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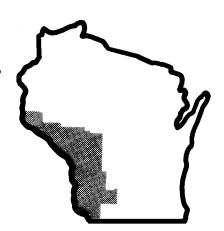
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SEVENTH JUDICIAL DISTRICT

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OWI SENTENCING GUIDELINES

EFFECTIVE 01-01-2014

JAMES DUVALL, CHIEF JUDGE

EFFECTIVE 1-1-14 SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT OWI SENTENCING GUIDELINES EFFECTIVE 1-1-14

<u>FIRST OFFENSE</u> (On & After **01-01-2014**) (For violations of §346.63(1)(a) or (am) or (b))

FIRST OFFENSE (On & After 01-01-2014)

NO MINOR PASSENGER

PENALTY RANGE (§346.65(2)(am)1

FORFEITURE: \$150 to \$300 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.) Justice Information Surcharge (J.I.S.) \$435 \$ 21.50 Crime Lab Surcharge (C.L.D.S.) **Court Costs** \$ 25 \$ 13 Court Support Surcharge (C.S.S.) \$ 68 Jail Surcharge (J.S.) Greater of 1% or \$ 10 Ignition Interlock Surcharge (I.I.D.) \$ 50 Penalty Surcharge (P.S.) (26% of Fine or Forfeiture)

REVOCATION: 6 – 9 Months (Occupational - no waiting period; §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 and titled vehicles (unless excepted) for period of one year (§343.301(2m) beginning when license issued. \$50.00 interlock surcharge.

BAC LEVEL	MINIMUM DRIVING – No Accident		AGGRAVATED DRIVING – Accident or Injury	
			Bad Driving Record	
.08 to .119	Forfeiture	\$150.00	Forfeiture	\$150.00
	Total Forfeiture, Costs &	\$761.50	Total Forfeiture, Costs &	\$761.50
	Surcharges		Surcharges	
	REVOCATION – 6 Months		REVOCATION – 6 Months	
	PLUS Alcohol Assessment & Driver Safety Plan		PLUS Alcohol Assessment & Driver Safety Plan	
.12 to .149	Forfeiture	\$250.00	Forfeiture	\$275.00
OR				
A Detectable Amount				
Of a Restricted	Total Forfeiture, Costs &	\$887.50	Total Forfeiture, Costs &	\$919.00
Controlled Substance	Surcharges	N. # 13	Surcharges	3.6 (1
	REVOCATION – 6 Months		REVOCATION – 7 Months	
.=	PLUS Alcohol Assessment & D		PLUS Alcohol Assessment & D	
.15 to .249	Forfeiture	\$275.00	Forfeiture	\$300.00
		40.60.00		44000 ≡ 0
	Total Forfeiture, Costs & Surcharges	\$969.00	Total Forfeiture, Costs & Surcharges	\$1000.50
	o a			
	REVOCATION – 7 Months		REVOCATION – 8 Months	
	PLUS Alcohol Assessment & Driver Safety Plan		PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Inter		Mandatory Ignition Inter	
.25 or Above	Forfeiture	\$300.00	Forfeiture	\$300.00
OR				
REFUSAL **	Total Forfeiture, Costs &	\$1000.50	Total Forfeiture, Costs &	\$1000.50
	Surcharges		Surcharges	
	REVOCATION – 9 Months		REVOCATION – 9 Months	
	PLUS Alcohol Assessment & Driver Safety Plan		PLUS Alcohol Assessment & Driver Safety Plan Mondatory Ignition Interlook	
	Mandatory Ignition Interlock		Mandatory Ignition Interlock	

^{**} If separate finding of a refusal, 1 year revocation of operating privileges and 30 day waiting period for an occupational.

