

NINTH JUDICIAL DISTRICT

**OMVWI
SENTENCING GUIDELINES**

Citation Issued On or After
November 1, 2018

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

Gregory B. Huber, Chief Judge

FIRST OFFENSE

**SENTENCING GUIDELINES - STANDARD
NO MINOR PASSENGER**

Citations Issued On or After
November 1, 2018

BAC Level	.08 to <.11	.11 to .149	.15 to .169	.17 to .199	.20 to .249	.25 and Above
Penalty	812.00	845.00	985.00	1,020.00	1,050.00	1,050.00
Forfeiture	150.00	150.00	200.00	250.00	250.00	250.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00
Costs	25.00	25.00	25.00	25.00	25.00	25.00
CSS	68.00	68.00	68.00	68.00	68.00	68.00
(26% of Forf.) PA	39.00	39.00	52.00	65.00	65.00	65.00
JA	10.00	10.00	10.00	10.00	10.00	10.00
JISF	21.50	21.50	21.50	21.50	21.50	21.50
SRPS	50.00	50.00	50.00	50.00	50.00	50.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00
Ign. Int. Surch.			50.00	50.00	50.00	50.00
DNA Surcharge	n/a	n/a	n/a	n/a	n/a	n/a
IID Period			12 mos	12 mos	12 mos	12 mos
Revocation	6 mos	7 mos	7 mos	7 mos	8 mos	9 mos.

PENALTY RANGE
FORFEITURE: \$150 minimum to \$300 maximum
REVOCAION/DISQUALIFICATION: 6-9 months (No waiting period for occupational license).
REFUSAL: 1 year revocation, 30 day waiting period and AODA.
IGNITION INTERLOCK: Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of 12 months beginning when license issued. \$50.00 interlock surcharge . Wis. Stat. s. 343.301(1)(a)1.

CONTROLLED SUBSTANCE VIOLATIONS

Class A - Mitigating Range .11-.15

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

Class B - Intermediate Range .17-<.20

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Property Damage Only, Covered by Insurance

Class C - Aggravated Range >.25

- (1) Collide with Other Vehilce, Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Driving or Caused Personal Injury

SECOND OFFENSE

SENTENCING GUIDELINES - STANDARD

Citations Issued On or After
November 1, 2018

BAC Level	.08 to <.11		.11 to .149		.15 to .169		.17 to .199		.20 to .249		.25+	
		346.65 Prog.		346.65 Prog.		346.65 Prog.		346.65 Prog.		346.65 Prog.		346.65 Prog.
Jail	5 Days	5 Days	15 Days	5 Days	25 Days	6 Days	35 Days	6 Days	45 Days	7 Days	55 Days	7 Days
Fine + Costs	1,429.00		1,492.00		1,555.00		1,555.00		1,618.00		1,950.00	
Fine	350.00		400.00		450.00		450.00		500.00		600.00	
DIS	435.00		435.00		435.00		435.00		435.00		435.00	
Costs	163.00		163.00		163.00		163.00		163.00		163.00	
VWS	67.00		67.00		67.00		67.00		67.00		67.00	
Ign. Int. Surch.	50.00		50.00		50.00		50.00		50.00		50.00	
(26% of Fine) PA	91.00		104.00		117.00		117.00		130.00		156.00	
JA	10.00		10.00		10.00		10.00		10.00		10.00	
CL/DL	13.00		13.00		13.00		13.00		13.00		13.00	
SRPS	50.00		50.00		50.00		50.00		50.00		50.00	
DNA Surcharge	200.00		200.00		200.00		200.00		200.00		200.00	
ltd Period	12 mos		13 mos		14 mos		15 mos		16 mos		18 mos	
Revocation	12 mos		13 mos		14 mos		15 mos		16 mos		18 mos	

PENALTY RANGE

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

VWS: VWS may not be waived, reduced or forgiven [§973.045(1)]

JAIL: Not less than 5 days nor more than 180 days.

JAIL PROBATION & TREATMENT OPTION: 2 years probation, impose and stay guidelines; minimum jail as condition of probation.

REVOCATION/DISQUALIFICATION: 12 - 18 months. (Occupational wait = 45 days.)

REFUSAL: 2 year revocation, 90 day waiting period and AODA.

