

November 8, 2006

Alcohol, Controlled Substances and OAR Guidelines--3rd

Effective Date

9th Judicial District

OWI		1st Offense			2nd Offense			3rd Offense			4th Offense			Felony Offenses		
Alcohol	CS	OWI	PAC	Lic	Fine	Jail	Lic	Fine	Jail	Lic	Fine	Jail	Lic	5th Offense or Greater		
Minimum		667	250	6	894	5	12	1,209	30	24	1,209	60	24	1,234	6 Mo	2 Yrs
Child < 16		856		6	1,335	5	12	1,967	30	24	1,967	60	24	(Minimum)		
<.12%		667		6	894	5	12	1,209	30	24	1,475	75	26	USE GUIDELINE FORM		
Child < 16		856		7	1,335	45	12	1,967	60	26	2,500	120	27	For Probation/Incarceration		
.12-.17%		715		7	1,130	20	14	1,560	60	27	1,830	120	28	Min/Max Enhanced Penalties		
Child < 16		951		8	1,808	60	15	2,678	120	29	3,212	180	30	3rd & Subsequent Offenses		
.17 - <.20%		760		8	1,365	45	16	1,970	90	29	2,350	180	31	1,992	Affects Fine Only	
Child < 16		1,045		9	2,285	90	17	3,491	150	31	4,253	210	33	5,548	Affects Fine Only	
.20 - <.25%		810		8	1,605	60	17	2,730	120	32	3,110	210	32	2,729	Affects Fine Only	
Child < 16		1,140		9	2,761	120	18	5,015	180	34	5,777	270	34	8,088	Affects Fine Only	
0.25% >		856		9	1,840	120	18	3,490	180	34	3,870	270	34	3,491	Affects Fine Only	
Child < 16		1,234		9	3,237	180	18	6,539	240	36	7,301	330	36	10,628	Affects Fine Only	
Maximum		856		9	1,840	180	18	2,983	365	36	2,983	365	36	3,008	5 Yrs	3 Yrs
Child < 16		1,234		9	3,237	180	18	5,523	365	36	5,523	365	36	(Maximum)		
Probation		NO			NO			NO			Probation w/2 Drop			Probation Authorized		
Test Refusal		Assessment + 1 Yr Revc Occupational After 30 Days			Assessment + 2 Yr Revc Occup After 90 Days or 1 Yr			Assessment + 3 Yr Revc Occup After 90 Days or 1 Yr			Assessment + 3 Yr Revc Occup After 90 Days or 1 Yr			Assessment + 3 Yr Revc Occup After 90 Days or 1 Yr		
Immobilization		Federal Law Will Generally Apply To All					Wis. Law May Immobilize If 2d Lifetime Offense; Applies Only to Vehicle Used & Owned									
Notes		SHALL Immobilize If One Prior Conviction In Last 5 Years					Shall Immobilize if 2 Prior Offenses w/in 5 Years; All Vehicles Titled or Registered									
Class A Driving--Alcohol Mitigating				Class B Driving--Alcohol Aggravating +1				Class C Driving--Alcohol Aggravating +2								
Class A Driving for CS & Mitigating for Alcohol				Class B Driving for CS Violations--Up 1 For Alcohol Violations				Class C Driving for CS Violations--Up 2 For Alcohol Violations								
(1) Stopped for Non-Traffic Violations				(1) Fleeing; Extreme Speed >25 Above the Limit; Balance Great Impai				(1) Test Refusal; More than 2 OWI Within Last 5 Years								
(2) Stopped for Minor Traffic; Speed <12 Above, etc.				(2) Weaving Between Lanes/Shoulder of Road				(2) Collide with Other Vehicle, Tree or Object, Drive Wrong Way								
(3) Last OWI More Than 7 Years Ago; Extenuating Factors				(3) Has Had 1 Prior OWI within Last 2 Years				(3) Reckless Driving, Resisting or Other Violent Behavior								
(4) No Class B or C Aggravating Factors				(4) Failure to Comply with Previous Treatment Plan				(4) Caused Death or Great Bodily Harm to Another								
OPERATING AFTER REVOCATION																
Mitigating		315	0	30	475	0	0	600	5	2	1,100	15	6	All Are Suspensions Except 4th		
Regular		375	0	60	570	0	2	790	5	4	1,350	45	6	6 Mo Presumptive Minimum		
Aggravating		440	0	120	665	5	4	1,040	15	6	2,610	60	6	Must State Grounds For Any Lower		
Maximum		3,263	365	180	3,263	365	6	3,263	365	6	3,263	365	12	In Writing or On the Record		
OAR 1st--Criminal				Mitigating				Aggravating								
Mitigating		770	0	30	(1) Not OWI Related or No Unsafe Driving Involved				(1) Driving Included OWI, Reckless Driving, Fleeing, H&R or Accident							
Regular		895	0	60	(2) Reinstated D.L. Before Final Hearing				(2) Revoked Due to OWI, Reckless Driving, Fleeing or Hit & Run							
Aggravating		1,085	0	120	(3) Cooperation With Arresting Officer				(3) Driving Vehicle of 10,000 lbs. or greater							
Maximum		3,263	365	180	(4) Prior Driving and/or Payment History is Good				<i>Charged HTO = An Additional \$0-8,000 and/or 0-180 Days Jail</i>							
Minimum		0		0	0		0	0		0	0		0	All Suspensions Except		
Guidelines		186		0	186		2	186		4	186		6	4th Offense		
Maximum		375		6	375		6	375		6	375		6	Which is a REVOCATION		