EFFECTIVE 1-1-14 SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT OWI SENTENCING GUIDELINES EFFECTIVE 1-1-14

FIRST OFFENSE

(For violations of §346.63(1)(a) or (am) or (b))

FIRST OFFENSE (On & After 01-01-2014)

(On & After 01-01-2014)

WITH MINOR PASSENGER UNDER 16 YEARS OF AGE

PENALTY RANGE (§346.65(2)(f)1)

JAIL: 5 Days – 6 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$350 to \$1,100 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.) Victim Witness Surcharge (Misdemeanor) \$435 \$ 67 **Court Costs** \$163 Crime Lab Surcharge (C.L.D.S.) \$ 13 Ignition Interlock Surcharge (I.I.D.) \$ 10 \$ 50 Jail Surcharge (J.S.) Greater of 1% or \$ 200 Penalty Surcharge (P.S.) (26% of Fine or Forfeiture) **DNA Surcharge**

REVOCATION: 12 – 18 Months (doubles under (§343.30(1q)(b)4m)), plus number of days of jail sentence (Occupational – no waiting period and must complete alcohol assessment and be in compliance with driver's safety plan and absolute sobriety during use.)

IGNITION INTERLOCK: Mandatory interlock for all alcohol concentration of .15 or more. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 18 months beginning when license issued. \$50.00 interlock surcharge.

BAC LEVEL	MINIMUM DRIVING – No Accident		AGGRAVATED DRIVING – Accident or Injury	
			Bad Driving Record	
.08 to .119	Fine	\$350.00	Fine	\$350.00
	Total Fine, Costs & Surcharges	\$1329.00	Total Fine, Costs & Surcharges	\$1329.00
	JAIL – 5 Days REVOCATION –		JAIL - 7 Days REVOCATION	
	PLUS Alcohol Assessment & Driver S	afety Plan	PLUS Alcohol Assessment & Dri	ver Safety Plan
.12 to .149	Fine	\$350.00	Fine	\$450.00
OR				
A Detectable Amount	Total Fine, Costs, & Surcharges	\$1329.00	Total Fine, Costs, & Surcharges	\$1455.00
Of a Restricted	JAIL – 10 Days REVOCATION – 12 Months		JAIL – 12 Days REVOCATION – 14 Months	
Controlled Substance	PLUS Alcohol Assessment & Driver S	afety Plan	PLUS Alcohol Assessment & Drive	r Safety Plan
.15 to .199	Fine	\$450.00	Fine	\$550.00
	Total Fine, Costs, & Surcharges	\$1505.00	Total Fine, Costs, & Surcharges	\$1631.00
	JAIL – 10 Days REVOCATION – 1		JAIL – 12 Days REVOCATION	
	PLUS Alcohol Assessment & Driver Safety Plan		PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock		Mandatory Ignition Interlock	
.20 to .249	Fine	\$550.00	Fine	\$650.00
	Total Fine, Costs, & Surcharges	\$1631.00	Total Fine, Costs, & Surcharges	\$1757.00
	JAIL – 15 Days REVOCATION – 1	6 Months	JAIL – 20 Days REVOCATION	– 18 Months
	PLUS Alcohol Assessment & Driver Sa	fety Plan	PLUS Alcohol Assessment & Driver S	Safety Plan
	Mandatory Ignition Interlock		Mandatory Ignition Interlock	
.25 or Above	Fine	\$650.00	Fine	\$750.00
OR				
REFUSAL **	Total Fine, Costs, & Surcharges	\$1757.00	Total Fine, Costs, & Surcharges	\$1883.00
	JAIL - 30 Days REVOCATION - 1	8 Months	JAIL – 40 Days REVOCATION	– 18 Months
	PLUS Alcohol Assessment & Driver Safety Plan		PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock		Mandatory Ignition Interlock	

^{**} If separate finding of a refusal, 2 year revocation of operating privileges and 30 day waiting period for an occupational.

EFFECTIVE 1-1-14 SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT OWI SENTENCING GUIDELINES EFFECTIVE 1-1-14

<u>SECOND OFFENSE</u> (On & After **01-01-2014**)

(For violations of §346.63(1)(a) or (am) or (b))

<u>SECOND OFFENSE</u> (On & After **01-01-2014**)

PENALTY RANGE (§346.65(2)(am)2)

JAIL: 5 Days – 6 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$350 to \$1,100 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.) Victim Witness Surcharge (Misdemeanor) \$435 \$ 67 **Court Costs** \$163 Crime Lab Surcharge (C.L.D.S.) \$ 13 Ignition Interlock Surcharge (I.I.D.) \$ 50 Jail Surcharge (J.S.) \$ 10 Greater of 1% or Penalty Surcharge (P.S.) (26% of Fine or Forfeiture) **DNA Surcharge** \$ 200

REVOCATION: 12 – 18 Months, plus number of days of jail sentence. (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver's safety plan and absolute sobriety during use.)