IGNITION INTERLOCK DEVICE

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

ALCOHOL AND DRUG ASSESSMENT

CONTROLLED SUBSTANCE VIOLATIONS

Class A - Mitigating Range .11-.15

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

Class B - Intermediate Range .17-<.20

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Propety Damage Only, Covered by Insurance

Class C - Aggravated Range >.25

- (1) Collide with Other Vehilce, Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Drivingor Caused Personal Injury

THIRD OFFENSE

SENTENCING GUIDELINES - STANDARD

Citations Issued On or After
November 1, 2018

BAC Level	.08 to <.11		.11 to .149		.15 to .169		.17 to .199		.20 to .249		.25 plus	
	45 Days	14 Days	60Days	20 Days	75 Days	25 Days	90 Days	30 Days	105 Days	35 Days	120 Days	40 Days
	346.65 Prog.		346.65 Prog.		346.65 Prog.		346.65 prog.		346.65 Prog.		346.65 Prog.	
Jail												
Fine + Costs	1,744.00		2,010.00		2,135.00		2,505.00		3,264.00		4,026.00	
Fine	600.00		650.00		700.00		1,200.00		1,800.00		2,400.00	
DIS	435.00		435.00		435.00		435.00		435.00		435.00	
Costs	163.00		163.00		163.00		163.00		163.00		163.00	
VWS	67.00		67.00		67.00		67.00		67.00		67.00	
Ign. Int. Surch.	50.00		50.00		50.00		50.00		50.00		50.00	
(26% of Fine) PA	156.00		169.00		182.00		312.00		468.00		624.00	
JA	10.00		10.00		10.00		12.00		18.00		24.00	
SRPS	50.00		50.00		50.00		50.00		50.00		50.00	
CL/DL	13.00		13.00		13.00		13.00		13.00		13.00	
DNA Surcharge	200.00		200.00		200.00		200.00		200.00		200.00	
IID Period	24 mos		26 mos		27 mos		28 mos		30 mos		31 mos	
Revocation	24 mos		26 mos		27 mos		28 mos		30 mos		31 mos	

PENALTY RANGE

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

VWS: VWS may not be waived, reduced or forgiven [§973.045(1)]

JAIL : 45 days minimum and 365 day maximum.

JAIL PROBATION&TREATMENT OPTION. 2 years probation, impose and stay guidelines; minimum jail as condition of probation.

REVOCATION/DISQUALIFICATION: 24 - 31 months. (Occupational wait = 45 days)

REFUSAL: 3 year revocation, 120 day waiting period and AODA.

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

CONTROLLED SUBSTANCE VIOLATIONS

Class A - Mitigating Range .11-.15

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

Class B - Intermediate Range .17-<.20

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Property Damage Only, Covered by Insurance

Class C - Aggravated Range >.25

- (1) Collide with Other Vehilce,Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Drivingor Caused Personal Injury

FIRST OFFENSE - MINOR PASSENGER

SENTENCING GUIDELINES

Citations Issued On or After
November 1, 2018

BAC Level	.08 to <.11	.11 to .149	.15 to .169	.17 to .199	0.2 to 0.49	.25 plus
Jail	5 Days	15 Days	25 Days	35 Days	45 Days	55Days
Fine + Costs	1,064.00	1,253.00	1,489.00	1,678.00	1,867.00	2,008.00
Fine	350.00	400.00	450.00	450.00	500.00	600.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00
VWS	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	91.00	104.00	117.00	117.00	130.00	156.00
JA	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
IID Period	12 mos	14 mos	14 mos	14 mos	16 mos	16 mos
Revocation	12 mos	14 mos	14 mos	14 mos	16 mos	16 mos

PENALTY RANGE

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

VWS: VWS may not be waived, reduced or forgiven [§973.045(1)]

JAIL : Not less than 5 days nor more than 6 months.

JAIL PROBATION AND TREATMENT OPTION. 2 years probation, impose and stay guidelines; minimum jail as condition of probation.

REVOCATION/DISQUALIFICATION: 12 - 18 months.

