

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**

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

1ST OFFENSE [§346.65(2)(am)(1)]

PENALTY RANGE

FORFEITURE: \$150-\$300 Minimum and maximum forfeiture is doubled if there was a minor passenger under 16 [§346.65(2)(f)1]. The offense is a crime and penalties for a 2nd offense apply.

REVOCACTION: 6-9 months.

IGNITION INTERLOCK: Required if PAC .15 or more and \$50 surcharge included in tables below for .15 or more. Length 1 year.

<u>PAC LEVEL</u>	Mitigating Driving Factors		Aggravated Driving Factors	
.099 or Below	\$150.00 Forf + Costs \$811.50 Total	6 months revocation	\$175.00 Forf + Costs \$843.00 Total	7 months revocation
.10 to .149	\$175.00 Forf + Costs \$843.00 Total	7 months revocation	\$200.00 Forf + Costs \$874.50 Total	8 months revocation
.15 to .199	\$200.00 Forf + Costs \$924.50 Total	8 months revocation	\$225.00 Forf + Costs \$956.00 Total	9 months revocation
.20 to .249	\$225.00 Forf + Costs \$956.00 Total	9 months revocation	\$250.00 Forf + Costs \$987.50 Total	9 months revocation
.25 or above	\$250.00 Forf + Costs \$987.50 Total	9 months revocation	\$275.00 Forf + Costs \$1,019.00 Total	9 months revocation

**If separate finding of a refusal, 1 year revocation of operating privileges and 30 day waiting period for an occupational. [§343.305(10)(b)2].
 Revocation period doubled if there was a minor passenger under age 16 [§343.305(10)(b)4m].

*Revised August, 2018

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

Offenses committed
after January 1, 2017

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

COSTS

	FIRST OFFENSE	SECOND & THIRD MISDEMEANOR	FELONY
Driver Improvement Surcharge (DIS)	\$435	\$435	\$435
Safe Ride Surcharge (SRS)	\$ 50	\$ 50	\$ 50
Court Costs	\$ 25	\$163	\$163
Court Support Fee (CSF)	\$ 68		
Crime Lab & Drug Assessment (CLDA)	\$ 13	\$ 13	\$ 13
Justice Information Fee (JIF)	\$ 21.50		
Victim Witness Surcharge – Misdemeanor		\$ 67.00	
Victim Witness Surcharge – Felony			\$ 92
Jail Assessment (JA)	\$ 10	1% or \$10 whichever Is greater	1% or \$10 which- ever is greater
Penalty Assessment (PA)	26%	26%	26%
Ignition Interlock Surcharge (IIDS)	\$50 .15 or more	\$50 included in tables	\$50 included in Tables
DNA Analysis		\$200	\$250
Blood withdrawal cost	needs to be added to tables	needs to be added to tables	needs to be added to tables

ADDITIONAL OWI PENALTIES AND MISCELLANEOUS INFORMATION

ALCOHOL ASSESSMENT:

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

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

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

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

COUNTY OFFERING REDUCED MINIMUM PERIOD OF IMPRISONMENT FOR SUCCESSFUL COMPLETION OF PROBATION INCLUDING ALCOHOL AND DRUG TREATMENT (Safe Streets Option)

In any county offering reduced minimum periods of imprisonment for successful completion of probation including Alcohol and Drug Treatment, the period of imprisonment shall be not be less than 5 nor more than 7 days for a second offense (§346.65(2)(bm)), not less than 14 days for a 3rd offense (§346.65(2)(cm)) and not less than 29 days for a 4th Offense (§346.65(2)(dm)).

A person may be sentenced only once in his or her lifetime under these provisions.

Ignition Interlock Devices (IIDS)

Ignition Interlock Devices (IIDS) are mandatory on

- 1.All repeat OWI's.
- 2.All refusals.
- 3.All 1st Offense OWI's with a PAC .15 or higher.

IID requirement must be imposed for each motor vehicle for which person's name appears on title or registration (§343.301(1g)(am)1). (Except if equipping such vehicle would cause an undue hardship, court may order 1 or more vehicles not be equipped (§343.301(1m)).

Length of IID Requirement

Minimum: 1 year

Maximum: The maximum period of revocation plus actual imprisonment. IID requirement begins upon date DOT issues the offender a license. The court may order the immediate installation upon entry of order for installation (§343.301(2m)(a)).

