

**10TH JUDICIAL DISTRICT OWI GUIDELINES - EFF. JULY 1, 2010**

Approved By: Chief Judge Benjamin Proctor

**FIRST OFFENSE**

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)1

**FORFEITURE:** \$150 TO \$300 (plus surcharges and costs)

**REVOCAATION:** 6 - 9 MONTHS (no waiting; s.343.30(1q)(b)2.).

**IGNITION INTERLOCK:** Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)).**ID period should match revocation period imposed.**

**DRIVING FACTORS**

**BAC LEVEL**

Minimum Driving - No Accident

Aggravated Driving - Accident or Injury; Bad Driving Record

.169 & Below  Restricted Controlled Substance	Forfeiture	\$150.00		Forfeiture	\$200.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$25.00		Costs	\$25.00
	Court support surcharge	\$68.00		Court support surcharge	\$68.00
	Penalty surcharge	\$39.00		Penalty surcharge	\$52.00
	Justice Info. surcharge	\$21.50		Justice Info. surcharge	\$21.50
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00		*Interlock surcharge	\$50.00
		<u>\$741.50</u>			<u>\$804.50</u>
	6 month revocation		7 month revocation		
.17 to .199	Forfeiture	\$200.00		Forfeiture	\$250.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$25.00		Costs	\$25.00
	Court support surcharge	\$68.00		Court support surcharge	\$68.00
	Penalty surcharge	\$52.00		Penalty surcharge	\$65.00
	Justice Info. surcharge	\$21.50		Justice Info. surcharge	\$21.50
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00		*Interlock surcharge	\$50.00
		<u>\$804.50</u>			<u>\$867.50</u>
	7 month revocation		8 month revocation		
Refusal or .20 & Above	Forfeiture	\$250.00		Forfeiture	\$300.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$25.00		Costs	\$25.00
	Court support surcharge	\$68.00		Court support surcharge	\$68.00
	Penalty surcharge	\$65.00		Penalty surcharge	\$78.00
	Justice Info. surcharge	\$21.50		Justice Info. surcharge	\$21.50
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00		*Interlock surcharge	\$50.00
		<u>\$867.50</u>			<u>\$930.50</u>
	8 month revocation/ Refusal 12 mon. revoc.		9 month revocation / Refusal 12 mon. revoc.		

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**SECOND OFFENSE**

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)2

JAIL: 5 DAYS - 6 MONTHS

FINE: \$350 - \$1100

REVOCAION: 12 - 18 MONTHS (s.343.30(1q)(b)3.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)).IID period should match revocation period imposed.

Drug court provisions may apply.

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
.169 & Below  Restricted Controlled Substance	Fine	\$350.00	Fine	\$400.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$91.00	Penalty surcharge	\$104.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		\$1,109.00		\$1,172.00
	10 days jail - 12 mon. revocation		30 days jail - 14 mon. revocation	
.17 to .199	Fine	\$400.00	Fine	\$450.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$104.00	Penalty surcharge	\$117.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		\$1,172.00		\$1,235.00
	10 days jail - 14 mon. revocation		40 days jail - 16 mon. revocation	
Refusal or .20 & above	Fine	\$450.00	Fine	\$500.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$117.00	Penalty surcharge	\$130.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		\$1,235.00		\$1,298.00
	20 days jail - 16 mon. revocation		60 days jail - 18 mon. revocation	

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**THIRD OFFENSE**

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)3

JAIL: 45 DAYS - 12 MONTHS

FINE: \$600 - \$2000

REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)). **IID period should match revocation period imposed.**

Drug court provisions may apply.