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

CONTROLLED SUBSTANCE VIOLATIONS

Class A - Mitigating Range .11-.15

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

Class B - Intermediate Range .17-<.20

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Propety Damage Only, Covered by Insurance

Class C - Aggravated Range >.25

- (1) Collide with Other Vehilce, Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Driving or Caused Personal Injury

SECOND OFFENSE - MINOR PASSENGER

SENTENCING GUIDELINES

Citations issued On or After
November 1, 2018

BAC Level	.08 to <.11	.11 to .149	.15 to .169	.17 to .199	.20 to .249	.25 plus
Jail	10 Days	27 Days	44 Days	61 Days	78 Days	95 Days
Fine + Costs	1,820.00	2,104.00	2,293.00	2,484.00	2,674.00	2,865.00
Fine	700.00	800.00	900.00	900.00	1,000.00	1,200.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00
VWS	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	182.00	208.00	234.00	234.00	260.00	312.00
JA	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
IID Period	24 mos	26 mos	28 mos	28 mos	30 mos	32 mos
Revocation	24 mos	26 mos	28 mos	28 mos	30 mos	32 mos

PENALTY RANGE

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

VWS: VWS may not be waived, reduced or forgiven [§973.045(1)]

JAIL: Not less than 10 days nor more than 12 months.

PROBATION AND TREATMENT OPTION. 2 years probation, impose and stay guidelines; minimum jail as condition of probation.

REVOCAION/DISQUALIFICATION: 24-36 months.

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

ALCOHOL AND DRUG ASSESSMENT

CONTROLLED SUBSTANCE VIOLATIONS

Class A - Mitigating Range .11-.15

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

Class B - Intermediate Range .17-<.20

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Propety Damage Only, Covered by Insurance

Class C - Aggravated Range >.25

- (1) Collide with Other Vehilce, Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Drivingor Caused Personal Injury

THIRD OFFENSE - MINOR PASSENGER

SENTENCING GUIDELINES

Citations issued On or After
November 1, 2018

BAC Level	.08 to <.11	.11 to .149	.15 to .169	.17 to .199	.20 to .249	.25 plus
Jail	90 Days	180 Days	250 Days	320 Days	380 Days	440 Days
Fine + Costs	2,452.00	2,985.00	3,341.00	3,976.00	5,500.00	7,024.00
Fine	700.00	800.00	900.00	900.00	1,000.00	1,200.00
DIS	435.00	435.00	435.00	435.00	435.00	435.00
SRPS	50.00	50.00	50.00	50.00	50.00	50.00
Costs	163.00	163.00	163.00	163.00	163.00	163.00
VWS	67.00	67.00	67.00	67.00	67.00	67.00
Ign. Int. Surch.	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	182.00	208.00	234.00	234.00	260.00	312.00
JA	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00
IID Period	48 mos	52 mos	54 mos	56 mos	60 mos	62 mos
Revocation	48 mos	52 mos	54 mos	56 mos	60 mos	62 mos

PENALTY RANGE

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

VWS: VWS may not be waived, reduced or forgiven [§973.045(1)]

JAIL: Not less than 10 days nor more than 12 months.

PROBATION AND TREATMENT OPTION. 2 years probation, impose and stay guidelines; minimum jail as condition of probation.

REVOCAION/DISQUALIFICATION: 24-36 months.

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

CONTROLLED SUBSTANCE VIOLATIONS

Class A - Mitigating Range .11-.15

- (1) Stopped for Non-Traffic Violations
- (2) Stopped for Minor Traffic; Speed <20 Above, etc.
- (3) Def. suffered substantial personal injuries

Class B - Intermediate Range .17-<.20

- (1) Fleeing; =>.20 Above the Limit; Balance Greatly Impaired
- (2) Weaving Between lanes or Shoulder of Road
- (3) Danger Present to Person or Property of Another
- (4) Caused Property Damage Only, Covered by Insurance

Class C - Aggravated Range >.25

- (1) Collide with Other Vehilce, Tree or Object, Drive Wrong Way
- (2) Reckless Driving, Resisting or Other Violent Behavior
- (3) Extremely Dangerous Driving or Caused Personal Injury

FIRST OFFENSE**COMMERCIAL MOTOR VEHICLES**Citations Issued On or After
December 1, 2018

BAC Level	.040 to .08
	Mitigated
Penalty	1,019.50
Forfeiture	150.00
DIS	435.00
SRPS	50.00
Costs	25.00
CSF	68.00
(26% of Forfeiture) PA	39.00
JA	10.00
JISF	21.50
CL/DL	13.00
TDEA	8.00
DNA Surcharge	200.00
Suspension	6 mos