MITIGATING AND AGGRAVATING FACTORS IN SENTENCING

MITIGATING FACTORS:

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

AGGRAVATING FACTORS:

- *Poor Driving; *Accident or Injury Involved; *Poor Prior Driving Record; *Lack of Remorse
- *Recent Prior OWI/BAC Offense/Conviction
- *Operating Without Valid Driving Privileges (i.e. OAR, OAS, OWL, HTO)
- *Circumstances of Consumption (Binge Drinking, Amount Consumed, Medication, Use, etc.)
- *Poor/Limited Problem Recognition as Evidenced by Prior Treatment History or Lack Thereof
- *Uncooperative/Belligerent/Violent Toward Arresting Officer
- *Prior Uncounted Offenses for OWI/BAC
- *Previously Uncounted Offenses from January 1, 1988
- *Combination of alcohol and controlled substance use

HUBER RELEASE PROVISIONS

The Sheriff may not release a person from jail on Huber if the person fails to obtain assessment or to comply with driver safety plan. (Doesn't apply if prisoner doesn't have sufficient funds to make payments necessary for assessment or to comply with driver safety plan.)(§303.08(10m).

The Sheriff may not release the person from jail or Huber if IID order exists unless within two (2) weeks the court issues the order the person submits proof to the Sheriff that an IID has been installed in each vehicle. (§303.08(10r).

May not stay execution of imprisonment on a 3rd or subsequent offense. (§937.15(8)(a)3).

Bail is revoked upon conviction for a 3rd or subsequent offense. (§969.01(2)(a).

Any person convicted of 2nd or subsequent offense must serve at least 48 consecutive hours in the county jail. (§346.65(7)).

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**

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

2nd OFFENSE [§346.65(2)(am)2] **or**

1st Offense with passenger under age 16 [§346.65(2)(f)1]

PENALTY RANGE

IGNITION INTERLOCK DEVICE
PROBATION

Minimum 1 year to a maximum of 18 months
 Probation for up to 2 years may be used if the person is subjected to at least the mandatory minimum period of imprisonment. [§973.09(1)(d) and (2)(a)1.d.xxx]

JAIL: 5 days – 6 months

Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)]. [Minimum 48 consecutive hours in jail [§346.65(7)]xxxx]

FINE: \$350 - \$1100

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

REVOCAION: 12 – 18 months

Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]. (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

PAC LEVEL

Mitigating Driving Factors

Aggravated Driving Factors

.099 or Below	\$350.00 Fine + Costs 10 days jail, \$1,429.00 Total 12 months revocation	\$400.00 Fine + Costs 20 days jail, \$1,492.00 Total 13 months revocation
.10 to .169	\$450.00 Fine + Costs 20 days jail, \$1,555.00 Total 13 months revocation	\$500.00 Fine + Costs 30 days jail, \$1,618.00 Total 14 months revocation
.17 to .199	\$550.00 Fine + Costs 40 days jail, \$1,681.00 Total 14 months revocation	\$600.00 Fine + Costs 60 days jail, \$1,744.00 Total 15 months revocation
.20 to .249	\$650.00 Fine + Costs 60 days jail, \$1,807.00 Total 15 months revocation	\$700.00 Fine + Costs 90 days jail, \$1,870.00 Total 16 months revocation
.25 or above	\$750.00 Fine + Costs 80 days jail, \$1,933.00 Total 17 months revocation	\$800.00 Fine + Costs 120 days jail, \$1,996.00 Total 18 months revocation

xxx Note reduced jail for counties offering reduced imprisonment as described on page 2 of these guidelines (Safe Streets Option).

xxxx If separate finding of a refusal, 2 year revocation of operating privileges and 90 day waiting period for an occupational however, if 2 convictions, suspensions or revocations within 5 year period, 1 year waiting period [§343.305(b)3] must have completed assessment and complied with driver safety plan. ***

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

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

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**
Pursuant to Sec. 346.65(2m), Wis. Stats.
3rd OFFENSE [§346.65(2)(am)3]