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record
.169 & Below  Restricted Controlled Substance	Fine \$600.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$156.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <hr/> \$1,424.00		Fine \$650.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$169.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <hr/> \$1,487.00
	60 days jail - 24 mon. revocation		80 days jail - 27 mon. revocation
.17 to .199  <b>Enhancer</b> .17-.199=fine X 2  .20-.249=fine X 3	Fine \$1,200.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$312.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <hr/> \$2,180.00		Fine \$1,300.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$338.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <hr/> \$2,306.00
	80 days jail - 27 mon. revocation		110 days jail - 30 mon. revocation
Refusal or .20 to .249  <b>Enhancer</b> .20-.249= fine X 3  .25 & over= fine X 4	Fine \$1,800.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$468.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <hr/> \$2,936.00		Fine \$1,900.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$494.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$19.00 *Interlock surcharge \$50.00 <hr/> \$3,071.00
	110 days jail - 30 mon. revocation		140 days jail - 30 mon. revocation

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**THIRD OFFENSE (CONTINUED)**

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)3

JAIL: 45 DAYS - 12 MONTHS

FINE: \$600 - \$2000

REVOCAATION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)). **IID period should match revocation period imposed.**

Drug court provisions may apply.

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record
.25 and Above	Fine \$2,400.00		Fine \$2,500.00
	Driver surcharge \$365.00		Driver surcharge \$365.00
<b>Enhancer</b>	Costs \$163.00		Costs \$163.00
.20-.249= fine X 3	Penalty surcharge \$624.00		Penalty surcharge \$650.00
	Crime Lab surcharge \$13.00		Crime Lab surcharge \$13.00
.25 & over= fine X 4	Victim/Witness surcharge A \$40.00		Victim/Witness surcharge A \$40.00
	Victim/Witness surcharge B \$27.00		Victim/Witness surcharge B \$27.00
	Jail surcharge \$10.00		Jail surcharge \$25.00
	*Interlock surcharge \$50.00		*Interlock surcharge \$50.00
	<u>\$3,692.00</u>		<u>\$3,833.00</u>
	110 days jail - 30 mon. revocation		140 days jail - 30 mon. revocation

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**FOURTH OFFENSE**

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)4

JAIL: 60 DAYS - 12 MONTHS (minimum 48 consec. hours in jail)

FINE: \$600 - \$2000

REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)). **IID period should match revocation period imposed.**

**Note:** class H felony penalty could apply; see s.346.65(2)(am)4m; drug court provisions may apply.

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record
.079 & Below  Restricted Controlled Substance	Fine \$600.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$156.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$1,424.00</u> 150 days jail - 27 mon. revocation		Fine \$650.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$169.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$1,487.00</u> 170 days jail - 30 mon. revocation
.08 to .169  Restricted Controlled Substance	Fine \$900.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$234.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$1,802.00</u> 230 days jail - 27 mon. revocation		Fine \$950.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$247.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$1,865.00</u> 270 days jail - 30 mon. revocation
.17 to .199  <b>Enhancer</b> .17-.199= fine X 2  .20-.249= fine X 3	Fine \$1,200.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$312.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$2,180.00</u> 270 days jail - 30 mon. revocation		Fine \$1,300.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$338.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$13.00 *Interlock surcharge \$50.00 <u>\$2,309.00</u> 330 days jail - 33 mon. revocation

**FACTORS:** Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**FOURTH OFFENSE (CONTINUED)**

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(am)4

JAIL: 60 DAYS - 12 MONTHS (minimum 48 consec. hours in jail)

FINE: \$600 - \$2000

REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)). **IID period should match revocation period imposed.**

**Note:** class H felony penalty could apply; see s.346.65(2)(am)4m; drug court provisions may apply.

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
Refusal Or .24 to .249  <b>Enhancer</b> .20-.249= fine X 3  .25 & over= fine X 4	Fine	\$1,800.00	Fine	\$1,900.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$468.00	Penalty surcharge	\$494.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$18.00	Jail surcharge	\$19.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$2,944.00</u>		<u>\$3,071.00</u>
	330 days jail - 33 mon. revocation		350 days jail - 36 mon. revocation	
.25 or above  <b>Enhancer</b> .20-.249= fine X 3  .25 & over= fine X 4	Fine	\$2,400.00	Fine	\$2,500.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$624.00	Penalty surcharge	\$650.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$24.00	Jail surcharge	\$25.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$3,706.00</u>		<u>\$3,833.00</u>
	330 days jail - 33 mon. revocation		350 days jail - 36 mon. revocation	

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**FIRST OFFENSE:  
MINOR UNDER 16  
IN VEHICLE**

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(f)1

**JAIL:** 5 DAYS - 6 MONTHS (minimum 48 consec. hours in jail)

**FINE:** \$350 - \$1100

**REVOCAION:** 12 - 18 MONTHS (s.343.30(1q)(b)3.)

**IGNITION INTERLOCK:** Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)). **IID period should match revocation period imposed.**

Drug court provisions may apply.

