

SECOND OFFENSE - MINOR PASSENGER

SENTENCING GUIDELINES

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										
Jail	10 Days	20 Days	20 Days	46 Days	34 Days	56 Days	44 Days	74 Days	56 Days	100 Days	76 Days	120 Days
Fine + Costs	1,820.00	1,946.00	1,946.00	2,198.00	2,072.00	2,198.00	2,072.00	2,198.00	2,198.00	2,450.00	2,450.00	2,706.00
Fine	700.00	800.00	800.00	1,000.00	900.00	1,000.00	900.00	1,000.00	1,000.00	1,200.00	1,200.00	1,400.00
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	182.00	208.00	208.00	260.00	234.00	260.00	234.00	260.00	260.00	312.00	312.00	364.00
JA	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	10.00	14.00
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
IID Period	24 mos	26 mos	26 mos	28 mos	28 mos	30 mos	30 mos	32 mos	32 mos	34 mos	34 mos	36 mos
Revocation	24 mos	26 mos	26 mos	28 mos	28 mos	30 mos	30 mos	32 mos	32 mos	34 mos	34 mos	36 mos

PENALTY RANGE

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

DIS: Increase per §346.655

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

JAIL: Not less than 10 days nor more than 12 months, or not less than 10 days nor more than 14 days if county opts for reduced jail. (not less than a 48 consecutive hour period in county jail)

PROBATION AND TREATMENT OPTION. 45 days less jail, but not below 5 days 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 all vehicles owned 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. Wis. Stat. s. 343.301(1)(a)1.

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 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. **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(10m), and shall be denied unless within two weeks of the order, the person submits proof to the sheriff that an ignition interlock device has been install in each motor vehicle to which the order applies..