PENALTY RANGE

IGNITION INTERLOCK DEVICE PROBATION

Minimum 1 year to a maximum of 36 months
 Probation for up to 2 years may be used if the person is subjected to at least the mandatory minimum period of imprisonment. [§973.09(1)(d) and (2)(a)1.d.xxx

JAIL: 45 days– 12 months

Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)]. Offense is a felony and place of imprisonment determined under §973.02 (See 3rd Offense Felony Guidelines)

FINE: \$600 - \$2000

Minimum and maximum fine is doubled if there was a minor passenger under age 16 [§346.65(2)(f)2]. (See 3rd Offense Felony Guidelines)
 (1) Minimum and maximum fine is doubled if PAC .17 to .199.
 (2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.
 (3) Minimum and maximum fine is quadrupled if PAC .025 or above.

REVOCATION: 24 – 36 months
 under age 16 [§343.30(1q)(b)4m]. *** (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>PAC LEVEL</u>	Mitigating Driving Factors		Aggravated Driving Factors	
.099 or Below	\$600.00 Fine + Costs	60 days jail,	\$700.00 Fine + Costs	90 days jail,
	\$1,744.00 Total	24 months revocation	\$1,870.00 Total	27 months revocation
.10 to .169	\$800.00 Fine + Costs	80 days jail,	\$900.00 Fine + Costs	120 days jail,
	\$1,996.00 Total	27 months revocation	\$2,122.00 Total	30 months revocation
.17 to .199 (1)	\$1,200.00 Fine + Costs	110 days jail,	\$1,300.00 Fine + Costs	150 days jail,
	\$2,502.00 Total	30 months revocation	\$2,629.00 Total	33 months revocation
.20 to .249 (2)	\$1,800.00 Fine + Costs	140 days jail,	\$1,900.00 Fine + Costs	180 days jail,
	\$3,264.00 Total	33 months revocation	\$3,391.00 Total	36 months revocation
.25 or above (3)	\$2,400.00 Fine + Costs	170 days jail,	\$2,500.00 Fine + Costs	210 days jail,
	\$4,026.00 Total	36 months revocation	\$4,153.00 Total	36 months revocation

xxx Note reduced jail for counties offering reduced imprisonment as described on page 2 of these guidelines (Safe Streets Option).

** If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational however, 2 convictions, suspensions or revocations within 5 year period, 1 year waiting period [§343.305(b)4] must have completed assessment and complied with driver safety plan. ***

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

3rd Offense with minor passenger under 16 and all 4th and subsequent offenses are felonies. Guidelines are attached for 3rd offense with minor passenger under 16 and for 4th offense as it relates to all felony offenses.

Ignition Interlock Device: see IID information page three of these guidelines but remember revocation doubles if minor passenger under 16 therefore, IID length may also increase.

Revocation: 24-36 months but doubles with minor passenger under 16.

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**
Pursuant to Sec. 346.65(2m), Wis. Stats.

3rd OFFENSE WITH MINOR PASSENGER UNDER 16 [§346.65(2)(am)3 and
§346.65(2)(f)2] Felony Offense

PENALTY RANGE

IGNITION INTERLOCK DEVICE Minimum 1 year to a maximum 36 months
PROBATION Probation for not less than 1 year but not greater than 3 years. Up to 2 years may be used if the person is subjected to at least the mandatory minimum period of imprisonment. [§973.09 and (2)(b)1]
IMPRISONEMENT: Offense is a felony and place of imprisonment determined under §973.02 [Minimum 48 consecutive hours in jail (§346.65(7))
FINE: \$1200 - \$4000 (1) Minimum and maximum fine is doubled if PAC .17 to .199.
(2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.
(3) Minimum and maximum fine is quadrupled if PAC .025 or above.
REVOCAATION: 48 – 72 months *** (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravated Driving Factors
.099 or Below	\$1,200.00 Fine + Costs 120 days jail, \$2,577.00 Total 33 months revocation	\$1,400.00 Fine + Costs 180 days jail, \$2,831.00 Total 33 months revocation
.10 to .169	\$1,600.00 Fine + Costs 160 days jail, \$3,085.00 Total 36 months revocation	\$1,700.00 Fine + Costs 240 days jail, \$3,212.00 Total 36 months revocation
.17 to .199 (1)	\$2,400.00 Fine + Costs 220 days jail, \$4,101.00 Total 40 months revocation	\$2,500.00 Fine + Costs 300 days jail, \$4,228.00 Total 42 months revocation
.20 to .249 (2)	\$3,000.00 Fine + Costs 330 days jail, \$4,863.00 Total 44 months revocation	\$3,100.00 Fine + Costs 350 days jail, \$4,990.00 Total 46 months revocation
.25 or above (3)	\$3,250.00 Fine + Costs 365 days jail or prison \$5,180.50 Total	\$3,500.00 Fine + Costs 365 days jail or prison \$5,498.00 Total