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
.169 & Below  Restricted Controlled Substance	Fine	\$350.00	Fine	\$400.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$91.00	Penalty surcharge	\$104.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,109.00</u>		<u>\$1,172.00</u>
	10 days jail - 12 mon. revocation		30 days jail - 14 mon. revocation	
.17 to .199	Fine	\$400.00	Fine	\$450.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$104.00	Penalty surcharge	\$117.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,172.00</u>		<u>\$1,235.00</u>
	10 days jail - 14 mon. revocation		40 days jail - 16 mon. revocation	
Refusal or .20 & above	Fine	\$450.00	Fine	\$500.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$163.00	Costs	\$163.00
	Penalty surcharge	\$117.00	Penalty surcharge	\$130.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
		<u>\$1,235.00</u>		<u>\$1,298.00</u>
	20 days jail - 16 mon. revocation		60 days jail - 18 mon. revocation	

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**SECOND OFFENSE:  
MINOR UNDER 16  
IN VEHICLE**

For violations of 346.63(1)(am) or (b), penalty - 346.65(2)(f)2

JAIL: 10 DAYS - 12 MONTHS

FINE: \$700 - \$2200

REVOCAION: 12 - 18 MONTHS (s.343.30(1q)(b)3.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)). **IID period should match revocation period imposed.**

Drug court provisions may apply.

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record
.169 & Below  Restricted Controlled Substance	Fine \$700.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$182.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$1,550.00</u> 20 days jail - 12 mon. revocation		Fine \$800.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$208.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$1,676.00</u> 60 days jail - 14 mon. revocation
.17 to .199	Fine \$800.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$208.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$1,676.00</u> 20 days jail - 14 mon. revocation		Fine \$900.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$234.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$1,802.00</u> 80 days jail - 16 mon. revocation
Refusal or .20 & above	Fine \$900.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$234.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$1,802.00</u> 40 days jail - 16 mon. revocation		Fine \$1,000.00 Driver surcharge \$365.00 Costs \$163.00 Penalty surcharge \$260.00 Crime Lab surcharge \$13.00 Victim/Witness surcharge A \$40.00 Victim/Witness surcharge B \$27.00 Jail surcharge \$10.00 *Interlock surcharge \$50.00 <u>\$1,928.00</u> 120 days jail - 18 mon. revocation

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**FIRST OFFENSE:**  
**COMMERCIAL**  
**MOTOR VEHICLE**

For violations of 346.63(5), penalty - 346.65(2)(am)1

**FORFEITURE:** \$150 TO \$300 (plus surcharges and costs)

**REVOCAATION:** 6 - 9 MONTHS (no waiting; s.343.30(1q)(b)2.)

**IGNITION INTERLOCK:** Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)). **IID period should match revocation period imposed.**

