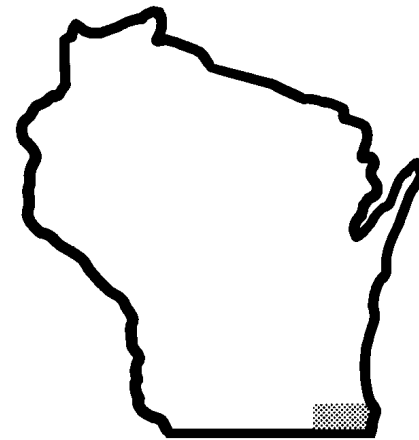


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 Chief Judge  
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STATE OF WISCONSIN

**SECOND JUDICIAL DISTRICT**



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**Municipal Court--OWI Sentencing Guidelines—Second District—  
 For Offense Occurring on or after July 1, 2009**

**Non Commercial  
 Not Aggravated**

Pac Levels	.08<.10 <sup>1</sup>	.10<.17*	.17<.199	.199<.249	.25+
Forfeiture	\$250.00	\$175.00	\$200.00	\$250.00	\$300.00
Penalty Surcharge <sup>2</sup>	NA	\$45.50	\$52.00	\$65.00	\$78.00
Jail Surcharge	NA	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	NA	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs <sup>3</sup>	NA	\$28.00	\$28.00	\$28.00	\$28.00
Driver Improvement Surcharge	NA	\$365.00	\$365.00	\$365.00	\$365.00
Court Support Service Surcharge	NA	NA	NA	NA	NA
Total Financial	\$250.00	\$636.50	\$668.00	\$731.00	\$794.00
Jail	NA	NA	NA	NA	NA
Vehicle Forfeiture/Alteration	NA	NA	NA	NA	NA
Suspension/Revocation <sup>4</sup>	6 months	6 months	7 months	8 months	9 months
Restricted controlled substance*					
<b>Non Commercial    Aggravated</b>					
Pac Levels	.08<.10	.10<.17	.17<.199	.199<.249	.25+
Forfeiture	\$300.00	\$200.00	\$250.00	\$300.00	\$300.00
Penalty Surcharge <sup>1</sup>	NA	\$52.00	\$65.00	\$78.00	\$78.00
Jail Surcharge	NA	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	NA	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs <sup>2</sup>	NA	\$28.00	\$28.00	\$28.00	\$28.00
Driver Improvement Surcharge	NA	\$365.00	\$365.00	\$365.00	\$365.00
Court Support Service Surcharge	NA	NA	NA	NA	NA
Total Financial	\$300.00	\$668.00	\$731.00	\$794.00	\$794.00
Jail NA	NA	NA	NA	NA	NA
Vehicle Forfeiture/Alteration	NA	NA	NA	NA	NA
Suspension/Revocation	7months	7months	8 months	9months	9months

<sup>1</sup> For first offenders with a PAC of at least .08 but less than .10 the law forgoes the application of all surcharges and court costs when the sentence is under §346.63(1)(b) {Prohibited Alcohol Concentration}. Only the forfeiture applies. However, if the sentence is under §346.63(1)(a) {OWI} and the offender has a PAC of .08 to less than .10 the guidelines will be the same as those cases in which the PAC is .10 to .17.

<sup>2</sup> Penalty Surcharge is 26% of the base fine.

<sup>3</sup> Court Cost: \$15.00 to \$28.00 (§814.65(1)).

<sup>4</sup> Mandatory revocation of 6-9 months with a PAC of .08 or greater (§343.30(1q)(b)(2)).

