

# Alcohol, Controlled Substances and License Guidelines

## 9th Judicial District

Alcohol		1st Offense			2nd Offense			3rd Offense			Felony Offenses				
Level	CS	OWI	Jail	Lic	Fine	Jail	Lic	Fine	Jail	Lic	4th	5-6th	7-9th	10th & >	
<b>Min -- &lt;.11%</b>		<b>812</b>		<b>6</b>	<b>1,429</b>	<b>5</b>	<b>12</b>	<b>1,744</b>	<b>45</b>	<b>24</b>	Class H	Class G	Class F		
346.65 Prog		IF IID, Add \$50 Surcharge			1,379	5	12	1,694	14	24	3+3=6	5+5=10	7.5+5=12.5	10+5=15	
Child < 16		1,064	5	12	1,820	10	24	2,452	90	48	10,000	25,000	25,000	25,000	
<b>.11-.15%</b>	<b>A</b>	<b>845</b>		<b>7</b>	<b>1,570</b>	<b>30</b>	<b>13</b>	<b>2,010</b>	<b>90</b>	<b>26</b>	60 days	6 months	3 Years	4 Years	
346.65 Prog		IF IID, Add \$50 Surcharge			1,379	5	13	1,694	20	26	<b>Enhanced Fines for</b>				
Child < 16		1,253	15	14	2,104	60	26	2,985	180	52	3rd & Subsequent Offenses				
<b>.15 -- &lt;.17%</b>		<b>985</b>		<b>7</b>	<b>1,665</b>	<b>45</b>	<b>14</b>	<b>2,135</b>	<b>125</b>	<b>27</b>	=>.17%	Min		2,452	
346.65 Prog		IID Surcharge Is Included			1,379	6	14	1,694	25	27		Max		6,008	
Child < 16		1,489	25	14	2,293	90	28	3,341	250	54	=>.20%	Min		3,214	
<b>.17 -- &lt;.20%</b>	<b>B</b>	<b>1,020</b>		<b>7</b>	<b>1,760</b>	<b>60</b>	<b>14</b>	<b>2,505</b>	<b>160</b>	<b>28</b>		Max		8,548	
346.65 Prog		IID Surcharge Is Included			1,401	6	14	2,505	30	28	=>.25%	Min		3,976	
Child < 16		1,678	45	14	2,484	120	28	3,976	320	56		Max		11,088	
<b>.20 -- &lt;.25%</b>		<b>1,050</b>		<b>8</b>	<b>1,855</b>	<b>85</b>	<b>15</b>	<b>3,264</b>	<b>190</b>	<b>30</b>	<b>Immediate Incarceration at Conviction for 3rd &amp; Greater Offenses</b>				
346.65 Prog		IID Surcharge Is Included			1,855	7	15	3,264	35	30	Except Probation or Legal Cause				
Child < 16		1,867	60	16	2,674	170	30	5,500	380	60	<b>UNABLE To Pay FINE 2d&gt;</b>				
<b>0.25% &gt; &amp; Refu</b>	<b>C</b>	<b>1,050</b>		<b>8</b>	<b>1,950</b>	<b>100</b>	<b>16</b>	<b>4,026</b>	<b>220</b>	<b>31</b>	defendant performs community				
346.65 Prog		IID Surcharge Is Included			1,950	7	16	4,026	40	31	service in lieu of FINE at rate of				
Child < 16		2,008	90	16	2,865	200	32	7,024	440	62	<b>1 Hour = \$7.25</b>				
<b>Standard Max</b>		<b>1,050</b>		<b>9</b>	<b>2,375</b>	<b>180</b>	<b>18</b>	<b>3,518</b>	<b>365</b>	<b>36</b>	Yes on 4th Offense Felony				
Child < 16		2,200	180	18	4,000	360	36	6,008	730	72	Others Have Min-Mandatory Imprisonment				
<b>Plea Agreements</b>		NO Probation			2 Years Probation			2 Years Probation			Yes on 4th Offense Felony				
w/346.65 Prog		<b>Plea Agreement Cannot</b>			Impose & Stay Guidelines; Minimum Jail as Condition of Probation						Others Have Min-Mandatory Imprisonment				
w/o 346.65 Prog		<b>Drop IID Required By Law</b>			Withheld Sentence With Two Category Drop as Conditions of Probation										
<b>Ignition</b>		DURATION: 1 Year for 1st Offense; 1 Year Up to Maximum Revocation for the Offense on all Others; District Guideline Revocation = IID Duration													
<b>Interlock Device Requirements</b>		<b>Always ORDER IID if Required by Law</b>					APPLIES to motor vehicle driven, titled or registered in their name UNLESS undue financial hardship.								
		REQUIRED if (1) 1st Offense w/ BAC Equal or Greater than .15%, (2) all 2nd and subsequent offenses, or (3) test refusal													
<b>Occupational Wait</b>		None			45 Days			45 Days			May Delay IID for Occupitl Wait				
<b>Test Refusal</b>		1 Yr Rev -- 30 Day Wait + ▶			2 Yr Rev--90 Day Wait + ▶			3 Yr Rev--120 Day Wait + ▶			▶ + Alcohol Assessment				
<b>CONTROLLED SUBSTANCE VIOLATIONS</b>															
<b>Class A -- Mitigating</b>					<b>Class B -- Intermediate</b>										
(1) Stopped for Non-Traffic Violations					(1) Fleeing; =>20 Above the Limit; Balance Greatly Impair										
(2) Stopped for Minor Traffic; Speed <20 Above, etc.					(2) Weaving Between Lanes or Shoulder of Road										
(3) Last OWI More Than 7 Yrs; Extenuating Factors					(3) Danger Present to Person or Property of Another										
(4) Def. suffered substantial personal injuries					(4) Caused Property Damage Only, Covered by Insurance.										