

4TH JUDICIAL DISTRICT OWI GUIDELINES - EFF. JULY 1, 2010

FIRST OFFENSE

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

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

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

NOTE: If an ignition interlock device is ordered, add \$50 fee to the appropriate amount below. (s.343.301(5))

DRIVING FACTORS

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record		
.14 & Below Restricted Controlled Substance	Forfeiture	\$175.00		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	\$45.50		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>\$723.00</u>			<u>\$754.50</u>
		6 month revocation			7 month revocation
.15 to .22 12 month Ing. Interlock is mandatory	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
		<u>\$754.50</u>			<u>\$817.50</u>
		7 month revocation			8 month revocation
Refusal .23 & Above 12 month Ing. Interlock is mandatory	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
		<u>\$817.50</u>			<u>\$880.50</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 Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

4TH DISTRICT: SECOND OFFENSE

For violations of 346.63(1)(a), or (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.) plus period of imprisonment
 (Probation available 6-24 months)

NOTE: Drug court provisions may apply. **When an ignition interlock device is ordered, add \$50 fee to the appropriate amount below.**

DRIVING FACTORS

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
.15 & Below Restricted Controlled Substance Ign. Interlock is mandatory 12-18 months + per. of imprisonment	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
		<u>\$1,059.00</u>		<u>\$1,122.00</u>
		5 days jail - 12 mon. revocation		10 days jail - 14 mon. revocation
.16 to .22 Ign. Interlock is mandatory 12-18 months + per. of imprisonment	Fine	\$400.00	Fine	\$500.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$104.00	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
		<u>\$1,122.00</u>		<u>\$1,248.00</u>
		20 days jail - 14 mon. revocation		30 days jail - 16 mon. revocation
Refusal .23 & above Ign. Interlock is mandatory 12-18 months + per. of imprisonment	Fine	\$500.00	Fine	\$600.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$130.00	Penalty surcharge	\$156.00
	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
		<u>\$1,248.00</u>		<u>\$1,374.00</u>
		30 days jail - 16 mon. revocation		40 days jail - 18 mon. revocation

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

4TH DISTRICT: THIRD OFFENSE

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

JAIL: 45 DAYS - 12 MONTHS (No stay after plea)
FINE: \$600 - \$2000
REVOCAATION: 24 - 36 MONTHS (s.343.30(1q)(b)4.) plus period of imprisonment
 (Probation available 6-24 months)

NOTE: Drug court provisions may apply. **When an ignition interlock device is ordered, add \$50 fee to the appropriate amount below.**

DRIVING FACTORS

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record		
.15 & Below Restricted Controlled Substance Ign. Interlock is mandatory 12-36 months + per. of imprisonment	Fine	\$600.00		Fine	\$750.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$156.00		Penalty surcharge	\$195.00
	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		
		\$1,374.00		\$1,563.00	
	45 days jail - 24 mon. revocation			50 days jail - 28 mon. revocation	
.16 to .22 Enhancer .17-.199=fine X 2 .20-.249=fine X 3 Ign. Interlock is mandatory 12-36 months + per. of imprisonment	Fine	\$750.00		Fine	\$900.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$195.00		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		
		\$1,563.00		\$1,752.00	
	60 days jail - 28 mon. revocation			75 days jail - 32 mon. revocation	
Refusal .23 & above Enhancer .20-.249= fine X 3 .25 & over= fine X 4 Ign. Interlock is mandatory 12-36 months + per. of imprisonment	Fine	\$900.00		Fine	\$1,050.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$234.00		Penalty surcharge	\$273.00
	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	\$10.50		
		\$1,752.00		\$1,941.50	
	90 days jail - 32 mon. revocation			120 days jail - 36 mon. revocation	

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

4TH DISTRICT: FOURTH OFFENSE

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

JAIL: 60 DAYS - 12 MONTHS (minimum 48 consec. hours in jail and NO STAY)
FINE: \$600 - \$2000
REVOCAATION: 24 - 36 MONTHS (s.343.30(1q)(b)4.) plus period of imprisonment
 (Probation available 6-36 months)

Note: class H felony penalty could apply; see s.346.65(2)(am)4m; drug court provisions may apply; **when an ignition interlock device is ordered, add \$50 fee** to the appropriate amount below.