Municipal Court  
OWI Sentencing Guidelines  
July 1, 2009

Second Judicial District  
Commercial and Noncommercial Violations

<b>Commercial Not Aggravated</b>						
Pac Levels	.04<.08	.08<.10	.10<.17	.17<.199	.199<.249	.25+
Forfeiture	\$150.00	\$250.00	\$200.00	\$250.00	\$300.00	\$300.00
Penalty Surcharge <sup>1</sup>	\$39.00	NA	\$52.00	\$65.00	\$78.00	\$78.00
Jail Surcharge	\$10.00	NA	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	NA	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs <sup>2</sup>	\$28.00	NA	\$28.00	\$28.00	\$28.00	\$28.00
Driver Improvement Surcharge	\$365.00	NA	\$365.00	\$365.00	\$365.00	\$365.00
Court Support Service Surcharge	NA	NA	NA	NA	NA	NA
Total Financial	\$605.00	\$250.00	\$668.00	\$731.00	\$794.00	\$794.00
Jail	NA	NA	NA	NA	NA	NA
Vehicle Forfeiture/Alteration	NA	NA	NA	NA	NA	NA
Suspension/Revocation	6months	6months	6 months	7 months	8 months	9 months
<b>Commercial Aggravated</b>						
Pac Levels	.04<.08	.08<.10	.10<.17	.17<.199	.199<.249	.25+
Forfeiture	\$175.00	\$300.00	\$200.00	\$250.00	\$300.00	\$300.00
Penalty Surcharge <sup>1</sup>	\$45.50	NA	\$52.00	\$65.00	\$78.00	\$78.00
Jail Surcharge	\$10.00	NA	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	NA	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs <sup>2</sup>	\$28.00	NA	\$28.00	\$28.00	\$28.00	\$28.00
Driver Improvement Surcharge	\$365.00	NA	\$365.00	\$365.00	\$365.00	\$365.00
Court Support Service Surcharge	NA	NA	NA	NA	NA	NA
Total Financial	\$636.50	\$300.00	\$668.00	\$731.00	\$794.00	\$794.00
Jail NA	NA	NA	NA	NA	NA	NA
Vehicle Forfeiture/Alteration	NA	NA	NA	NA	NA	NA
Suspension/Revocation	7months	7months	7 months	8 months	9 months	9 months

<sup>1</sup> Penalty Surcharge is 26% of the base fine.

<sup>2</sup> Court Cost: \$15.00 to \$28.00 (§814.65(1)).

## Circuit Court

OWI Sentencing Guidelines  
July 1, 2009  
Second Judicial District

**First Offense – Not Aggravated**

Pac Levels	.08<.10 <sup>1</sup>	.10<.17*	.17<.199	.199<.249	.25+or refusal
Forfeiture	\$250.00	\$175.00	\$200.00	\$250.00	\$300.00
Penalty Surcharge <sup>2</sup>	NA	\$45.50	\$52.00	\$65.00	\$78.00
Jail Surcharge	NA	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	NA	\$21.50	\$21.50	\$21.50	\$21.50
Crime Lab Drug Surcharge	NA	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	NA	\$25.00	\$25.00	\$25.00	\$25.00
Driver Improvement Surcharge	NA	\$365.00	\$365.00	\$365.00	\$365.00
Court Support Service Surcharge	NA	\$68.00	\$68.00	\$68.00	\$68.00
Total Financial	\$250.00	\$723.00	\$714.50	\$817.50	\$880.50
Jail	NA	NA	NA	NA	NA
Vehicle Forfeiture/Alteration	NA	NA	NA	NA	NA
Suspension/Revocation	6 months	6 months	7 months	8 months	9 months
Restricted controlled substance*					
<b>First Offense - Aggravated</b>					
Pac Levels	.08<.10 <sup>1</sup>	.10<.17	.17<.199	.199<.249	.25+or refusal
Forfeiture	\$275.00	\$200.00	\$250.00	\$300.00	\$300.00
Penalty Surcharge <sup>2</sup>	NA	\$52.00	\$65.00	\$78.00	\$78.00
Jail Surcharge	NA	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	NA	\$21.50	\$21.50	\$21.50	\$21.50
Crime Lab Drug Surcharge	NA	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	NA	\$25.00	\$25.00	\$25.00	\$25.00
Driver Improvement Surcharge	NA	\$365.00	\$365.00	\$365.00	\$365.00
Court Support Service Surcharge	NA	\$68.00	\$68.00	\$68.00	\$68.00
Total Financial	\$275.00	\$754.50	\$817.50	\$880.50	\$880.50
Jail NA	NA	NA	NA	NA	NA
Vehicle Forfeiture/Alteration	NA	NA	NA	NA	NA
Suspension/Revocation	7 months	7 months	8 months	9 months	9 months

<sup>1</sup> For first offenders with a PAC of at least .08 but less than .10 the law forgoes the application of all surcharges and court costs when the sentence is under §346.63(1)(b){Prohibited Alcohol Concentration}. Only the forfeiture applies. However, if the sentence is under §346.63(1)(a) {OWI} and the offender has a PAC of .08 to less than .10 the guidelines will be the same as those cases in which the PAC is .10 to .17.