PROBATION: 6 - 24 Months.

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of one year to 18 months beginning when license issued. \$50.00 interlock surcharge.

DRIVING FACTORS			
BAC LEVEL	MINIMUM DRIVING – No Accident	AGGRAVATED DRIVING - Accident or Injury	
		Bad Driving Record	
.08 to .119	Fine \$350.00	Fine \$400.00	
	Total Fine, Costs & Surcharges \$1379.00	Total Fine, Costs & Surcharges \$1442.00	
	JAIL – 10 Days REVOCATION – 12 Months	JAIL – 15 Days REVOCATION – 12 Months	
	PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	
.12 to .169	Fine \$350.00	Fine \$450.00	
OR			
A Detectable Amount	Total Fine, Costs & Surcharges \$1379.00	Total Fine, Costs & Surcharges \$1505.00	
Of a Restricted	JAIL – 15 Days REVOCATION – 12 Months	JAIL – 20 Days REVOCATION – 14 Months	
Controlled Substance	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
17 / 100	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.17 to .199	Fine \$450.00	Fine \$550.00	
	Total Fine, Costs & Surcharges \$1505.00	Total Fine, Costs & Surcharges \$1631.00	
	JAIL – 20 Days REVOCATION –14 Months	JAIL – 30 Days REVOCATION – 16 Months	
	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.20 to .249	Fine \$550.00	Fine \$650.00	
	Total Fine, Costs & Surcharges \$1631.00	Total Fine, Costs & Surcharges \$1757.00	
	JAIL – 30 Days REVOCATION – 16 Months	JAIL – 40 Days REVOCATION – 18 Months	
	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.25 or Above OR	Fine \$650.00	Fine \$750.00	
REFUSAL **	Total Fine, Costs & Surcharges \$1757.00	Total Fine, Costs & Surcharges \$1883.00	
	JAIL – 40 Days REVOCATION – 18 Months	JAIL – 50 Days REVOCATION – 18 Months	
	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
Treatment/Probation	Fine \$450.00		
Option \$246.65(2)(hm)	Total Fine, Costs & Surcharges \$1505.00		
§346.65(2)(bm)	Total Fine, Costs & Surcharges \$1505.00 Cost of AA/DSP subtracted from fine and costs. \$346.65(2e). \$		
	Jail: Guidelines from above with all but 5 days stayed, pending successful completion of probation		
	that includes alcohol and other drug treatment.		
state TC	of a rafical 2 years reveasition of aparating privileges	100.1 11 1.16 1.1	

^{**} If separate finding of a refusal, 2 years revocation of operating privileges and 90 day waiting period for an occupational.

EFFECTIVE 1-1-14 SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT **EFFECTIVE 1-1-14** OWI SENTENCING GUIDELINES

THIRD OFFENSE (On & After **01-01-2014**)

(For violations of §346.63(1)(a) or (am) or (b))

THIRD OFFENSE

(On & After **01-01-2014**)

PENALTY RANGE (§346.65(2)(am)3)

JAIL: 45 Days – 12 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

\$600 to \$2,000 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.) \$435 Victim Witness Surcharge (Misdemeanor) \$ 67 **Court Costs** Crime Lab Surcharge (C.L.D.S.) \$163 \$ 13 Jail Surcharge (J.S.) Ignition Interlock Surcharge (I.I.D.) \$ 50 Greater of 1% or \$ 10 \$ 200 Penalty Surcharge (P.S.) (26% of Fine or Forfeiture) **DNA Surcharge**

REVOCATION: 24 - 36 Months, plus number of days of jail sentence (Occupational - 45 day waiting period and must complete alcohol assessment and be in compliance with driver's safety plan and absolute sobriety during use.)