DRIVING FACTORS

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record		
.15 & Below Restricted Controlled Substance Ign. Interlock is mandatory 12-36 months + per. of imprisonment	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
	\$1,626.00		\$1,752.00		
	75 days jail - 24 mon. revocation		100 days jail - 28 mon. revocation		
.16 to .22 Enhancer .17-.199= fine X 2 .20-.249= fine X 3 Ign. Interlock is mandatory 12-36 months + per. of imprisonment	Fine	\$900.00		Fine	\$1,050.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$234.00		Penalty surcharge	\$273.00
	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	\$10.50
	\$1,752.00		\$1,941.50		
	150 days jail - 28 mon. revocation		175 days jail - 32 mon. revocation		
Refusal .23 & above Enhancer .20-.249= fine X 3 .25 & over= fine X 4 Ign. Interlock is mandatory 12-36 months + per. of imprisonment	Fine	\$1,050.00		Fine	\$1,200.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$273.00		Penalty surcharge	\$312.00
	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	\$10.50		Jail surcharge	\$12.00
	\$1,941.50		\$2,132.00		
	200 days jail - 32 mon. revocation		225 days jail - 36 mon. revocation		

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

4TH DISTRICT: FIFTH OFFENSE

For violations of 346.63(1)(a), or (am) or (b), penalty - 346.65(2)(am)5, 939.50(3)(h))

JAIL/PRISON: 6 MONTHS - 6 YEARS (min. 48 consec. Hrs. in jail & NO BAIL or STAY after plea)
FINE: \$600 - \$10,000
REVOCATION: 24 - 36 MONTHS (s.343.30(1q)(b)4.) plus period of imprisonment

NOTE: **When an ignition interlock device is ordered, add \$50 fee to the appropriate amount below.**

Length of incarceration at the discretion of the court.

DRIVING FACTORS

BAC LEVEL	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
.15 & Below Restricted Controlled Substance Ign. Interlock is mandatory 12-36 months + per. of imprisonment	Fine	\$1,000.00	Fine	\$1,100.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$260.00	Penalty surcharge	\$286.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$65.00	Victim/Witness surcharge A	\$65.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$11.00
		<u>\$1,903.00</u>		<u>\$2,030.00</u>
		24 mon. revocation, incar. at disc. of Court		28 mon. revocation, incar. at disc. of Court
.16 to .22 Enhancer .17-.199= fine X 2 .20-.249= fine X 3 Ign. Interlock is mandatory 12-36 months + per. of imprisonment	Fine	\$1,100.00	Fine	\$1,200.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$286.00	Penalty surcharge	\$312.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$65.00	Victim/Witness surcharge A	\$65.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$11.00	Jail surcharge	\$12.00
		<u>\$2,030.00</u>		<u>\$2,157.00</u>
		28 mon. revocation, incar. at disc. of Court		32 mon. revocation, incar. at disc. of Court
Refusal .23 & above Enhancer .20-.249= fine X 3 .25 & over= fine X 4 Ign. Interlock is mandatory 12-36 months + per. of imprisonment	Fine	\$1,300.00	Fine	\$1,400.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$338.00	Penalty surcharge	\$364.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$65.00	Victim/Witness surcharge A	\$65.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$13.00	Jail surcharge	\$14.00
		<u>\$2,284.00</u>		<u>\$2,411.00</u>
		32 mon. revocation, incar. at disc. of Court		36 month revoc.; incar. At disc. of Court

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

4TH JUDICIAL DISTRICT OWI GUIDELINES - JULY 1, 2010

MUNICIPAL COURT

FIRST OFFENSE

For violations of 346.63(1)(a) or (am) or (b); penalty 346.65(2)(am)1

FORFEITURE: \$150 TO \$300

REVOCAION: 6 - 9 MONTHS

NOTE: Under section 343.301(5), it appears that a municipal court is authorized to order an IID, but there is no statutory authority for a municipal court to collect the \$50 surcharge.