<sup>2</sup> Penalty Surcharge is 26% of the base fine.

Circuit Court  
OWI Sentencing Guidelines  
July 1, 2009  
Second Judicial District

**Second Offense – Not Aggravated**

Pac Levels	<.17	.17 to .199	.20 to .249	.25+ or refusal
Forfeiture	\$350.00	\$400.00	\$450.00	\$500.00
Penalty Surcharge	\$91.00	\$104.00	\$117.00	\$130.00
Jail Surcharge	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00
Total Financial	\$916.00	\$979.00	\$1,042.00	\$1,105.00
Jail	30 days	60 days	90 days	120 days
Vehicle Forfeiture/Alteration	NA	NA	NA	NA
Suspension/Revocation	12 months	14months	16 months	18 months
<b>Second Offense - Aggravated</b>				
Pac Levels	<.17	.17 to .199	.20 to .249	.25+ or refusal
Forfeiture	\$400.00	\$450.00	\$500.00	\$550.00
Penalty Surcharge	\$104.00	\$117.00	\$130.00	\$143.00
Jail Surcharge	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00
Total Financial	\$979.00	\$1,042.00	\$1,105.00	\$1,168.00
Jail	60 days	90 days	120 days	150 days
Vehicle Forfeiture/Alteration	NA	NA	NA	NA
Suspension/Revocation	14 months	16 months	18 months	18 months

Circuit Court  
 OWI Sentencing Guidelines  
 July 1, 2009  
 Second Judicial District

**Third Offense – Not Aggravated**

Pac Levels	<.17	.17 to .199	.20 to .249	.25+	Refusal
Forfeiture	\$600.00	\$1,200.00	\$1,800.00	\$2,400.00	\$2,000
Penalty Surcharge	\$156.00	\$312.00	\$468.00	\$624.00	\$520.00
Jail Surcharge	\$10.00	\$12.00	\$18.00	\$24.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00	\$67.00
Total Financial	\$1,231.00	\$1,989.00	\$2,751.00	\$3,513.00	\$3,005.00
Jail	90 days	180 days	270 days	360 days	360 days
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	24months	27months	30months	36months	36 months

**Third Offense - Aggravated**

Pac Levels	<.17	.17 to .199	.20 to .249	.25+	Refusal
Forfeiture	\$650.00	\$1,300.00	\$1,950.00	\$2,600.00	\$2,000.00
Penalty Surcharge	\$169.00	\$338.00	\$507.00	\$676.00	\$520.00
Jail Surcharge	\$10.00	\$13.00	\$19.50	\$26.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00	\$67.00
Total Financial	\$1,294.00	\$2,116.00	\$2,941.50	\$3,767.00	\$3,005.00
Jail	180 days	270 days	360 days	360 days	360 days
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	27months	30months	33months	36months	36 months

Vehicle forfeiture is permitted, not required. (Limited to vehicle used in offense unless 2 offenses within a 5 year period). If court does not order forfeiture, then must order the vehicle immobilized or equipped with ignition interlock (except for undue hardship).

Note: All penalties are doubled if there is a minor passenger (16 YOA) at time of violation.

Circuit Court  
OWI Sentencing Guidelines  
July 1, 2009  
Second Judicial District

**Fourth Offense – Not Aggravated**

Pac Levels	<.17	.17 to .199	.20 to .249	.25+	Refusal
Forfeiture	\$750.00	\$1,500.00	\$2,250.00	\$3,000.00	\$2,000.00
Penalty Surcharge	\$195.00	\$390.00	\$585.00	\$780.00	\$520.00
Jail Surcharge	\$10.00	\$15.00	\$22.50	\$30.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00	\$67.00
Total Financial	\$1,420.00	\$2,370.00	\$3,322.50	\$4,275.00	\$3,005.00
Jail	360 days	360 days	360 days	360 days	360 days
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	24 months	27 months	30 months	36 months	36 months
<b>Fourth Offense-Aggravated</b>					
Pac Levels	<.17	.17 to .199	.20 to .249	.25+	Refusal
Forfeiture	\$900.00	\$1,800.00	\$2,700.00	\$3,600.00	\$2,000.00
Penalty Surcharge	\$234.00	\$468.00	\$702.00	\$936.00	\$520.00
Jail Surcharge	\$10.00	\$18.00	\$27.00	\$36.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00	\$67.00
Total Financial	\$1,609.00	\$2,751.00	\$3,894.00	\$5,037.00	\$3,005.00
Jail	360 days	360 days	360 days	360 days	360 days
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	27 months	30 months	33 months	36 months	36 months