Operating Under Influence of Intoxicants or Controlled Substances
FELONY OFFENSE GUIDELINES
 9th Judicial District

Case Name	Case #

GRAVITY OF THE OFFENSE			
	Alcohol	Driver Behaviors/Result; Controlled Substances	Rating
A	<.12%	Stopped for Non-Traffic Violations Stopped for Minor Traffic Violation Other Extenuating Circumstances	MITIGATED
B	.12-.20%	Fleeing and/or Speeding >20 Above Limit Weaving Between Lanes and/or Shoulder of Road Showed Greatly Impaired Balance or Unable to Complete Field Tests Failure to Comply With Previous Treatment Plans	INTERMEDIATE
C	>.20%	Reckless Driving, Resisting or Other Violent Behavior Collide with Other Vehicle, Tree or Object; Drive Wrong Way Caused Bodily Harm to Passenger, Other Driver or Pedestrian Refused to Take Test	AGGRAVATED
Behaviors Representative Only; Other Behaviors May Warrant B or C Status For Alcohol Violations; Any B or C Behaviors Moves to the Relevant Category Regardless of BAC			

RISK DETERMINATION				
# Lifetime	# Last 5 Years (Excluding Time In Custody)			Consider Other Risk Factors Either Here or Below to Determine Sentence
	None (0)	One (1)	2 or More	
5 or 6	Low	Moderate	High	Prior Criminal Record Family/Social Background Health Factors Remorse Willingness to Accept Responsibility Presentence Treatment Other Factors Court Finds Relevant
7	Low	Moderate	High	
8 or >	Moderate	High	High	

SENTENCING GUIDELINES			
	Low Risk	Moderate Risk	High Risk
MITIGATED	Probation with 4-9 Months Conditional Jail	Probation with 9-12 Months Conditional Jail	18-24 Months Imprisonment 24-30 Months E.S.
INTERMEDIATE	Probation with 9-12 Months Conditional Jail	18-24 Months Imprisonment 24-30 Months E.S.	24-30 Months Imprisonment 24-30 Months E.S.
AGGRAVATED	18-24 Months Imprisonment 24-30 Months E.S.	24-30 Months Imprisonment 24-30 Months E.S.	30-36 Months Imprisonment 30-36 Months E.S.