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

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

SECOND OFFENSE**COMMERCIAL MOTOR VEHICLES**Citations Issued On or After
January 1, 2017

BAC Level	.040 to .080	
	Mitigated	Aggravated
Jail	20 days	40 days
Penalty	1181.00	2063.00
Fine	300.00	1,000.00
DIS	435.00	435.00
SRPS	50.00	50.00
Costs	20.00	20.00
VWS	67.00	67.00
(26% of Fine) PA	78.00	260.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
DNA Surcharge	200.00	200.00
Revocation/ Suspension	12 mos	14 mos

PENALTY RANGE**FINE AMOUNT:** \$300 minimum to \$1000 maximum**VWS:** VWS may not be waived, reduced or forgiven [§973.045(1)]**JAIL:** Not less than 5 days or ordered to perform not less than 30 days of community service work nor more than 6 months.**REVOCAION/SUSPENSION:** NOT MANDATORY**ALCOHOL ASSESSMENT**

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

THIRD OFFENSE

COMMERCIAL MOTOR VEHICLES

Citations Issued On or After
January 1, 2017

BAC Level	.040 to .080	
	Minimum Driving	Aggravated Driving
	No Accident	Accident or Injury
		Bad Driving Record
Jail	45 days	120 days
Penalty	1559.00	3323.00
Fine	600.00	2,000.00
DIS	435.00	435.00
SRPS	50.00	50.00
Costs	20.00	20.00
VWS	67.00	67.00
(26% of Fine) PA	156.00	520.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
DNA Surcharge	200.00	200.00
Revocation/ Suspension	12 mos	14 mos

PENALTY RANGE

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

JAIL: 30 days - 12 months

DIS: Increase per §346.655 **SRPS:** Safe Ride Program Surcharge 346.657 effective on offenses committed on or after 7-14-2015

VWS: VWS may not be waived, reduced or forgiven [§973.045(1)]

REVOCAION/SUSPENSION: NOT MANDATORY

ALCOHOL ASSESSMENT

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

FELONY OFFENSES

Citations Issued On or After
November 18, 2018

Offense	Class	Imprisonment	Max Fine
4th	H	3+3 = 6	10,000.00
5th-6th	F	5+5 = 10	25,000.00
7th-9th	F	7.5+5 = 12.5	25,000.00
10th +	E	10+5 = 15	25,000.00

Enhanced Fines for 3rd and Subsequent Offenses

.17%	Min: 2452	Max: 6,008
.20%	Min: 3214	Max: 8,548
.25%	Min: 3,976	Max: 11,088

*Probation on 4th, 5th, 6th Offense Felony. 7th+ Minimum Mandatory Imprisonment.

FIRST OFFENSE

MUNICIPAL SENTENCING GUIDELINES - STANDARD

Citations Issued On or After
January 1, 2017

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 and above	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
Penalty	712.00	743.50	712.00	775.00	825.00	888.00	888.00	951.00	888.00	951.00	888.00	951.00
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
DIS	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00	435.00
*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
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
(26% of Forf.) PA	39.00	45.50	39.00	52.00	52.00	65.00	65.00	78.00	65.00	78.00	65.00	78.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00
CL/DL	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00	13.00
Ign. Int. Surch.					50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
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

FORFEITURE: \$150 minimum to \$300 maximum

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

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

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

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

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

FIRST OFFENSE

**MUNICIPAL SENTENCING GUIDELINES
COMMERCIAL**

Citations Issued On or After
July 14, 2015

BAC Level	.040 to .080	
	Minimum Driving	Aggravated Driving
	No Accident	Accident or Injury
		Bad Driving Record
Penalty	720.00	909.00
Forfeiture	150.00	300.00
DIS	435.00	435.00
SRPS	50.00	50.00
*Costs	15.00	15.00
(26% of Forfeiture) P	39.00	78.00
JA	10.00	10.00
CL/DL	13.00	13.00
TDEA	8.00	8.00
Suspension	6 mos	7 mos

PENALTY RANGE

FORFEITURE: \$150 minimum to \$300 maximum

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

SUSPENSION: NOT MANDATORY

ALCOHOL ASSESSMENT

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

Effective August 1, 2004, municipal courts will hold hearings relating to a person's refusal to provide a breath, blood or urine sample, under the implied consent law (s.343.305). This applies to refusals committed on or after August 1, 2004, but does not preclude the counting of previous