Vehicle forfeiture is permitted, not required. (Limited to vehicle used in offense unless 2 offenses within a 5 year period). If court does not order forfeiture, then must order the vehicle immobilized or equipped with ignition interlock (except for undue hardship).

Note: All penalties are doubled if there is a minor passenger (16 YOA) at time of violation.

Circuit Court  
OWI Sentencing Guidelines  
July 1, 2009  
Second Judicial District

**Fifth Offense – Not Aggravated**

Pac Levels	<.17	.17 to .199	.20 to .249	.25+	Refusal
Forfeiture	\$1,200.00	\$2,400.00	\$3,600.00	\$4,800.00	\$2,000.00
Penalty Surcharge	\$312.00	\$624.00	\$936.00	\$1,248.00	\$520.00
Jail Surcharge	\$12.00	\$24.00	\$36.00	\$48.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$92.00	\$92.00	\$92.00	\$92.00	\$92.00
Total Financial	\$2,014.00	\$3,538.00	5,0382.00	\$6,586.00	\$3,030.00
Jail	6mo.-6yrs.	6mo.-6yrs.	6mo.-6yrs.	6mo.-6yrs.	6mo.-6yrs.
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	36months	36months	36months	36months	36 months
<b>Fifth Offense-Aggravated</b>					
Pac Levels	<.17	.17 to .199	.20 to .249	.25+	Refusal
Forfeiture	\$1,600.00	\$3,200.00	\$4,800.00	\$6,400.00	\$2,000.00
Penalty Surcharge	\$416.00	\$832.00	\$1,248.00	\$1,664.00	\$520.00
Jail Surcharge	\$16.00	\$32.00	\$48.00	\$64.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$92.00	\$92.00	\$92.00	\$92.00	\$92.00
Total Financial	\$2,522.00	\$4,554.00	\$6,586.00	\$8,618.00	\$3,030.00
Jail	6mo.-6yrs.	6mo.-6yrs.	6mo.-6yrs.	6mo.-6yrs.	6mo.-6yrs.
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	36months	36months	36months	36months	36 months

Vehicle forfeiture is permitted, not required. (Limited to vehicle used in offense unless 2 offenses within a 5 year period). If court does not order forfeiture, then must order the vehicle immobilized or equipped with ignition interlock (except for undue hardship).

Note: All penalties are doubled if there is a minor passenger (16 YOA) at time of violation.

COMMERCIAL  
Circuit Court  
OWI Sentencing Guidelines  
July 1, 2009  
Second Judicial District