If separate finding of a refusal, 3 year revocation of operating privileges and 120 day waiting period for an occupational however, 2 convictions, suspensions or revocations within 5 year period, 1 year waiting period [§343.305(b)4] must have complied with driver safety plan.*

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**
Pursuant to Sec. 346.65(2)(am)4, Wis. Stats.

4th OFFENSE [§346.65(2)(am)4]

PENALTY RANGE

IGNITION INTERLOCK DEVICE Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16)

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

INCARCERATION: [Offense is a felony and place of imprisonment determined under §973.02
 60 days to 6 years xxx COURT'S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRESENTENCE REPORT. (Recall that upon conviction, bail must be revoked in 3rd or subsequent convictions. §969.01(2)(a). Therefore, ordering PSI places defendant in jail pending sentencing.)
 (a) Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)].
 [Minimum 48 consecutive hours in jail (§346.65(7))
FINE: \$600-\$10,000 Class H Minimum and maximum fine is doubled if there was a minor passenger Under age 16 [§346.65(2)(f)]
 (1) Minimum and maximum fine is doubled if PAC .17 to .199.
 (2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.
 (3) Minimum and maximum fine is quadrupled if PAC .025 or above.
REVOCAATION: 24 – 36 months Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]
 *** (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravated Driving Factors
.099 or Below	\$1,000.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,323.00 Total 36 months revocation	\$1,100.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,450.00 Total 36 months revocation
.10 to .169	\$1,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,577.00 Total 36 months revocation	\$1,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,604.00 Total 36 months revocation
.17 to .199	\$1,600.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,085.00 Total 36 months revocation	\$1,700.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,212.00 Total 36 months revocation
.20 to .249	\$2,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,847.00 Total 36 months revocation	\$2,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,974.00 Total 36 months revocation

.25 or above	\$2,800.00 Fine + Costs		\$2,900.00 Fine + Costs	
		(INCARCERATION – SEE ABOVE)		
	\$4,609.00 Total	36 months revocation	\$4,736.00 Total	36 months revocation

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

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

xxx Note reduced jail for counties offering reduced imprisonment as described on page 2 of these guidelines (Safe Streets Option).

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**
Pursuant to Sec. 346.65(2)(am)5, Wis. Stats.

5TH AND 6TH OFFENSE [§346.65(2)(am)5] Class G Felony

PENALTY RANGE

IGNITION INTERLOCK DEVICE Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16)

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

INCARCERATION: [Offense is a felony and place of imprisonment determined under §973.02
 6 months to 10 years COURT'S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRESENTENCE REPORT. (Recall that upon conviction, bail must be revoked in 3rd or subsequent convictions. §969.01(2)(a). Therefore, ordering PSI places defendant in jail pending sentencing.)
 (a) Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)].
 [Minimum 48 consecutive hours in jail (§346.65(7))
FINE: \$600-\$25,000 Class G Minimum and maximum fine is doubled if there was a minor passenger Under age 16 [§346.65(2)(f)]
 (1) Minimum and maximum fine is doubled if PAC .17 to .199.
 (2) Minimum and maximum fine is tripled if PAC 0.20 to 0.249.
 (3) Minimum and maximum fine is quadrupled if PAC .025 or above.
REVOCAATION: 24 – 36 months Minimum and maximum period is doubled if there was a minor passenger under age 16 [§343.30(1q)(b)4m]
 ***(Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravated Driving Factors
.099 or Below	\$1,000.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$2,323.00 Total 36 months revocation	\$1,100.00 Fine + Costs (INCARCERATION –SEE ABOVE) \$2,450.00 Total 36 months revocation
.10 to .169	\$1,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,577.00 Total 36 months revocation	\$1,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,604.00 Total 36 months revocation
.17 to .199	\$1,600.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,085.00 Total 36 months revocation	\$1,700.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,212.00 Total 36 months revocation
.20 to .249	\$2,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,847.00 Total 36 months revocation	\$2,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,974.00 Total 36 months revocation