**DRIVING FACTORS**

BAC LEVEL	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record	
.04 to less than .079	Forfeiture	\$150.00	Forfeiture	\$200.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$25.00	Costs	\$25.00
	Court support surcharge	\$68.00	Court support surcharge	\$68.00
	Penalty surcharge	\$39.00	Penalty surcharge	\$52.00
	Justice Info. surcharge	\$21.50	Justice Info. surcharge	\$21.50
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	Truck Driver Education surcharge	\$8.00	Truck Driver Education surcharge	\$8.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
	\$749.50		\$812.50	
	6 month revocation		7 month revocation	
.08 to .15 Restricted controlled substance	Forfeiture	\$200.00	Forfeiture	\$250.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$25.00	Costs	\$25.00
	Court support surcharge	\$68.00	Court support surcharge	\$68.00
	Penalty surcharge	\$52.00	Penalty surcharge	\$65.00
	Justice Info. surcharge	\$21.50	Justice Info. surcharge	\$21.50
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	Truck Driver Education surcharge	\$8.00	Truck Driver Education surcharge	\$8.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
	\$812.50		\$875.50	
	7 month revocation		8 month revocation	
.151 and above	Forfeiture	\$250.00	Forfeiture	\$300.00
	Driver surcharge	\$365.00	Driver surcharge	\$365.00
	Costs	\$25.00	Costs	\$25.00
	Court support surcharge	\$68.00	Court support surcharge	\$68.00
	Penalty surcharge	\$65.00	Penalty surcharge	\$78.00
	Justice Info. surcharge	\$21.50	Justice Info. surcharge	\$21.50
	Crime Lab surcharge	\$13.00	Crime Lab surcharge	\$13.00
	Jail surcharge	\$10.00	Jail surcharge	\$10.00
	Truck Driver Education surcharge	\$8.00	Truck Driver Education surcharge	\$8.00
	*Interlock surcharge	\$50.00	*Interlock surcharge	\$50.00
	\$875.50		\$938.50	
	8 month revocation/ Refusal 12 mon. revoc.		9 month revocation / Refusal 12 mon. revoc.	

FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**SECOND OFFENSE:  
COMMERCIAL  
MOTOR VEHICLE**

For violations of 346.63(5), penalty - 346.65(2)(am)2

JAIL: 5 DAYS - 6 MONTHS

FINE: \$350 - \$1100

REVOCAION: 12 - 18 MONTHS (s.343.30(1q)(b)3.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)). **IID period should match revocation period imposed.**

Drug court provisions may apply.

**DRIVING FACTORS**

**BAC LEVEL**

**Minimum Driving - No Accident**

**Aggravated Driving - Accident or Injury; Bad Driving Record**

.04 to less than .079	Fine	\$350.00		Fine	\$400.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$91.00		Penalty surcharge	\$104.00
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00		Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	Truck Driver Education surcharge	\$8.00		Truck Driver Education surcharge	\$8.00
	*Interlock surcharge	\$50.00		*Interlock surcharge	\$50.00
		<u>\$1,117.00</u>			<u>\$1,180.00</u>
10 days jail - 12 mon. revocation			30 days jail - 14 mon. revocation		
.08 to .15	Fine	\$400.00		Fine	\$450.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$104.00		Penalty surcharge	\$117.00
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00		Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	Truck Driver Education surcharge	\$8.00		Truck Driver Education surcharge	\$8.00
	*Interlock surcharge	\$50.00		*Interlock surcharge	\$50.00
		<u>\$1,180.00</u>			<u>\$1,243.00</u>
10 days jail - 14 mon. revocation			40 days jail - 16 mon. revocation		
.151 and above  Restricted controlled substance	Fine	\$450.00		Fine	\$500.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$117.00		Penalty surcharge	\$130.00
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00		Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00		Jail surcharge	\$10.00
	Truck Driver Education surcharge	\$8.00		Truck Driver Education surcharge	\$8.00
	*Interlock surcharge	\$50.00		*Interlock surcharge	\$50.00
		<u>\$1,243.00</u>			<u>\$1,306.00</u>
20 days jail - 16 mon. revocation			60 days jail - 18 mon. revocation		

FACTORS:

Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**THIRD OFFENSE:  
COMMERCIAL  
MOTOR VEHICLE**

For violations of 346.63(5), penalty - 346.65(2)(am)3

JAIL: 45 DAYS - 12 MONTHS

FINE: \$600 - \$2000

REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)). **IID period should match revocation period imposed.**

Drug court provisions may apply.