**First Offense  
Commercial  
Not Aggravated**

Pac Levels	.04<.08	.08<.10 <sup>5</sup>	.10<.17	.17<.199	.199<.249	.25+or refusal
Forfeiture	\$150.00	\$250.00	\$175.00	\$200.00	\$250.00	\$300.00
Penalty Surcharge	\$39.00	NA	\$45.50	\$52.00	\$65.00	\$78.00
Jail Surcharge	\$10.00	NA	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	\$21.50	NA	\$21.50	\$21.50	\$21.50	\$21.50
Crime Lab Drug Surcharge	\$13.00	NA	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$25.00	NA	\$25.00	\$25.00	\$25.00	\$25.00
Driver Improvement Surcharge	\$365.00	NA	\$365.00	\$365.00	\$365.00	\$365.00
Court Support Service Surcharge	\$68.00	NA	\$68.00	\$68.00	\$68.00	\$68.00
Truck Driver Surcharge	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00
Total Financial	\$699.50	\$268.00	\$731.00	\$762.50	\$825.50	\$888.50
Jail	NA	NA	NA	NA	NA	NA
Vehicle Forfeiture/Alteration	NA	NA	NA	NA	NA	NA
Suspension/Revocation	6 months	6 months	6 months	7 months	8 months	9 months
<b>First Offense Commercial Aggravated</b>						
Pac Levels	.04<.08	.08<.10	.10<.17	.17<.199	.199<.249	.25+
Forfeiture	\$175.00	\$300.00	\$200.00	\$250.00	\$300.00	\$300.00
Penalty Surcharge	\$45.50	NA	\$52.00	\$65.00	\$78.00	\$78.00
Jail Surcharge	\$10.00	NA	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	\$21.50	NA	\$21.50	\$21.50	\$21.50	\$21.50
Crime Lab Drug Surcharge	\$13.00	NA	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$25.00	NA	\$25.00	\$25.00	\$25.00	\$25.00
Driver Improvement Surcharge	\$365.00	NA	\$365.00	\$365.00	\$365.00	\$365.00
Court Support Service Surcharge	\$68.00	NA	\$68.00	\$68.00	\$68.00	\$68.00
Truck Driver Surcharge	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00
Total Financial	\$731.00	\$318.00	\$762.50	\$825.50	\$888.50	\$888.50
Jail	NA	NA	NA	NA	NA	NA
Vehicle Forfeiture/Alteration	NA	NA	NA	NA	NA	NA
Suspension/Revocation	7 months	7 months	7 months	8 months	9 months	9 months

COMMERCIAL

<sup>5</sup> For first offenders with a PAC of at least .08 but less than .10 the law forgoes the application of all surcharges and court costs when the sentence is under §346.63(1)(b) {Prohibited Alcohol Concentration}. Only the forfeiture applies. However, if the sentence is under §346.63(1)(a) {OWI} and the offender has a PAC of .08 to less than .10 the guidelines will be the same as those cases in which the PAC is .10 to .17.



Circuit Court  
 OWI Sentencing Guidelines  
 July 1, 2009  
 Second Judicial District

**Second Offense  
 Commercial  
 Not Aggravated**

Pac Levels	<.17	.17<.199	.199<.249	.25+or refusal
Forfeiture	\$350.00	\$400.00	\$450.00	\$500.00
Penalty Surcharge	\$91.00	\$104.00	\$117.00	\$130.00
Jail Surcharge	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00
Truck Driver Surcharge	\$8.00	\$8.00	\$8.00	\$8.00
Total Financial	\$924.00	\$987.00	\$1,050.00	\$1,113.00
Jail	30 days	60 days	90 days	120 days
Vehicle Forfeiture/Alteration	NA	NA	NA	NA
Suspension/Revocation	12months	14months	16months	18months
<b>Second Offense</b>				
<b>Commercial</b>				
<b>Aggravated</b>				
Pac Levels	<.17	.17<.199	.199<.249	.25+
Forfeiture	\$400.00	\$450.00	\$500.00	\$550.00
Penalty Surcharge	\$104.00	\$117.00	\$130.00	\$143.00
Jail Surcharge	\$10.00	\$10.00	\$10.00	\$10.00
Justice Inf. Surcharge	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00
Truck Driver Surcharge	\$8.00	\$8.00	\$8.00	\$8.00
Total Financial	\$987.00	\$1,050.00	\$1,113.00	\$1,176.00
Jail	60 days	90 days	120 days	150 days
Vehicle Forfeiture/Alteration	NA	NA	NA	NA
Suspension/Revocation	14months	16months	18months	18months

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**Third Offense  
Commercial  
Not Aggravated**

Pac Levels	<.17	.17 to .199	.20 to .249	.25+	Refusal
Forfeiture	\$600.00	\$1,200.00	\$1,800.00	\$2,400.00	\$2000.00
Penalty Surcharge	\$156.00	\$312.00	\$468.00	\$624.00	\$520.00
Jail Surcharge	\$10.00	\$12.00	\$18.00	\$24.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00	\$67.00
Truck Driver Surcharge	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00
Total Financial	\$1,239.00	\$1,997.00	\$2,759.00	\$3,521.00	\$3,013.00
Jail	90 days	180 days	270 days	360 days	360 days
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	24 months	27 months	30 months	36 months	36months
<b>Third Offense Commercial Aggravated</b>					
Pac Levels	<.17	.17 to .199	.20 to .249	.25 plus	Refusal
Forfeiture	\$650.00	\$1,300.00	\$1,950.00	\$2,600.00	\$2,000.00
Penalty Surcharge	\$169.00	\$338.00	\$507.00	\$676.00	\$520.00
Jail Surcharge	\$10.00	\$13.00	\$19.50	\$26.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness surcharge	\$67.00	\$67.00	\$67.00	\$67.00	\$67.00
Truck Driver Surcharge	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00
Total Financial	\$1,302.00	\$2,124.00	\$2,949.50	\$3,775.00	\$3,013.00
Jail	180 days	270 days	360 days	360 days	360 days
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	27months	30months	33months	36months	36months

