

NINTH JUDICIAL DISTRICT

OMVWI
SENTENCING GUIDELINES

Incidents On or After
July 6, 2023

Ninth Judicial District Office
2100 Stewart Avenue, Suite 310
Wausau WI 54401
(715) 842-3872

Ann Knox-Bauer, Chief Judge

Revised 12/11/2023

FIRST OFFENSE

SENTENCING GUIDELINES

Incidents on or After
7/6/2023

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109; Intermediate, 0.17 to 0.199; Aggravated, 0.25 and above.

FIRST OFFENSE						
BAC Level	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to .249	0.25 and above
						Refusal
Forf. + Costs	911.50	943.00	1,024.50	1,087.50	1,119.00	1,150.50
FORF.	150.00	175.00	200.00	250.00	275.00	300.00
CCFP	25.00	25.00	25.00	25.00	25.00	25.00
PEN	39.00	45.50	52.00	65.00	71.50	78.00
JAIL	10.00	10.00	10.00	10.00	10.00	10.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00
CSS	68.00	68.00	68.00	68.00	68.00	68.00
JINFO	21.50	21.50	21.50	21.50	21.50	21.50
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00
IIDS			50.00	50.00	50.00	50.00
♦IID Period			12 Months	12 Months	12 Months	12 Months
♦Revocation	6 Months	7 Months	7 Months	7 Months	8 Months	9 Months

PENALTY RANGE; OTHER ORDERS

FORFEITURE: \$150 to \$300.
 ♦**REVOCAION:** 6 to 9 months; **except REFUSAL** 1 year.
DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s. 343.30(1).
OCCUPATIONAL WAITING PERIOD: only **REFUSAL** 30 days.
 ♦**IGNITION INTERLOCK DEVICE:** **BAC >=0.15 and REFUSAL** Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), 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 per Wis. Stat. s. 343.301(1)(a)1.
ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

SECOND OFFENSE

SENTENCING GUIDELINES

Incidents on or After
7/6/2023

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109; Intermediate, 0.17 to 0.199; Aggravated, 0.25 and above.

III. 346.65(2)(bm) provides for a reduced mandatory minimum 5 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

SECOND OFFENSE												
BAC Level	0.08 to 0.109		0.11 to 0.149		0.15 to 0.169		0.17 to 0.199		0.20 to .249		0.25 and above	
		346.65		346.65		346.65		346.65		346.65		346.65
Jail	5 Days	5 Days	15 Days	5 Days	25 Days	5 Days	35 Days	5 Days	45 Days	5 Days	55 Days	5 Days
Fine + Costs	1,529.00		1,592.00		1,655.00		1,655.00		1,718.00		1,844.00	
FINE	350.00		400.00		450.00		450.00		500.00		600.00	
CCFP	163.00		163.00		163.00		163.00		163.00		163.00	
PEN	91.00		104.00		117.00		117.00		130.00		156.00	
JAIL	10.00		10.00		10.00		10.00		10.00		10.00	
CLD	13.00		13.00		13.00		13.00		13.00		13.00	
VW	67.00		67.00		67.00		67.00		67.00		67.00	
DNAAS	200.00		200.00		200.00		200.00		200.00		200.00	
DRVIM	535.00		535.00		535.00		535.00		535.00		535.00	
SRPS	50.00		50.00		50.00		50.00		50.00		50.00	
IIDS	50.00		50.00		50.00		50.00		50.00		50.00	
IID Period	12 Months		13 Months		14 Months		15 Months		16 Months		18 Months	
◊Revocation	12 Months		13 Months		14 Months		15 Months		16 Months		18 Months	

PENALTY RANGE; OTHER ORDERS

FINE: \$350 to \$1100.

JAIL: 5 days to 6 months.

REVOCAION: Base period of 1 year to 18 months; **except REFUSAL** 2 years. Add any *sentence* of confinement to revocation period.

OCCUPATIONAL WAITING PERIOD: 45 days by statute; **except REFUSAL** 90 days.

IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), 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 per Wis. Stat. s. 343.301(1)(a)1.

ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

THIRD OFFENSE

SENTENCING GUIDELINES

Incidents on or After
7/6/2023

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109; Intermediate, 0.17 to 0.199; Aggravated, 0.25 and above.