DRIVING FACTORS

<u>BAC LEVEL</u>	Minimum Driving - No Accident			Aggravated Driving - Accident or Injury; Bad Driving Record	
.14 & Below Restricted Controlled Substance	Forfeiture	\$175.00		Forfeiture	\$200.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$15 to 28		Costs	\$15 to 28
	Penalty surcharge	\$45.50		Penalty surcharge	\$52.00
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	6 month revocation			7 month revocation	
.15 to .22 Ign. Interlock is mandatory	Forfeiture	\$200.00		Forfeiture	\$250.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$15 to 28		Costs	\$15 to 28
	Penalty surcharge	\$52.00		Penalty surcharge	\$65.00
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	7 month revocation			8 month revocation	
Refusal .23 & above Ign. Interlock is mandatory	Forfeiture	\$250.00		Forfeiture	\$300.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$15 to 28		Costs	\$15 to 28
	Penalty surcharge	\$65.00		Penalty surcharge	\$78.00
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	8 month revocation			9 month revocation	

FACTORS: Ability to pay, Def. Conduct since offense, incldg. Assessment and Dr. Plan bef. Conviction, consequences, cooperation, pros. Recomdatn.

OWI GUIDELINE -- STATUTE GUIDE (not included as part of guidelines - staff use only)

CHIEF JUDGE TO ADOPT GUIDELINES	346.65(2m)(a)
COURT REVOCATION & SUSPENSION	343.30
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 SURCHG. 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	340.01(46m)
And violation of	346.63(1)
Suspension/Rev. by courts	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 Fee	343.301(5)
Ignition Interlock	343.301
Minor passenger under 16 (fine doubled)	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	\$ Amount

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	\$870.00	\$996.00	\$1,122.00
\$150.00	\$996.00	\$1,185.00	\$1,374.00
\$200.00	\$1,122.00	\$1,374.00	\$1,626.00
\$250.00	\$1,248.00	\$1,563.00	\$1,878.00
\$300.00	\$1,374.00	\$1,752.00	\$2,132.00
\$350.00	\$1,500.00	\$1,941.50	\$2,386.00
\$400.00	\$1,626.00	\$2,132.00	\$2,640.00
\$450.00	\$1,752.00	\$2,322.50	\$2,894.00
\$500.00	\$1,878.00	\$2,513.00	\$3,148.00
\$550.00	\$2,005.00	\$2,703.50	\$3,402.00
\$600.00	\$2,132.00	\$2,894.00	\$3,656.00
\$650.00	\$2,259.00	\$3,084.50	\$3,910.00
\$700.00	\$2,386.00	\$3,275.00	\$4,164.00
\$750.00	\$2,513.00	\$3,465.50	\$4,418.00
\$800.00	\$2,640.00	\$3,656.00	\$4,672.00
\$850.00	\$2,767.00	\$3,846.50	\$4,926.00
\$900.00	\$2,894.00	\$4,037.00	\$5,180.00
\$950.00	\$3,021.00	\$4,227.50	\$5,434.00
\$1,000.00	\$3,148.00	\$4,418.00	\$5,688.00
\$1,050.00	\$3,275.00	\$4,608.50	\$5,942.00
\$1,100.00	\$3,402.00	\$4,799.00	\$6,196.00
\$1,150.00	\$3,529.00	\$4,989.50	\$6,450.00
\$1,200.00	\$3,656.00	\$5,180.00	\$6,704.00
\$1,250.00	\$3,783.00	\$5,370.50	\$6,958.00
\$1,300.00	\$3,910.00	\$5,561.00	\$7,212.00
\$1,350.00	\$4,037.00	\$5,751.50	\$7,466.00
\$1,400.00	\$4,164.00	\$5,942.00	\$7,720.00

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	X4
\$600-2000	\$1200-4000	\$1800-6000	\$2400-8000

<u>4th Offense</u>	X2	X3	X4
\$600-2000	\$1200-4000	\$1800-6000	\$2400-8000

<u>5th Offense</u>	X2	X3	X4
\$600-10,000	\$1200-10K	\$1800-10K	\$2400-10K

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