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**Fourth Offense  
Commercial  
Not Aggravated**

Pac Levels	<.17	.17 to .199	.20 to .249	.25+	Refusal
Forfeiture	\$750.00	\$1,500.00	\$2,250.00	\$3,000.00	\$2000.00
Penalty Surcharge	\$195.00	\$390.00	\$585.00	\$780.00	\$520.00
Jail Surcharge	\$10.00	\$15.00	\$22.50	\$30.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00	\$67.00
Truck Driver Surcharge	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00
Total Financial	\$1,428.00	\$2,378.00	\$3,330.50	\$4,283.00	3,013.00
Jail	360 days	360 days	360 days	360 days	360 days
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	24months	27months	30months	36months	36months
<b>Fourth Offense Commercial Aggravated</b>					
Pac Levels	<.17	.17 to .199	.20 to .249	.25 plus	Refusal
Forfeiture	\$900.00	\$1,800.00	\$2,700.00	\$3,600.00	\$2,000.00
Penalty Surcharge	\$234.00	\$468.00	\$702.00	\$936.00	\$520.00
Jail Surcharge	\$10.00	\$18.00	\$27.00	\$36.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$67.00	\$67.00	\$67.00	\$67.00	\$67.00
Truck Driver Surcharge	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00
Total Financial	\$1,617.00	\$2,759.00	\$3902.00	\$5,045.00	\$3,013.00
Jail	360 days	360 days	360 days	360 days	360 days
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	27months	30months	33months	36months	36months

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**Fifth Offense  
Commercial  
Not Aggravated**

Pac Levels	<.17	.17 to .199	.20 to .249	.25+	Refusal
Forfeiture	\$1,200.00	\$2,400.00	\$3,600.00	\$4,800.00	\$2000.00
Penalty Surcharge	\$312.00	\$624.00	\$936.00	\$1,248.00	\$520.00
Jail Surcharge	\$12.00	\$24.00	\$36.00	\$48.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$92.00	\$92.00	\$92.00	\$92.00	\$92.00
Truck Driver Surcharge	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00
Total Financial	\$2,022.00	\$3,546.00	\$5,070.00	\$6,594.00	\$3,038.00
Jail	6mo-6yrs	6mo-6 yrs	6 mo-6yrs	6mo-6yrs	6 mo-6yrs
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	36months	36months	36months	36months	36months
<b>Fifth Offense</b>					
<b>Commercial</b>					
<b>Aggravated</b>					
Pac Levels	<.17	.17 to .199	.20 to .249	.25 plus	Refusal
Forfeiture	\$1,600.00	\$3,200.00	\$4,800.00	\$6,400.00	\$2,000.00
Penalty Surcharge	\$416.00	\$832.00	\$1,248.00	\$1,664.00	\$520.00
Jail Surcharge	\$16.00	\$32.00	\$48.00	\$64.00	\$20.00
Justice Inf. Surcharge	NA	NA	NA	NA	NA
Crime Lab Drug Surcharge	\$13.00	\$13.00	\$13.00	\$13.00	\$13.00
Court Costs	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
Driver Improvement Surcharge	\$365.00	\$365.00	\$365.00	\$365.00	\$365.00
Victim/Witness Surcharge	\$92.00	\$92.00	\$92.00	\$92.00	\$92.00
Truck Driver Surcharge	\$8.00	\$8.00	\$8.00	\$8.00	\$8.00
Total Financial	\$2,530.00	\$4,562.00	\$6,594.00	\$8,626.00	\$3,038.00
Jail	6mo-6yrs	6mo-6yrs	6 mo-6yrs	6mo-6yrs	6 mo-6yrs
Vehicle Forfeiture/Alteration	Permitted	Permitted	Permitted	Permitted	Permitted
Suspension/Revocation	36months	36months	36months	36months	36months

(owi guidelines 07/01/2009)

**NOTE: If minor (under 16) passenger, all fines, jail and revocations are doubled.**

**Fines & Forfeitures** may be reduced in cases of inability to pay with reduction in amount applied to surcharge/plan costs.