.25 or above	\$2,800.00 Fine + Costs		\$2,900.00 Fine + Costs	
		(INCARCERATION – SEE ABOVE)		
	\$4,609.00 Total	36 months revocation	\$4,736.00 Total	36 months revocation

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

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

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**
Pursuant to Sec. 346.65(2)(am)6, Wis. Stats.

7TH, 8TH OR 9TH OFFENSE [§346.65(2)(am)6] Class F Felony

PENALTY RANGE

IGNITION INTERLOCK DEVICE Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16)

PROBATION Probation is not available. Must impose bifurcated sentence of not less than 3 years to 12 ½ years.

INCARCERATION: [Offense is a felony and place of imprisonment determined under §973.02
 3 years to 12 ½ years **COURT’S DISCRETION AS TO LENGTH OF PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRESENTENCE REPORT.**
 (a) Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2)(f)].
 [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: Not more than \$25,000 Class F
 Maximum fine is doubled if there was a minor passenger Under age 16 [§346.65(2)(f)]
 Unless enhanced. See note at bottom

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

*** (Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravated Driving Factors
.099 or Below	\$1,000.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,323.00 Total 36 months revocation	\$1,100.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,450.00 Total 36 months revocation
.10 to .169	\$1,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,577.00 Total 36 months revocation	\$1,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,604.00 Total 36 months revocation
.17 to .199	\$1,600.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,085.00 Total 36 months revocation	\$1,700.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,212.00 Total 36 months revocation
.20 to .249	\$2,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,847.00 Total 36 months revocation	\$2,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,974.00 Total 36 months revocation
.25 or above	\$2,800.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$4,609.00 Total 36 months revocation	\$2,900.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$4,736.00 Total 36 months revocation

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

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

Note: Depending on the financial circumstances of the defendant and length of sentence, the court may wish to consider costs only.

\$518.00 Base Felony Costs
+485.00 Driver Improvement Surcharge and Safe Ride
+ 50.00 IID surcharge
\$1,053.00

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**

Pursuant to Sec. 346.65(2)(am)7, Wis. Stats.

10TH OR SUBSEQUENT OFFENSE [§346.65(2)(am)7] Class E Felony

PENALTY RANGE

IGNITION INTERLOCK DEVICE Minimum 1 year to a maximum 36 months (doubled to 6 years if passenger Under age 16)

PROBATION Probation is not available. Must impose bifurcated sentence of not less than 4 years to 15 years.

INCARCERATION: [Offense is a felony and place of imprisonment determined under §973.02

4 years to 15 years COURT'S DISCRETION AS TO LENGTH OF JAIL OR PRISON SENTENCE. COURT SHOULD CONSIDER ORDERING PRESENTENCE REPORT.

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

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

FINE: Not more than \$50,000 Class E

Maximum fine is doubled if there was a minor passenger Under age 16 [§346.65(2)(f)] Unless enhanced. See note at bottom.

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

***(Occupational – 45 day waiting period, and must complete Alcohol Assessment and be in compliance with drivers safety plan and absolute sobriety during use.)

<u>PAC LEVEL</u>	Mitigating Driving Factors	Aggravated Driving Factors
.099 or Below	\$1,000.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,323.00 Total 36 months revocation	\$1,100.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,450.00 Total 36 months revocation
.10 to .169	\$1,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,577.00 Total 36 months revocation	\$1,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$2,604.00 Total 36 months revocation
.17 to .199	\$1,600.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,085.00 Total 36 months revocation	\$1,700.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,212.00 Total 36 months revocation
.20 to .249	\$2,200.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,847.00 Total 36 months revocation	\$2,300.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$3,974.00 Total 36 months revocation
.25 or above	\$2,800.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$4,609.00 Total 36 months revocation	\$2,900.00 Fine + Costs (INCARCERATION – SEE ABOVE) \$4,736.00 Total 36 months revocation

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

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

Note: Depending on the financial circumstances of the defendant and length of sentence, the court may wish to consider costs only.

