B            |                                |  |
|                              | (26% of Fine) PA | 156.00                         | 520.00   |
|                              | JA               | 10.00                          | 10.00  |
|                              | CL/DL            | 13.00                          | 13.00  |
|                              | TDEA             | 8.00                           | 8.00   |
| <b>Revocation/Suspension</b> |                  | <b>12 mos</b>                  | <b>14 mos</b>  |

**PENALTY RANGE**

**FINE AMOUNT:** \$600 minimum to \$2000 maximum

**JAIL:** 30 days - 12 months

**REVOCAION/SUSPENSION:** NOT MANDATORY

**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a fine. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of the violation, the minimum and maximum fine is doubled.

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 January 1, 2014 and will be added for offenses committed after that date.

**FIRST OFFENSE**

**MUNICIPAL SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After July 1, 2010

| BAC Level         | <b>.08 to .099</b> |               | <b>.10 to .149</b> |               | <b>.15 to .169</b> |               | <b>.17 to .199</b> |               | <b>.20 to .249</b> |               | <b>.25 and above</b> |               |
|-------------------|--------------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|---------------|----------------------|---------------|
|                   | Mitigated          | Aggravated    | Mitigated          | Aggravated    | Mitigated          | Aggravated    | Mitigated          | Aggravated    | Mitigated          | Aggravated    | Mitigated            | Aggravated    |
| <b>Penalty</b>    | <b>681.50</b>      | <b>713.00</b> | <b>681.50</b>      | <b>744.50</b> | <b>794.50</b>      | <b>857.50</b> | <b>857.50</b>      | <b>920.50</b> | <b>857.50</b>      | <b>920.50</b> | <b>857.50</b>        | <b>920.50</b> |
| Forfeiture        | 150.00             | 175.00        | 150.00             | 200.00        | 200.00             | 250.00        | 250.00             | 300.00        | 250.00             | 300.00        | 250.00               | 300.00        |
| DIS               | 365.00             | 365.00        | 365.00             | 365.00        | 365.00             | 365.00        | 365.00             | 365.00        | 365.00             | 365.00        | 365.00               | 365.00        |
| Costs             | 15.00              | 15.00         | 15.00              | 15.00         | 15.00              | 15.00         | 15.00              | 15.00         | 15.00              | 15.00         | 15.00                | 15.00         |
| CSS               | 68.00              | 68.00         | 68.00              | 68.00         | 68.00              | 68.00         | 68.00              | 68.00         | 68.00              | 68.00         | 68.00                | 68.00         |
| (26% of Forf.) PA | 39.00              | 45.50         | 39.00              | 52.00         | 52.00              | 65.00         | 65.00              | 78.00         | 65.00              | 78.00         | 65.00                | 78.00         |
| JA                | 10.00              | 10.00         | 10.00              | 10.00         | 10.00              | 10.00         | 10.00              | 10.00         | 10.00              | 10.00         | 10.00                | 10.00         |
| JISF              | 21.50              | 21.50         | 21.50              | 21.50         | 21.50              | 21.50         | 21.50              | 21.50         | 21.50              | 21.50         | 21.50                | 21.50         |
| CL/DL             | 13.00              | 13.00         | 13.00              | 13.00         | 13.00              | 13.00         | 13.00              | 13.00         | 13.00              | 13.00         | 13.00                | 13.00         |
| Ign. Int. Surch.  |                    |               |                    |               | 50.00              | 50.00         | 50.00              | 50.00         | 50.00              | 50.00         | 50.00                | 50.00         |
| <b>Revocation</b> | <b>6 mos</b>       | <b>6 mos</b>  | <b>6 mos</b>       | <b>7 mos</b>  | <b>7 mos</b>       | <b>8 mos</b>  | <b>8 mos</b>       | <b>9 mos</b>  | <b>9 mos.</b>      | <b>9 mos</b>  | <b>9 mos.</b>        | <b>9 mos</b>  |

**PENALTY RANGE**

**FORFEITURE:** \$150 minimum to \$300 maximum

**REVOCAION/DISQUALIFICATION:** 6-9 months (no waiting period for occupational license).

**IGNITION INTERLOCK:** Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 18 months beginning when license issued. \$50.00 interlock surcharge

**ALCOHOL AND DRUG ASSESSMENT:** The Court shall order that the defendant submit to and comply with an assessment for the use of alcohol and drugs.

1. Court may order the **safety plan** to include effect on any victim or victim's family.
2. Court may order **community service work** that demonstrates adverse effects of abuse (**and a reasonable fee**).
3. Court may order a **visit to a site that demonstrates adverse effects of abuse (and a reasonable fee)**.
4. **Court may**, after a finding of inability to pay, reduce the costs or forfeiture and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.

**FIRST OFFENSE**

**MUNICIPAL SENTENCING GUIDELINES  
COMMERCIAL**

Citations Issued On or After July 1, 2010

| BAC Level              | <b>.040 to .080</b>            |  |
|------------------------|--------------------------------|--|
|                        | Minimum Driving<br>No Accident | Aggravated Driving<br>Accident or Injury<br>Bad Driving Record |
| <b>Penalty</b>         | <b>600.00</b>                  | <b>789.00</b>  |
| Forfeiture             | 150.00                         | 300.00   |
| DIS                    | 365.00                         | 365.00   |
| *Costs                 | 15.00                          | 15.00  |
| (26% of Forfeiture) PA | 39.00                          | 78.00  |
| JA                     | 10.00                          | 10.00  |
| CL/DL                  | 13.00                          | 13.00  |
| TDEA                   | 8.00                           | 8.00   |
| <b>Suspension</b>      | <b>6 mos</b>                   | <b>7 mos</b>   |

**PENALTY RANGE**

**FORFEITURE:** \$150 minimum to \$300 maximum

\* **Costs** are calculated at the minimum of \$15 but may be assessed to a maximum of \$23 pursuant to Wis. Stats. 814.65(1)

**SUSPENSION:** NOT MANDATORY

**ALCOHOL ASSESSMENT**

1. Court may order community service work to reduce the amount of a forfeiture. Court may also order restitution.
2. If there is a minor passenger under 16 years of age in the commercial motor vehicle at the time of violation, the minimum and maximum forfeiture is doubled.

**Effective August 1, 2004, municipal courts will hold hearings relating to a person's refusal to provide a breath, blood or urine sample, under the implied consent law (s.343.305). This applies to refusals committed on or after August 1, 2004, but does not preclude the counting of previous suspensions, revocations, or convictions for purposes of determining the period that a person's operating privilege is revoked.**