III. 346.65(2)(cm) provides for a reduced mandatory minimum 14 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

THIRD OFFENSE												
BAC Level	0.08 to 0.109		0.11 to 0.149		0.15 to 0.169		0.17 to 0.199		0.20 to .249		0.25 and above	
		346.65		346.65		346.65		346.65		346.65		346.65
Jail	45 Days	14 Days	60 Days	14 Days	75 Days	14 Days	90 Days	14 Days	105 Days	14 Days	120 Days	14 Days
Fine + Costs	1,844.00		1,907.00		1,970.00		2,602.00		3,364.00		4,126.00	
FINE	600.00		650.00		700.00		1,200.00		1,800.00		2,400.00	
CCFP	163.00		163.00		163.00		163.00		163.00		163.00	
PEN	156.00		169.00		182.00		312.00		468.00		624.00	
JAIL	10.00		10.00		10.00		12.00		18.00		24.00	
CLD	13.00		13.00		13.00		13.00		13.00		13.00	
VW	67.00		67.00		67.00		67.00		67.00		67.00	
DNAAS	200.00		200.00		200.00		200.00		200.00		200.00	
DRVIM	535.00		535.00		535.00		535.00		535.00		535.00	
SRPS	50.00		50.00		50.00		50.00		50.00		50.00	
IIDS	50.00		50.00		50.00		50.00		50.00		50.00	
IID Period	24 Months		26 Months		27 Months		28 Months		30 Months		31 Months	
◊Revocation	24 Months		26 Months		27 Months		28 Months		30 Months		31 Months	

PENALTY RANGE; OTHER ORDERS

FINE: \$600 to \$2000; **except x2** for BAC 0.17 to 0.199, **x3** for BAC 0.20 to 0.249, and **x4** for BAC 0.25 and above.

JAIL: 45 days to 1 year.

REVOCAION: Base period of 2 to 3 years; **except REFUSAL** 3 years. Add any *sentence* of confinement to revocation period.

OCCUPATIONAL WAITING PERIOD: 45 days by statute; **except REFUSAL** 120 days.

IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), 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 per Wis. Stat. s. 343.301(1)(a)1.

ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

FIFTH & SUBSEQUENT OFFENSES

SENTENCING GUIDELINES

Incidents On or After
7/6/2023

OFFENSE	INCARCERATION	PROBATION	REVOCATION	INTERLOCK	FINE	
5TH & 6TH Class G Felony	18 Mos. - 10 Yrs.* (5 Yrs. IC, 5 Yrs. ES)	Not applicable	Permanent** or 2 years to 3 years	2 years to 3 years (tied to Court-ordered revocation period)	BAC < .17	600-25,000
					.17-.199	1,200-50,000
					.20-.249	1,800-75,000
					.25+	2,400-100,000
7TH, 8TH, 9TH Class F Felony	3-12.5 Years (7.5 Yrs. IC, 5 Yrs. ES)	Not applicable	Permanent** or 2 years to 3 years	2 years to 3 years (tied to Court-ordered revocation period)	BAC<.17	Max \$25,000
					.17-.199	Max \$50,000
					.20-.249	Max \$75,000
					.25+	Max \$100,000
10TH AND SUBSEQUENT Class E Felony	4-15 Years (10 Yrs. IC, 5 Yrs. ES)	Not applicable	Permanent** or 2 years to 3 years	2 years to 3 years (tied to Court-ordered revocation period)	BAC <.17	Max \$50,000
					.17-.199	Max \$100,000
					.20-.249	Max \$150,000
					.25+	Max \$200,000

*Court may impose as little as 1 year, which must be the initial confinement portion of a bifurcated sentence to the Wisconsin State Prison system, only if the Court finds on the record (1) The best interests of the community are served, and (2) the public will not be harmed.

**Not eligible for occupationl. May apply for reinstatement after 10 years.

Doesn't apply if the last conviction >15 years old in which case the usual Court-ordered revocation period remains the same.

*** FOR MINOR IN THE VEHICLE: Minimum and maximum terms of incarceration double.

Minium and maximum fines double.

FIRST OFFENSE

MINOR PASSENGER SENTENCING GUIDELINES

Incidents on or After
7/6/2023

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109; Intermediate, 0.17 to 0.199; Aggravated, 0.25 and above.