**DRIVING FACTORS**

<u>BAC LEVEL</u>	Minimum Driving - No Accident		Aggravated Driving - Accident or Injury; Bad Driving Record																																																
.04 to less than .079	<table border="1"> <tr><td>Fine</td><td>\$600.00</td></tr> <tr><td>Driver surcharge</td><td>\$365.00</td></tr> <tr><td>Costs</td><td>\$163.00</td></tr> <tr><td>Penalty surcharge</td><td>\$156.00</td></tr> <tr><td>Crime Lab surcharge</td><td>\$13.00</td></tr> <tr><td>Victim/Witness surcharge A</td><td>\$40.00</td></tr> <tr><td>Victim/Witness surcharge B</td><td>\$27.00</td></tr> <tr><td>Jail surcharge</td><td>\$10.00</td></tr> <tr><td>Truck Driver Education surcharge</td><td>\$8.00</td></tr> <tr><td>*Interlock surcharge</td><td>\$50.00</td></tr> <tr><td></td><td><u>\$1,432.00</u></td></tr> <tr><td>90 days jail - 24 mon. revocation</td><td></td></tr> </table>	Fine	\$600.00	Driver surcharge	\$365.00	Costs	\$163.00	Penalty surcharge	\$156.00	Crime Lab surcharge	\$13.00	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge B	\$27.00	Jail surcharge	\$10.00	Truck Driver Education surcharge	\$8.00	*Interlock surcharge	\$50.00		<u>\$1,432.00</u>	90 days jail - 24 mon. revocation			<table border="1"> <tr><td>Fine</td><td>\$650.00</td></tr> <tr><td>Driver surcharge</td><td>\$365.00</td></tr> <tr><td>Costs</td><td>\$163.00</td></tr> <tr><td>Penalty surcharge</td><td>\$169.00</td></tr> <tr><td>Crime Lab surcharge</td><td>\$13.00</td></tr> <tr><td>Victim/Witness surcharge A</td><td>\$40.00</td></tr> <tr><td>Victim/Witness surcharge B</td><td>\$27.00</td></tr> <tr><td>Jail surcharge</td><td>\$10.00</td></tr> <tr><td>Truck Driver Education surcharge</td><td>\$8.00</td></tr> <tr><td>*Interlock surcharge</td><td>\$50.00</td></tr> <tr><td></td><td><u>\$1,495.00</u></td></tr> <tr><td>120 days jail - 27 mon. revocation</td><td></td></tr> </table>	Fine	\$650.00	Driver surcharge	\$365.00	Costs	\$163.00	Penalty surcharge	\$169.00	Crime Lab surcharge	\$13.00	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge B	\$27.00	Jail surcharge	\$10.00	Truck Driver Education surcharge	\$8.00	*Interlock surcharge	\$50.00		<u>\$1,495.00</u>	120 days jail - 27 mon. revocation	
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FACTORS: Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**THIRD OFFENSE (CONTINUED):**  
**COMMERCIAL**  
**MOTOR VEHICLE**

For violations of 346.63(5), penalty - 346.65(2)(am)3

JAIL: 45 DAYS - 12 MONTHS  
FINE: \$600 - \$2000  
REVOCAION: 24 - 36 MONTHS (s.343.30(1q)(b)4.)

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered & titled vehicles (unless excepted) for a period of no less than one year beginning when the license is issued.

\*\$50 Interlock surcharge (may be waived pursuant to 343.301(5), 343.301(1m)). **IID period should match revocation period imposed.**

Drug court provisions may apply.

