

# FOURTH JUDICIAL DISTRICT OWI SENTENCING GUIDELINES SECOND OFFENSE NON-COMMERCIAL

Citations issued after June 1, 2018

PAC	NON-AGGRAVATED	AGGRAVATED
Below .119	5 days jail \$350 + costs 12 Months Revocation & IID <b>SSTOP 12</b> Alcohol Assessment	25 days jail <b>SSTOP 5 imp / 20 stay</b> \$400 + costs 14 Months Revocation & IID <b>SSTOP 12</b> Alcohol Assessment
.12 to .169	20 days jail <b>SSTOP 5 imp / 15 stay</b> \$400 + costs 13 Months Revocation & IID <b>SSTOP 12</b> Alcohol Assessment	60 days jail <b>SSTOP 6 imp / 54 stay</b> \$450 + costs 15 Months Revocation & IID <b>SSTOP 12</b> Alcohol Assessment
.17 to .199	40 days jail <b>SSTOP 6 imp / 34 stay</b> \$450 + costs 14 Months Revocation & IID <b>SSTOP 12</b> Alcohol Assessment	90 days jail <b>SSTOP 6 imp / 84 stay</b> \$500 + costs 16 Months Revocation & IID <b>SSTOP 12</b> Alcohol Assessment
.20 to .249	65 days jail <b>SSTOP 6 imp / 59 stay</b> \$500 + costs 15 Months Revocation & IID <b>SSTOP 12</b> Alcohol Assessment	120 days jail <b>SSTOP 7 imp / 113 stay</b> \$550 + costs 16 Months Revocation & IID <b>SSTOP 12</b> Alcohol Assessment
.25 & Over (Refusal)	90 days jail <b>SSTOP 7 imp / 83 stay</b> \$600 + costs 17 Months Revocation & IID <b>SSTOP 12</b> Alcohol Assessment	180 days jail <b>SSTOP 7 imp / 173 stay</b> \$650 + costs 18 Months Revocation & IID <b>SSTOP 12</b> Alcohol Assessment
*****	<b>2 years Probation</b>	<b>2 years Probation</b>

**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

**REVOCATION**

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 2<sup>nd</sup> 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 June 1, 2018**

<b>PAC</b>	<b>NON-AGGRAVATED</b>	<b>AGGRAVATED</b>
Below .119	45 days jail <b>SSTOP 15 imp / 30 stay</b> \$600 + costs 24 Months Revocation & IID <b>SSTOP 24</b> Alcohol Assessment	100 days jail <b>SSTOP 33 imp/67 stay</b> \$700 + costs 26 Months Revocation & IID <b>SSTOP 24</b> Alcohol Assessment
.12 to .169	90 days jail <b>SSTOP 30 imp / 60 stay</b> \$700 + costs 26 Months Revocation & IID <b>SSTOP 24</b> Alcohol Assessment	120 days jail <b>SSTOP 40 imp/80 stay</b> \$800 + costs 28 Months Revocation & IID <b>SSTOP 24</b> Alcohol Assessment
.17 to .199	120 days jail <b>SSTOP 40 imp / 80 stay</b> \$1,200 + costs (\$600 x 2) 28 Months Revocation & IID <b>SSTOP 24</b> Alcohol Assessment	160 days jail <b>SSTOP 53 imp / 107 stay</b> \$1,400 + costs (\$700 x 2) 30 Months Revocation & IID <b>SSTOP 24</b> Alcohol Assessment
.20 to .249	150 days jail <b>SSTOP 50 imp / 100 stay</b> \$1,800 + costs (\$600 x 3) 30 Months Revocation & IID <b>SSTOP 24</b> Alcohol Assessment	200 days jail <b>SSTOP 67 imp / 133 stay</b> \$2,100 + costs (\$700 x 3) 33 Months Revocation & IID <b>SSTOP 24</b> Alcohol Assessment
.25 & Over (Refusal)	180 days jail <b>SSTOP 60 imp / 120 stay</b> \$2,400 + costs (\$600 x 4) 33 Months Revocation & IID <b>SSTOP 24</b> Alcohol Assessment	360 days jail <b>SSTOP 120 imp / 240 stay</b> \$2,800 + costs (\$700 x 4) 36 Months Revocation & IID <b>SSTOP 24</b> Alcohol Assessment
<b>*****</b>	<b>2 years Probation</b>	<b>2 years Probation</b>

**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

**REVOCAION**

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 2<sup>nd</sup> 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(2)m)
- Community service for defendant unable to pay the fine (346.65(2g)(ag))

**Court May Order:**

- Interlock for not less than 1 year nor more than 36 months (343.301(1)(a)1)
- 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))