III. 346.65(2)(bm) provides for a reduced mandatory minimum 5 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

FIRST OFFENSE - MINOR PASSENGER						
BAC Level	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to .249	0.25 and above
Jail	5 Days	15 Days	25 Days	35 Days	45 Days	55 Days
Fine + Costs	1,529.00	1,592.00	1,655.00	1,970.00	2,411.50	2,856.00
FINE	350.00	400.00	450.00	700.00	1,050.00	1,400.00
CCFP	163.00	163.00	163.00	163.00	163.00	163.00
PEN	91.00	104.00	117.00	182.00	273.00	364.00
JAIL	10.00	10.00	10.00	10.00	10.50	14.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00
VW	67.00	67.00	67.00	67.00	67.00	67.00
DNAAS	200.00	200.00	200.00	200.00	200.00	200.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00
IIDS	50.00	50.00	50.00	50.00	50.00	50.00
IID Period	12 Months	14 Months	14 Months	14 Months	16 Months	16 Months
◊Revocation	12 Months	14 Months	14 Months	14 Months	16 Months	16 Months

PENALTY RANGE; OTHER ORDERS

FINE: \$350 to \$1400; **except x2** for BAC 0.17 to 0.199, **x3** for BAC 0.20 to 0.249, and **x4** for BAC 0.25 and above.

JAIL: 5 days to 6 months.

REVOCAION: Base period of 1 year to 18 months; **except REFUSAL** 2 years. Add any *sentence* of confinement to revocation period.

OCCUPATIONAL WAITING PERIOD: 45 days by statute; **except REFUSAL** 90 days.

IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), 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 per Wis. Stat. s. 343.301(1)(a)1.

ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

SECOND OFFENSE

MINOR PASSENGER SENTENCING GUIDELINES

Incidents on or After
7/6/2023

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
Stop for non-moving violation	Stop for moving violation 4 DP	Stop for moving violation 6 DP
Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109; Intermediate, 0.17 to 0.199; Aggravated, 0.25 and above.

III. 346.65(2)(bm) provides for a reduced mandatory minimum 5 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

SECOND OFFENSE - MINOR PASSENGER						
BAC Level	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to .249	0.25 and above
Jail	10 Days	27 Days	44 Days	61 Days	78 Days	95 Days
Fine + Costs	1,970.00	2,096.00	2,222.00	2,856.00	3,300.50	3,745.00
FINE	700.00	800.00	900.00	1,400.00	1,750.00	2,100.00
CCFP	163.00	163.00	163.00	163.00	163.00	163.00
PEN	182.00	208.00	234.00	364.00	455.00	546.00
JAIL	10.00	10.00	10.00	14.00	17.50	21.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00
VW	67.00	67.00	67.00	67.00	67.00	67.00
DNAAS	200.00	200.00	200.00	200.00	200.00	200.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00
IIDS	50.00	50.00	50.00	50.00	50.00	50.00
IID Period	24 Months	26 Months	28 Months	28 Months	30 Months	32 Months
◊Revocation	24 Months	26 Months	28 Months	28 Months	30 Months	32 Months

PENALTY RANGE; OTHER ORDERS

FINE: \$700 to \$2200; **except x2** for BAC 0.17 to 0.199, **x3** for BAC 0.20 to 0.249, and **x4** for BAC 0.25 and above.

JAIL: 10 days to 1 year.

REVOCAION: Base period of 1 year to 18 months; **except REFUSAL** 2 years. Add any *sentence* of confinement to revocation period.

OCCUPATIONAL WAITING PERIOD: 45 days by statute; **except REFUSAL** 90 days.

IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), 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 per Wis. Stat. s. 343.301(1)(a)1.

ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

THIRD OFFENSE

MINOR PASSENGER SENTENCING GUIDELINES

Incidents On or After
7/6/2023

I. Consider the following factors in all cases in addition to BAC or other lab results:

Mitigating	Intermediate	Aggravating
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Stop for moving violation <= 3 DP	Failing to stop for officer 346.04(2t)	Fleeing/eluding officer 346.04(3)
Δ suffered substantial injury	Obstructing or deceit	Resisting or violence
	Damage to property of another	Operating a CMV or heavy equipment

II. For non-alcohol offenses determine whether the offense is mitigated, intermediate, or aggravated and consider these BAC equivalents: Mitigated, 0.08 to 0.109; Intermediate, 0.17 to 0.199; Aggravated, 0.25 and above.