PROBATION: 6 - 24 Months.

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of two years to 36 months beginning when license issued. \$50.00 interlock surcharge.

BAIL & STAY: No bail after conviction (969.01(2)(a)) or stay of execution of jail sentence (973.15(8)(a)(3)) may be granted unless condition of probation.

<u>DRIVING FACTORS</u>			
BAC LEVEL	MINIMUM DRIVING – No Accident AGGRAVATED DRIVING – Accident or Injury		
		Bad Driving Record	
.08 to .119	Fine \$600.00	Fine \$650.00	
	Total Fine, Costs & Surcharges \$1694.00	Total Fine, Costs & Surcharges \$1757.00	
	JAIL – 45 Days REVOCATION – 24 Months	JAIL – 55 Days REVOCATION – 24 Months	
	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.12 to .169 OR	Fine \$600.00	Fine \$750.00	
A Detectable Amount	Total Fine, Costs & Surcharges \$1694.00	Total Fine, Costs and Surcharges \$1883.00	
Of a Restricted	JAIL – 65 Days REVOCATION – 24 Months	JAIL – 75 Days REVOCATION – 27 Months	
Controlled Substance	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.17 to .199	Fine \$1200.00	Fine \$1350.00	
BAC Fine Range			
Doubles	Total Fine, Costs & Surcharges \$2452.00	Total Fine, Costs & Surcharges \$2642.50	
\$1200 - \$4000	JAIL – 95 Days REVOCATION – 27 Months	JAIL – 125 Days REVOCATION – 30 Months	
	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.20 to .249	Fine \$1800.00	Fine \$1950.00	
BAC Fine Range Triples	Total Fine, Costs & Surcharges \$3214.00	Total Fine, Costs & Surcharges \$3404.50	
\$1800 – \$6000	JAIL – 125 Days REVOCATION – 30 Months	JAIL – 155 Days REVOCATION – 33 Months	
\$1000 – \$0000	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.25 or Above	Fine \$2400.00	Fine \$2550.00	
OR	,2.00.00	7200000	
REFUSAL **			
BAC Fine Range	Total Fine, Costs & Surcharges \$3976.00	Total Fine, Costs & Surcharges \$4166.50	
Quadruples to	JAIL – 155 Days REVOCATION – 33 Months	JAIL – 185 Days REVOCATION – 36 Months	
\$2400 – \$8000	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
Treatment/Probation	Fine \$900.00)	
Option §346.65(2)(cm)	Total Fine, Costs & Surcharges \$2072.00		
\$540.05(2)(CIII)	Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$		
	Jail: Guidelines from above with all but 14 days stayed, pending successful completion of probation		
	that includes alcohol and other drug treatment.		
ded TC C 1		1100 1 12 1 16 2 1	

^{**} If separate finding of a refusal, 3 years revocation of operating privileges and 120 day waiting period for an occupational.

EFFECTIVE 1-1-14 SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT EFFECTIVE 1-1-14 OWI SENTENCING GUIDELINES

FOURTH OFFENSE

(For violations of §346.63(1)(a) or (am) or (b))

FOURTH OFFENSE

(On & After **01-01-2014**)

(On & After **01-01-2014**)

PENALTY RANGE (§346.65(2)(am)4) (Non-felony = last offense more than 5 years prior to current offense.)

JAIL: 60 Days – 12 Months [Minimum 48 consecutive hours in jail (§346.65(7))]

FINE: \$600 to \$2,000 (plus surcharges & costs)

Driver Improvement Surcharge (D.I.S.) \$435 Victim Witness Surcharge (Misdemeanor) \$67 Court Costs \$163 Crime Lab Surcharge (C.L.D.S.) \$13 Ignition Interlock Surcharge (I.I.D.) \$50 Jail Surcharge (J.S.) Greater of 1% or \$10 Penalty Surcharge (P.S.) (26% of Fine or Forfeiture) DNA Surcharge \$200

<u>**REVOCATION:**</u> 24 – 36 Months, plus number of days of jail sentence (Occupational – 45 day waiting period and must complete alcohol assessment and be in compliance with driver's safety plan and absolute sobriety during use.)