**Alcohol Use Surcharge & Driver Safety Plan** are required in all cases. Plan may include victim awareness component.

**Restitution** may be ordered by the Court.

**Community Service** MUST be ordered by the Court to reduce the fine or forfeiture if offender cannot pay fine. Court to determine amount of reduction in fine for each hour of community service work performed.  
§346.65(2g)(ag), Stats

**Site Visits** to Emergency Room or Alcohol Treatment Facility may be ordered.

**Points** are assigned by the DMV in all cases (6).

Two or more OWI's in 5 year period, immobilization or interlock for all vehicles titled or registered (Eff 9/30/01).

**Third & Fourth offenses are FELONIES if there is a minor (under 16) passenger at time of offense.**

**Huber privileges are NOT available unless the offender complies with Alcohol Surcharge and Driver Safety Plan. (Exception for offender who cannot comply because of insufficient funds to obtain surcharge)**  
§303.065(2m), Stats.

**Effective 01/01/01, offenses committed before 01/01/89 are not counted for penalty purposes. For an offense occurring more than ten (10) years ago, but after 1988, a second offense is charged as a first offense, however, the offense remains on the record and a third offense is charged as a third offense. (Exception: Prior offenses for Homicide by Intoxicated Use of a Motor Vehicle, §940.09(1), Stats., and Causing Great Bodily Harm by Intoxicated Use of a Motor Vehicle §940.25, Stats., will be included without restriction as to the date of the offense.)**

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**AGGRAVATING AND MITIGATING FACTORS**

The guidelines which follow suggest what may be appropriate penalties in situations which are either aggravated and not aggravated. The presence or absence of mitigating or aggravating circumstances in each case will dictate into which of the two matrixes the case more readily fit.

If the mitigating factors dominate, then the “Not Aggravated” matrix would seem appropriate, with the degree of mitigation dictating the choice of what penalties, within the confines of the appropriate grid, ought to be imposed. If the aggravating factors dominate, then that matrix would seem appropriate, with the degree of aggravation dictating what penalties, within the confines of the appropriate grid, should be employed.

Some examples of mitigating factors are:

- No evidence of unsafe driving other than intoxication
- No accident
- No or minimal prior offence record in Wisconsin and elsewhere
- Cooperation with arresting officers
- No injury to others
- No minor passengers
- Extrajudicial penalties (loss of job, etc.)
- Responsible efforts to deal with problem
- Low income (as to financial aspects of penalty only)

Some examples of aggravating factors are:

- Driving after revocation
- Accident
- Unsafe driving beyond mere intoxication
- Injury to others
- Prior uncourtred offences for OWI
- lengthy prior driving record for other types of offences
- Time and location of driving
- Interval since last offence
- Failure to comply with surcharge ordered in the past
- Lack of insurance coverage

*OCCUPATIONAL LICENSES***1. Waiting Period**

1<sup>st</sup> offenders who have taken the test are eligible for an immediate occupational license.

All others are ineligible until the expiration of the following waiting periods:

If total OWI convictions and refusals (including the present) in the preceding five years is 2 or more, waiting period for occupational is one year.

Fourth and Fifth Offenders are by definition Habitual Traffic Offenders and will be so determined upon report of their convictions to the department. They will then be eligible for an occupational license only after a two year waiting period and then only under the circumstances and procedures set forth in §351.07, Stats.

**2. Surcharge & Plan**

After 2<sup>nd</sup> or subsequent OWI or OWI-related offense, applicant must have completed the current surcharge and be complying with the driver safety plan.

**3. Absolute Sobriety**

An absolute sobriety (0.0%) requirement is imposed on all operation by users who have two or more OWI or OWI-related offenses

**4. Ignition Interlock**

If applicant has two (2) or more OWI or OWI-related offenses, court shall restrict operation under the occupational license to vehicles that are equipped with a functioning ignition interlock device if applicants vehicles were ordered to have the ignition interlock placed on them under §346.65(6)(a). See 343.10(5)(a)3., Stats.

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