

FOURTH JUDICIAL DISTRICT OWI SENTENCING GUIDELINES SECOND OFFENSE NON-COMMERCIAL

Citations issued after January 1, 2014

PAC	NON-AGGRAVATED	AGGRAVATED
Below .119	5 days jail \$350 + costs = \$1,379.00 12 Months Revocation & IID SSTOP 12 Alcohol Assessment	10 days jail SSTOP 5 imp / 5 stay \$400 + costs = \$1,442.00 14 Months Revocation & IID SSTOP 12 Alcohol Assessment
.12 to .169	10 days jail SSTOP 5 imp / 5 stay \$400 + costs = \$1,442.00 13 Months Revocation & IID SSTOP 12 Alcohol Assessment	20 days jail SSTOP 7 imp / 13 stay \$450 + costs = \$1,505.00 15 Months Revocation & IID SSTOP 12 Alcohol Assessment
.17 to .199	20 days jail SSTOP 7 imp / 13 stay \$450 + costs = \$1,505.00 14 Months Revocation & IID SSTOP 12 Alcohol Assessment	30 days jail SSTOP 7 imp / 23 stay \$500 + costs = \$1,568.00 16 Months Revocation & IID SSTOP 12 Alcohol Assessment
.20 to .249	30 days jail SSTOP 7 imp / 23 stay \$500 + costs = \$1,568.00 16 Months Revocation & IID SSTOP 12 Alcohol Assessment	40 days jail SSTOP 7 imp / 33 stay \$550 + costs = \$1,631.00 17 Months Revocation & IID SSTOP 12 Alcohol Assessment
.25 & Over (Refusal)	50 days jail SSTOP 7 imp / 43 stay \$600 + costs = 1,694.00 17 Months Revocation & IID SSTOP 12 Alcohol Assessment	60 days jail SSTOP 7 imp / 53 stay \$650 + costs = \$1,757.00 18 Months Revocation & IID SSTOP 12 Alcohol Assessment
*****	2 years Probation	2 years Probation

PENALTY RANGE

JAIL

5 days to 6 months jail (346.65(2)(am)2)

FINE / COSTS

\$350-\$1,100 Fine

Costs total \$475 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Justice Information Surcharge, Court Support Surcharge, Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCAION

12-18 Months (343.30) (343.30(1q)(b)3)
45 day waiting period for Occupational License;

PASSENGER UNDER AGE 16

Double minimum and maximum fine and jail (346.65(2) (f))

REFUSAL

2 year revocation and 90-day waiting period for Occupational license, unless 2nd offense in 5 years, then waiting period is 1 year (343.305(10)(b)3)

Refusal (Continued)...

If no refusal hearing is requested, revocation period begins 30 days after the date of the refusal. If a hearing is requested, revocation period begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later. (343.305(10)(a))

If a minor passenger, length of revocation doubles (343.305(10)(b)4m)

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- Community service for defendant unable to pay the fine (346.65(2g)(ag))
- Interlock for not less than 1 year nor more than 18 months (343.301(1)(a)1)

Court May Order:

- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g)(a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r)(

**FOURTH JUDICIAL DISTRICT OWI SENTENCING GUIDELINES
THIRD OFFENSE NON-COMMERCIAL
Citations issued after January 1, 2014**

PAC	NON-AGGRAVATED	AGGRAVATED
Below .119	45 days jail SSTOP 15 imp / 30 stay \$600 + costs = \$1,694.00 24 Months Revocation & IID SSTOP 24 Alcohol Assessment	50 days jail SSTOP 16 imp / 34 stay \$700 + costs = \$1,820 26 Months Revocation & IID SSTOP 24 Alcohol Assessment
.12 to .169	55 days jail SSTOP 18 imp / 37 stay \$700 + costs = \$1,820.00 26 Months Revocation & IID SSTOP 24 Alcohol Assessment	65 days jail SSTOP 21 imp / 44 stay \$800 + costs = \$1,946.00 28 Months Revocation & IID SSTOP 24 Alcohol Assessment
.17 to .199	70 days jail SSTOP 23 imp / 47 stay \$1,200 + costs (\$600 x 2) = \$2,452.00 28 Months Revocation & IID SSTOP 24 Alcohol Assessment	80 days jail SSTOP 26 imp / 54 stay \$1,400 + costs (\$700 x 2) = \$2,706.00 30 Months Revocation & IID SSTOP 24 Alcohol Assessment
.20 to .249	85 days jail SSTOP 28 imp / 57 stay \$1,800 + costs (\$600 x 3) = \$3,214.00 30 Months Revocation & IID SSTOP 24 Alcohol Assessment	100 days jail SSTOP 33 imp / 67 stay \$2,100 + costs (\$700 x 3) = \$3,595.00 33 Months Revocation & IID SSTOP 24 Alcohol Assessment
.25 & Over (Refusal)	100 days jail SSTOP 33 imp / 67 stay \$2,400 + costs (\$600 x 4) = \$3,976.00 33 Months Revocation & IID SSTOP 24 Alcohol Assessment	120 days jail SSTOP 40 imp / 80 stay \$2,800 + costs (\$700 x 4) = \$4,484.00 36 Months Revocation & IID SSTOP 24 Alcohol Assessment
*****	2 years Probation	2 years Probation

PENALTY RANGE

JAIL

45 days to 12 months jail (346.65(2)(am)3)

FINE / COSTS

\$600-\$2,000 Fine; if PAC ≥ .17, fine doubles; ≥ .20, fine triples; ≥ .25, fine quadruples (346.65(2)(g))

Costs total \$475 (Driver Improvement Surcharge, Court Costs, Jail Surcharge, Justice Information Surcharge, Court Support Surcharge, Crime Lab/Drug Surcharge) plus a penalty surcharge equal to 26% of the fine

REVOCATION

24-36 months (343.30(1q)(b)4)

45-day waiting period for Occupational License

PASSENGER UNDER AGE 16

Felony conviction, plus minimum and maximum fine and jail double (346.65(2)(f))

REFUSAL

3 year revocation and 120-day waiting period for Occupational license, unless 2nd offense in 5 years, then waiting period is 1 year (343.305(10)(b)4)

Refusal (Continued)...

If no refusal hearing is requested, revocation period begins 30 days after the date of the refusal. If a hearing is requested, revocation period begins 30 days after the date of refusal or immediately upon a final determination that the refusal was improper, whichever is later. (343.305(10)(a))

If a minor passenger, length of revocation doubles (343.305(10)(b)4m)

ALCOHOL ASSESSMENT AND DRIVER SAFETY PLAN

Court Shall Order:

- Interlock for not less than 1 year nor more than 36 months (343.301(2m))
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

Court May Order:

- Safety plan to include effect on victim or victim's family
- Community service work that demonstrates adverse effects of substance abuse or OWI to reduce the amount of forfeiture or fine (346.65(2g)(a))
- Site visit that demonstrates the effects of substance abuse (346.65(2i))
- Reduction of the forfeiture/fine and payment of the difference toward the cost of the alcohol assessment and driver safety plan (346.65(2e))
- Restitution (346.65(2r)(a))