**DRIVING FACTORS**

**BAC LEVEL**

Minimum Driving - No Accident

.17 to .199	Fine	\$1,200.00		Fine	\$1,300.00
	Driver surcharge	\$365.00		Driver surcharge	\$365.00
	Costs	\$163.00		Costs	\$163.00
	Penalty surcharge	\$312.00		Penalty surcharge	\$338.00
	Crime Lab surcharge	\$13.00		Crime Lab surcharge	\$13.00
	Victim/Witness surcharge A	\$40.00		Victim/Witness surcharge A	\$40.00
	Victim/Witness surcharge B	\$27.00		Victim/Witness surcharge B	\$27.00
	Jail surcharge	\$10.00		Jail surcharge	\$13.00
	Truck Driver Education surcharge	\$8.00		Truck Driver Education surcharge	\$8.00
	*Interlock surcharge	\$50.00		*Interlock surcharge	\$50.00
		<u>\$2,188.00</u>			<u>\$2,317.00</u>
		150 days jail - 30 mon. revocation			180 days jail - 33 mon. revocation
	.20 to .249	Fine		\$1,800.00	
Driver surcharge		\$365.00	Driver surcharge	\$365.00	
Costs		\$163.00	Costs	\$163.00	
Penalty surcharge		\$468.00	Penalty surcharge	\$494.00	
Crime Lab surcharge		\$13.00	Crime Lab surcharge	\$13.00	
Victim/Witness surcharge A		\$40.00	Victim/Witness surcharge A	\$40.00	
Victim/Witness surcharge B		\$27.00	Victim/Witness surcharge B	\$27.00	
Jail surcharge		\$10.00	Jail surcharge	\$19.00	
Truck Driver Education surcharge		\$8.00	Truck Driver Education surcharge	\$8.00	
*Interlock surcharge		\$50.00	*Interlock surcharge	\$50.00	
		<u>\$2,944.00</u>		<u>\$3,079.00</u>	
		150 days jail - 30 mon. revocation		180 days jail - 33 mon. revocation	
.25 and above		Fine	\$2,400.00		
	Driver surcharge	\$365.00	Driver surcharge		\$365.00
	Costs	\$163.00	Costs		\$163.00
	Penalty surcharge	\$624.00	Penalty surcharge		\$650.00
	Crime Lab surcharge	\$13.00	Crime Lab surcharge		\$13.00
	Victim/Witness surcharge A	\$40.00	Victim/Witness surcharge A		\$40.00
	Victim/Witness surcharge B	\$27.00	Victim/Witness surcharge B		\$27.00
	Jail surcharge	\$10.00	Jail surcharge		\$25.00
	Truck Driver Education surcharge	\$8.00	Truck Driver Education surcharge		\$8.00
	*Interlock surcharge	\$50.00	*Interlock surcharge		\$50.00
		<u>\$3,700.00</u>			<u>\$3,841.00</u>
		150 days jail - 30 mon. revocation			180 days jail - 33 mon. revocation

FACTORS:

Ability to pay, def. conduct since offense, incldg.assessment and driving plan before conviction, consequences, cooperation, pros. recommendation.

**OWI GUIDELINE -- STATUTE GUIDE** (NOT PART OF GUIDELINES - STAFF USE ONLY)

CHIEF JUDGE TO ADOPT GUIDELINES	346.65(2m)(a)
COURT REVOCATION & SUSPENSION	343.30
PENALTY SURCHARGE	757.05(1), 814.75(18)
JAIL SURCHARGE	302.46, 814.75(14)
CRIME LAB & DRUG SURCHARGE	165.755, 814.75(3)
VICTIM-WITNESS SURCHARGE. A and B	973.045, 814.75(5)
COURT COSTS	814.60, 814.63
COURT COSTS - MUNICIPAL	814.65(1)
JUSTICE INFORMATION SURCHARGE	814.86(1), 814.75(15)
COURT SUPPORT SURCHARGE	814.85(1)(a), 814.75(2)
DRIVE IMPROVEMENT SURCHARGE	346.655, 814.75(9)
BAC PENALTY ENHANCER	346.65(2)(g)
TRUCK DRIVER ED. SURCHARGE	349.04(1), 814.75(23)
PROHIBITED ALCOHOL CONTENT AND VIOLATION OF....	340.01(46m) 346.63(1)
SUSPENSION/REVOCATION BY THE COURT	343.30(1q)(b)
REFUSALS	343.305(9), (10), (10m)
DRUNK DRIVING PENALTIES	346.65(2)
COMMERCIAL DRUNK DRIVING	346.63(5)(a)
COMMERCIAL DRUNK DRIVING PENALTIES	346.65(2j)
IGNITION INTERLOCK/IMMOBILIZATION	343.301(1) and (2)
MINOR PASSENGER UNDER 16	346.65(2)(f)
MINOR PASSENGER UNDER 16 (COMMERCIAL)	346.65(2j)(d)
VEHICLE SEIZURE/FORFEITURE	346.65(6)