\$518.00 Base Felony Costs
+485.00 Driver Improvement Surcharge and Safe Ride
+ 50.00 IID surcharge
\$1,053.00

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**

COMMERCIAL VEHICLE

Pursuant to Sec. 346.63(5), Wis. Stats., no person may operate a commercial motor vehicle with a BAC of 0.04 or more but less than 0.08. May also be prosecuted for OWI pursuant to §346.63(1)(a), but only one offense is counted for county convictions and sentencing if convicted for §346.63(5) only.

1ST OFFENSE [§346.63(5)(am)(1)]
 Penalty 346.65(2j)(am)1

PENALTY RANGE

FORFEITURE: \$150-\$300 Minimum and maximum forfeiture is doubled if there was a minor passenger under 16

REVOCAATION: No revocation of license however, one (1) year disqualification of operating Commercial motor vehicles (§343.315(2)(a)2). If transporting hazardous Materials, 3 years disqualification (§343.315(2)(b))

<u>Forfeiture</u>	Mitigating Driving Factors	Aggravated Driving Factors
	\$150.00 Forf + Costs	\$200.00 Forf + Costs
	\$819.50 Total	\$882.50 Total

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**
COMMERCIAL VEHICLE

Pursuant to Sec. 346.63(5), Wis. Stats., no person may operate a commercial motor vehicle with a BAC of 0.04 or more but less than 0.08. May also be prosecuted for OWI pursuant to §346.63(1)(a), but only one offense is counted for county convictions and sentencing if convicted for §346.63(5) only.

2nd OFFENSE [§346.63(5)]
Penalty 346.65(2j)(am)2

PENALTY RANGE

PROBATION: Probation for up to two (2) years may be used if the person is subject to at least the Mandatory minimum period of imprisonment. (§973.09(1)(d) and (2)(a)1.d.)

JAIL: 5 days to 6 months *** Minimum and maximum imprisonment doubled if there was a minor passenger under age 16 [§346.65(2j)(d)].

FINE: \$300 -\$1,000 Minimum and maximum fine is doubled if there was a minor passenger under 16

REVOCAATION: None. However, lifetime disqualification of operating commercial Motor vehicles §343.315(2)(c)

<u>Fine:</u>	Mitigating Driving Factors	Aggravated Driving Factors
	\$300.00 Fine + Costs	\$400.00 Fine + Costs
	\$1,374.00 Total	\$1,500.00 Total
	20 days jail.	40 days jail.

*** See Safe Streets Option (§346.65(2j)(bm)), not less than 5 days nor more than 7 days (See also page 2.).

8TH JUDICIAL ADMINISTRATIVE DISTRICT Offenses committed
PAC SENTENCING GUIDELINES after **January 1, 2017**
COMMERCIAL VEHICLE

Pursuant to Sec. 346.63(5), Wis. Stats., no person may operate a commercial motor vehicle with a BAC of 0.04 or more but less than 0.08. May also be prosecuted for OWI pursuant to §346.63(1)(a), but only one offense is counted for county convictions and sentencing if convicted for §346.63(5) only.

3rd OFFENSE [§346.63(5)]
Penalty 346.65(2j)(am)3

PENALTY RANGE

PROBATION: Probation for up to two (2) years may be used if the person is subject to at least the
Mandatory minimum period of imprisonment. (§973.09(1)(d) and (2)(a)1.d.)

JAIL: 45 days to 1 year *** Minimum and maximum imprisonment doubled if there was a
minor passenger under age 16 [§346.65(2j)(d)].

FINE: \$600 -\$2,000 Minimum and maximum fine is doubled if there was a minor
passenger under 16

REVOCAATION: None. However, lifetime disqualification of operating commercial
Motor vehicles §343.315(2)(c)

<u>Fine:</u>	Mitigating Driving Factors	Aggravated Driving Factors
	\$600.00 Fine + Costs	\$1,000.00 Fine + Costs
	\$1,702.00 Total (If felony: \$1,777.00)	\$2,206.00 Total (If felony: \$2,281.00)
	120 days jail.	200 days jail.

*** See Safe Streets Option (§346.65(2j)(bm)), not less than 5 days nor more than 7 days (See also page 2.).