

# FOURTH OFFENSE

Citations Issued On or After July 26, 2003

BAC Level	.02 to .049		.05 to .079		.08 to .099		.10 to .149		.15 to .169	
	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
<b>Jail</b>	<b>60 days (45 actual)</b>	<b>75 days (57 actual)</b>	<b>75 days (57 actual)</b>	<b>90 days (68 actual)</b>	<b>90 days (68 actual)</b>	<b>120 days (90 actual)</b>	<b>120 days (90 actual)</b>	<b>150 days (113 actual)</b>	<b>150 days (113 actual)</b>	<b>180 days (135 actual)</b>
<b>Probation</b>					<b>2 years</b>	<b>2 years</b>	<b>2 years</b>	<b>2 years</b>	<b>2 years</b>	<b>2 years</b>
<b>Penalty</b>	<b>1,186.00</b>	<b>1,372.00</b>	<b>1,372.00</b>	<b>1,558.00</b>	<b>1,558.00</b>	<b>1,932.00</b>	<b>1,744.50</b>	<b>2,307.00</b>	<b>2,057.00</b>	<b>2,682.00</b>
Fine	600	750	750	900	900	1200	1050	1500	1300	1800
DIS	355	355	355	355	355	355	355	355	355	355
Costs	20	20	20	20	20	20	20	20	20	20
VWS-A	30	30	30	30	30	30	30	30	30	30
VWS-B	20	20	20	20	20	20	20	20	20	20
(24% of Fine) PA	144	180	180	216	216	288	252	360	312	432
JA	10	10	10	10	10	12	10.5	15	13	18
CL/DL	7	7	7	7	7	7	7	7	7	7
<b>Revocation</b>	<b>24 mos</b>	<b>27 mos</b>	<b>27 mos</b>	<b>27 mos</b>	<b>27 mos</b>	<b>30 mos</b>	<b>30 mos</b>	<b>30 mos</b>	<b>30 mos</b>	<b>33 mos</b>

**FINE AMOUNT:** \$600 minimum to \$2000 maximum (**EXCEPTION:** minimum and maximum fines are doubled if BAC is .17 to .199; tripled if BAC is .20 to .249; and quadrupled if BAC is .25 or above.)

**JAIL (OR MONITORED HOME DETENTION):** 60 days - 12 months (not less than a 48 consecutive hour period in county jail).

**REVOCAION:** 24 - 36 months (90 day waiting period and completion of alcohol assessment/driver safety plan for occupational license and absolute sobriety during use).

**PROBATION OPTION:** Probation is discretionary. It is not recommended on offenses with PAC of .02 through .079. For offenses of OWI and PACs of .08 and greater, it is recommended that the guideline PAC sentence be imposed and stayed and that probation then be ordered with conditions of jail, fine, and revocation two levels down on the guidelines.

**OCCUPATIONAL LICENSE ELIGIBILITY:** Effective 9/30/01, OWI offenders with two or more offenses within any five year period are eligible for an occupational license one year from the date of revocation for the offense. If OWI offender does not have two or more offenses within any five year period, then 90-day waiting period applies. Completion of alcohol assessment/driver safety plan for occupational license and absolute sobriety during use.

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 shall**, after a finding that a person does not have the ability to pay a fine imposed under s. 346.65(2)(b) to (g), require the defendant to perform community service work in lieu of paying the fine imposed or if the amount of the fine was reduced in lieu of paying the remaining amount of the fine.
5. **Court may**, after a finding of inability to pay, reduce the costs or fine and order the person to pay the difference toward the cost of the alcohol assessment and driver safety plan.
6. **Court may** order a motor vehicle owned and used by a violator to be seized but must order ignition interlock or immobilization if vehicle is not seized unless undue hardship, extreme inconvenience or endangerment of person's health and safety is found.
7. **Huber law work release privileges** shall be denied if defendant does not comply with an alcohol assessment and a driver safety plan pursuant to Wis. Stats. 303.08(10)m.

4th OFFENSE (continued)

<b>.17 to .199</b>		<b>.20 to .249</b>		<b>.25 plus</b>		<b>Refusal</b>	
Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record	Minimum Driving No Accident	Aggravated Driving Accident or Injury Bad Driving Record
<b>180 days (135 actual)</b>	<b>210 days (158 actual)</b>	<b>210 days (158 actual)</b>	<b>240 days (180 actual)</b>	<b>240 days (180 actual)</b>	<b>270 days (203 actual)</b>	<b>300 days (225 actual)</b>	<b>360 days (270 actual)</b>
<b>2 years</b>	<b>2 years</b>	<b>2 years</b>	<b>2 years</b>	<b>2 years</b>	<b>2 years</b>	<b>2 years</b>	<b>2 years</b>
<b>2,307.00</b>	<b>2,932.00</b>	<b>3,244.50</b>	<b>3,557.00</b>	<b>4,182.00</b>	<b>4,494.50</b>	<b>2,932.00</b>	<b>2,932.00</b>
1500	2000	2250	2500	3000	3250	2000	2000
355	355	355	355	355	355	355	355
20	20	20	20	20	20	20	20
30	30	30	30	30	30	30	30
20	20	20	20	20	20	20	20
360	480	540	600	720	780	480	480
15	20	22.5	25	30	32.5	20	20
7	7	7	7	7	7	7	7
<b>33 mos</b>	<b>33 mos</b>	<b>33 mos</b>	<b>36 mos</b>	<b>36 mos</b>	<b>36 mos</b>	<b>36 mos</b>	<b>36 mos</b>