**BAC PENALTY ENHANCER FINE TABLE** (NOT PART OF GUIDELINES - STAFF USE ONLY)

**Formula:**

Fine Amount				\$ Amount
Penalty surcharge				0.26
Driver improvement surcharge				\$365.00
Court costs				\$163.00
Crime Lab surcharge				\$13.00
Victim/Witness surcharges A plus B				\$67.00
Jail surcharge	0.01	or	\$10	\$ Amount
Interlock surcharge				\$50.00

NOTE: for felonies, 5th offense and over, add \$25 to amount found below (Part A surcharge is \$65)

FINE AMOUNT	FINE X	FINE X	FINE X
	2 Plus Costs	3 Plus Costs	4 Plus Costs
\$100.00	\$920.00	\$1,046.00	\$1,172.00
\$150.00	\$1,046.00	\$1,235.00	\$1,424.00
\$200.00	\$1,172.00	\$1,424.00	\$1,676.00
\$250.00	\$1,298.00	\$1,613.00	\$1,928.00
\$300.00	\$1,424.00	\$1,802.00	\$2,182.00
\$350.00	\$1,550.00	\$1,991.50	\$2,436.00
\$400.00	\$1,676.00	\$2,182.00	\$2,690.00
\$450.00	\$1,802.00	\$2,372.50	\$2,944.00
\$500.00	\$1,928.00	\$2,563.00	\$3,198.00
\$550.00	\$2,055.00	\$2,753.50	\$3,452.00
\$600.00	\$2,182.00	\$2,944.00	\$3,706.00
\$650.00	\$2,309.00	\$3,134.50	\$3,960.00
\$700.00	\$2,436.00	\$3,325.00	\$4,214.00
\$750.00	\$2,563.00	\$3,515.50	\$4,468.00
\$800.00	\$2,690.00	\$3,706.00	\$4,722.00
\$850.00	\$2,817.00	\$3,896.50	\$4,976.00
\$900.00	\$2,944.00	\$4,087.00	\$5,230.00
\$950.00	\$3,071.00	\$4,277.50	\$5,484.00
\$1,000.00	\$3,198.00	\$4,468.00	\$5,738.00
\$1,050.00	\$3,325.00	\$4,658.50	\$5,992.00
\$1,100.00	\$3,452.00	\$4,849.00	\$6,246.00
\$1,150.00	\$3,579.00	\$5,039.50	\$6,500.00
\$1,200.00	\$3,706.00	\$5,230.00	\$6,754.00
\$1,250.00	\$3,833.00	\$5,420.50	\$7,008.00
\$1,300.00	\$3,960.00	\$5,611.00	\$7,262.00
\$1,350.00	\$4,087.00	\$5,801.50	\$7,516.00
\$1,400.00	\$4,214.00	\$5,992.00	\$7,770.00

The BAC penalty enhancer ranges contained in 346.65(2)(g) apply to the fines found in 346.65(2) pars. (c) to (e). You can use these table amounts in 3rd & 4th offenses, but for 5th must add \$25 because the Part A surcharge for a felony is \$65, rather than \$40. This table shows the total amount due after the multiplier is applied (per 1999 Act 109, 346.65(2)(g) eff. 1/1/2001).

Enhancer Range Minimums-Maximums:

<u>3rd Offense</u>	X2	X3
\$600-2000	\$1200-4000	\$1800-6000

<u>4th Offense</u>	X2	X3
\$600-2000	\$1200-4000	\$1800-6000

<u>5th Offense</u>	X2	X3
\$600-10,000	\$1200-10K	\$1800-10K

(no maximum contained in 346.65(2)(e), therefore maximum is that for a Class H felony, 939.50(3)(h))