

FOURTH OFFENSE

STANDARD MISDEMEANOR

Citations Issued On or After
January 1, 2014

BAC Level	.02 to .049		.05 to .079		.08 to .099		.10 to .149		.15 to .169	
	Mitigated	Aggravated								
Jail	60 days	70 days	60 days	90 days	70 days	120 days	100 days	150 days	120 days	180 days
Fine + costs	1,694.00	1,883.00	1,883.00	2,072.00	2,072.00	2,452.00	2,198.00	2,706.00	2,388.50	3,214.00
Fine	600.00	750.00	750.00	900.00	900.00	1,200.00	1,000.00	1,400.00	1,150.00	1,800.00
DIS	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
VWS	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
(26% of Fine) PA	156.00	195.00	195.00	234.00	234.00	312.00	260.00	364.00	299.00	468.00
JA	10.00	10.00	10.00	10.00	10.00	12.00	10.00	14.00	11.50	18.00
CL/DL	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
IID Period	24 mos	27 mos	27 mos	28 mos	29 mos	30 mos	31 mos	32 mos	33 mos	34 mos
Revocation	24 mos	27 mos	27 mos	28 mos	29 mos	30 mos	31 mos	32 mos	33 mos	34 mos

BAC Level	.17 to .199		.20 to .249		.25 plus	
	Mitigated	Aggravated	Mitigated	Aggravated	Mitigated	Aggravated
Jail	150 days	210 days	180 days	240 days	220 days	360 days
Fine + costs	2,452.00	3,468.00	3,214.00	4,738.00	3,976.00	6,008.00
Fine	1,200.00	2,000.00	1,800.00	3,000.00	2,400.00	4,000.00
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	312.00	520.00	468.00	780.00	624.00	1,040.00
JA	12.00	20.00	18.00	30.00	24.00	40.00
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	35 mos	36 mos				
Revocation	35 mos	36 mos				

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: 60 days - 12 months; 29 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail).

REVOCAION/DISQUALIFICATION: 24 - 36 months (90 day waiting period and completion of alcohol assessment/driver safety plan for occupational license and absolute sobriety during use). Effective 09/30/05, revocation applies to all driving privileges-- commercial and noncommercial; disqualification for one (1) year from operation of commercial vehicles.

PROBATION OPTION: 50 days less, but not less than minimum, if successful completion of probation and AODA treatment. 6 mos. - 3 yrs probation.

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 drug

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.