PROBATION: 6 - 36 Months.

IGNITION INTERLOCK: Mandatory interlock. License restricted to interlocked vehicles, plus all registered and titled vehicles (unless excepted) for period of two years to 36 months beginning when license issued. \$50.00 interlock surcharge.

BAIL & STAY: No bail after conviction (969.01(2)(a)) or stay of execution of jail sentence (973.15(8)(a)(3)) may be granted

unless condition of probation. **DRIVING FACTORS**

unless condition of probation. DRIVING FACTORS			
BAC LEVEL	MINIMUM DRIVING – No Accident AGGRAVATED DRIVING – Accident or Injury		
		Bad Driving Record	
.02 to .079	Fine \$600.00	Fine \$650	
	T-4-1 E' C-4- 9 C	Tradal Films Conda 9 Consultances	
	Total Fine, Costs & Surcharges \$1694.00	Total Fine, Costs & Surcharges \$1757.00	
	JAIL – 60 Days REVOCATION – 24 Months	JAIL – 70 Days REVOCATION – 24 Months	
	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
00 / 110	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.08 to .119	Fine \$900.00	Fine \$1000.00	
	Total Fine, Costs & Surcharges \$2072.00	Total Fine, Costs & Surcharges \$2198.00	
	JAIL – 75 Days REVOCATION – 30 Months	JAIL – 85 Days REVOCATION – 30 Months	
	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.12 to .169 OR	Fine \$1200.00	Fine \$1350.00	
A Detectable Amount	Total Fine, Costs & Surcharges \$2452.00	Total Fine, Costs & Surcharges \$2642.50	
Of a Restricted	JAIL – 185 Days REVOCATION – 36 Months	JAIL – 215 Days REVOCATION – 36 Months	
Controlled Substance	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.17 to .199	Fine \$2000.00	Fine \$2150.00	
BAC Fine Range			
Doubles	Total Fine, Costs, & Surcharges \$3468.00	Total Fine, Costs, & Surcharges \$3658.50	
\$1200 – \$4000	JAIL – 215 Days REVOCATION – 36 Months	JAIL – 245 Days REVOCATION – 36 Months	
	PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	PLUS Alcohol Assessment & Driver Safety Plan Mandatory Ignition Interlock	
.20 to .249	Fine \$2300.00	Fine \$2400.00	
BAC Fine Range	1 THE \$2500.00	\$2400.00	
Triples	Total Fine, Costs, & Surcharges \$3849.00	Total Fine, Costs, & Surcharges \$3976.00	
\$1800 – \$6000	JAIL – 245 Days REVOCATION – 36 Months	JAIL – 275 Days REVOCATION – 36 Months	
	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
.25 or Above OR REFUSAL **	Fine \$2900.00	Fine \$3000.00	
BAC Fine Range	Total Fine, Costs, & Surcharges \$4611.00	Total Fine, Costs, & Surcharges \$4738.00	
Quadruples to	JAIL – 275 Days REVOCATION – 36 Months	JAIL – 305 Days REVOCATION – 36 Months	
\$2400 - \$8000	PLUS Alcohol Assessment & Driver Safety Plan	PLUS Alcohol Assessment & Driver Safety Plan	
	Mandatory Ignition Interlock	Mandatory Ignition Interlock	
Treatment/Probation	Fine \$900.00		
Option	Total Fine, Costs & Surcharges \$2072.00		
§346.65(2)(dm)	Cost of AA/DSP subtracted from fine and costs. §346.65(2e). \$		
	Jail: Guidelines from above with all but 29 days stayed, pending successful completion of probation		
state TC	that includes alcohol and other drug treatment.	1100 1 22 2 16	
** If separate finding of a refusal, 3 years revocation of operating privileges and 120 day waiting period for an occupational.			

^{**} If separate finding of a refusal, 3 years revocation of operating privileges and 120 day waiting period for an occupational.