

**THIRD OFFENSE**

**SENTENCING GUIDELINES - STANDARD**

Citations Issued On or After  
January 1, 2014

BAC Level	.08 to .099		.10 to .149		.15 to .169		.17 to .199		.20 to .249		.25 plus	
	Mitigated	Aggravated										
<b>Jail</b>	<b>45 Days</b>	<b>50 Days</b>	<b>50 Days</b>	<b>75 Days</b>	<b>60 Days</b>	<b>90 Days</b>	<b>75 Days</b>	<b>105 Days</b>	<b>90 Days</b>	<b>135 Days</b>	<b>120 Days</b>	<b>220 Days</b>
<b>Fine + Costs</b>	<b>1,694.00</b>	<b>1,888.00</b>	<b>1,757.00</b>	<b>2,017.00</b>	<b>1,820.00</b>	<b>2,208.00</b>	<b>2,452.00</b>	<b>2,669.00</b>	<b>3,214.00</b>	<b>3,508.00</b>	<b>3,976.00</b>	<b>4,410.00</b>
Fine	600.00	750.00	650.00	850.00	700.00	1,000.00	1,200.00	1,350.00	1,800.00	2,000.00	2,400.00	2,700.00
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	163.00	163.00	163.00	163.00	163.00	163.00	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	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	50.00	50.00	50.00	50.00	50.00	50.00
(26% of Fine) PA	156.00	195.00	169.00	221.00	182.00	260.00	312.00	351.00	468.00	520.00	624.00	702.00
JA	10.00	15.00	10.00	18.00	10.00	20.00	12.00	40.00	18.00	60.00	24.00	80.00
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
DNA Surcharge	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00
<b>IID Period</b>	<b>24 mos</b>	<b>27 mos</b>	<b>27 mos</b>	<b>28 mos</b>	<b>29 mos</b>	<b>30 mos</b>	<b>31 mos</b>	<b>32 mos</b>	<b>33 mos</b>	<b>34 mos</b>	<b>35 mos</b>	<b>36 mos</b>
<b>Revocation</b>	<b>24 mos</b>	<b>27 mos</b>	<b>27 mos</b>	<b>28 mos</b>	<b>29 mos</b>	<b>30 mos</b>	<b>31 mos</b>	<b>32 mos</b>	<b>33 mos</b>	<b>34 mos</b>	<b>35 mos</b>	<b>36 mos</b>

**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.

**DIS:** Increase per §346.655

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

**JAIL :** 45 days minimum and 12 months maximum. 14 days minimum if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

**JAIL PROBATION AND TREATMENT OPTION. 45 days less, but not less than minimum, if successful completion of probation and AODA treatment. 6 mos. - 2 yrs 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 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 for a period of not less than one year nor more than maximum period of revocation permitted under law. Wis. Stat. s. 343.301(1)(a)2.

**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 a **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 used 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 driver safety plan pursuant to Wis. Stats. 303.08(10m).