III. 346.65(2)(cm) provides for a reduced mandatory minimum 14 days jail with probation and a treatment program in appropriate cases but a defendant can only receive the benefit of (bm), (cm), or (dm) once in their lifetime.

THIRD OFFENSE - MINOR PASSENGER - FELONY							
BAC Level	0.02 to .079	0.08 to 0.109	0.11 to 0.149	0.15 to 0.169	0.17 to 0.199	0.20 to 0.249	0.25 and above
Confinement	90 Days	90 Days	180 Days	250 Days	320 Days	380 Days	440 Days
Fine + Costs	2,677.00	2,677.00	2,677.00	2,677.00	4,201.00	5,725.00	7,249.00
FINE	1,200.00	1,200.00	1,200.00	1,200.00	2,400.00	3,600.00	4,800.00
CCFP	163.00	163.00	163.00	163.00	163.00	163.00	163.00
PEN	312.00	312.00	312.00	312.00	624.00	936.00	1,248.00
JAIL	12.00	12.00	12.00	12.00	24.00	36.00	48.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00
VW	92.00	92.00	92.00	92.00	92.00	92.00	92.00
DNAAS	250.00	250.00	250.00	250.00	250.00	250.00	250.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00	50.00
IIDS	50.00	50.00	50.00	50.00	50.00	50.00	50.00
IID Period	24 Months	26 Months	28 Months	28 Months	30 Months	32 Months	32 Months
◊Revocation	24 Months	26 Months	28 Months	28 Months	30 Months	32 Months	32 Months

PENALTY RANGE; OTHER ORDERS

FINE: \$1200 to \$4000; **except x2** for BAC 0.17 to 0.199, **x3** for BAC 0.20 to 0.249, and **x4** for BAC 0.25 and above.

CONFINEMENT: 90 days to 2 years.

REVOCAION: Base period of 2 to 3 years; **except REFUSAL** 3 years. Add any *sentence* of confinement to revocation period.

OCCUPATIONAL WAITING PERIOD: 45 days by statute; **except REFUSAL** 120 days.

IGNITION INTERLOCK DEVICE: Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), 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 per Wis. Stat. s. 343.301(1)(a)1.

ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN

BAC Level	0.04 to 0.079	
	Mitigated	Aggravated
	<i>No Accident</i>	<i>Accident or Injury</i>
		<i>Bad Driving Record</i>
Forfeiture + Costs	919.50	1108.50
FORF.	150.00	300.00
CCFP	25.00	25.00
PEN	39.00	78.00
JAIL	10.00	10.00
CLD	13.00	13.00
CSS	68.00	68.00
JINFO	21.50	21.50
DRVIM	535.00	535.00
SRPS	50.00	50.00
TRUCK	8.00	8.00
Disqualification	12 months	12 months

PENALTY RANGE; OTHER ORDERS

FORFEITURE: \$150 to \$300.

DISQUALIFICATION: 1 year (12 months.)

DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1).

MINOR PASSENGER: 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.

BAC Level		0.04 to 0.079	
		Mitigated	Aggravated
		<i>No Accident</i>	<i>Accident or Injury</i>
			<i>Bad Driving Record</i>
Jail		20 Days	40 Days
Forfeiture + Costs		1308.50	2190.50
	FORF.	300.00	1,000.00
	CCFP	25.00	25.00
	PEN	78.00	260.00
	JAIL	10.00	10.00
	CLD	13.00	13.00
	CSS	68.00	68.00
	JINFO	21.50	21.50
	DNAAS	200.00	200.00
	DRVIM	535.00	535.00
	SRPS	50.00	50.00
	TRUCK	8.00	8.00
Disqualification		12 months	12 months

PENALTY RANGE; OTHER ORDERS

FINE: \$300 to \$1000.

JAIL: 5 days to 6 months.

DISQUALIFICATION: 1 year (12 months.)

DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1)..

MINOR PASSENGER: 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 fine and jail time are doubled.

COMMERCIAL MOTOR VEHICLES
SENTENCING GUIDELINES

BAC Level		
0.04 to 0.079		
	Mitigated	Aggravated
	<i>No Accident</i>	<i>Accident or Injury</i>
		<i>Bad Driving Record</i>
Jail	45 Days	120 Days
Forfeiture + Costs	1686.50	3460.50
FORF.	600.00	2,000.00
CCFP	25.00	25.00
PEN	156.00	520.00
JAIL	10.00	20.00
CLD	13.00	13.00
CSS	68.00	68.00
JINFO	21.50	21.50
DNAAS	200.00	200.00
DRVIM	535.00	535.00
SRPS	50.00	50.00
TRUCK	8.00	8.00
Disqualification	12 months	12 months

PENALTY RANGE; OTHER ORDERS

FINE: \$600 to \$2000.

JAIL: 30 days to 1 year.

DISQUALIFICATION: 1 year (12 months.)

DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1).

MUNICIPAL - FIRST OFFENSE												
BAC Level	0.08 to 0.099		0.10 to 0.149		0.15 to 0.169		0.17 to 0.199		0.20 to 0.249		0.25 and Above and Refusal	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
Penalty	812.00	843.50	812.00	875.00	925.00	988.00	988.00	1,051.00	988.00	1,051.00	988.00	1,051.00
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
*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
PEN	39.00	45.50	39.00	52.00	52.00	65.00	65.00	78.00	65.00	78.00	65.00	78.00
JAIL	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CLD	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
DRVIM	535.00	535.00	535.00	535.00	535.00	535.00	535.00	535.00	535.00	535.00	535.00	535.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
IIDS					50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
♦IID Period					12 mos	12 mos	12 mos	12 mos	12 mos	12 mos	12 mos	12 mos
◊Revocation	6 mos	6 mos	6 mos	7 mos	7 mos	8 mos	8 mos	9 mos	9 mos.	9 mos	9 mos	9 mos

PENALTY RANGE; OTHER ORDERS

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

***COSTS** are calculated at the minimum of \$15 but may be assessed up to a maximum of \$38 pursuant to Wis. Stat. s. 814.65(1).

◊**REVOCAION:** 6 to 9 months; **except REFUSAL** 1 year.

DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year.

OCCUPATIONAL WAITING PERIOD: none; **except REFUSAL** 30 days.

♦**IGNITION INTERLOCK DEVICE: BAC >=0.15 and REFUSAL** 1 year (12 months). Order that the person's operating privilege for the operation of "Class D" vehicles be restricted to operating vehicles that are equipped with an ignition interlock device and, except as provided in sub. (1m), 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 per Wis. Stat. s. 343.301(1)(a)1.

ALCOHOL AND DRUG ASSESSMENT, DRIVER SAFETY PLAN: Order that the defendant submit to and comply with an assessment for the use of alcohol and drugs and the resulting driver safety plan.

1. a. **Court may order community service work** in lieu of part or all of the forfeiture.
- b. **Court shall order community service work** in lieu of part or all of the forfeiture **if the defendant is indigent.**
2. When the Court orders **community service work** it may order work that demonstrates the adverse effects of substance abuse.

BAC Level	0.04 to 0.079	
	Mitigated	Aggravated
	<i>No Accident</i>	<i>Accident or Injury</i>
		<i>Bad Driving Record</i>
Forfeiture + Costs	820.00	1009.00
FORFEITURE	150.00	300.00
*COSTS	15.00	15.00
PEN	39.00	78.00
JAIL	10.00	10.00
CLD	13.00	13.00
DRVIM	535.00	535.00
SRPS	50.00	50.00
TRUCK	8.00	8.00
Disqualification	12 months	12 months

PENALTY RANGE; OTHER ORDERS

FORFEITURE: \$150 to \$300.

***COSTS** are calculated at the minimum of \$15 but may be assessed up to a maximum of \$38 pursuant to Wis. Stat. s. 814.65(1).

DISQUALIFICATION: 1 year (12 months.)

DISCRETIONARY 343.30(1) SUSPENSION: Not mandatory, discretionary only, maximum 1 year pursuant to Wis. Stat. s 343.30(1).

MINOR PASSENGER: 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.