

OWI & Related Alcohol & Drug Offense Penalties

Conviction	Fine or Forfeiture	Confinement Sentence	Driving Consequences if Committed in Wisconsin	Consequences if Minor under 16 in Vehicle	Consequences if Committed in Another Jurisdiction	Occupational License
OWI, First Offense [346.63(1)] Per se AC ≥ 0.08 [340.01(46m)(a)]	\$150-\$300 [346.65(2)(am)1.] (plus \$435 OWI surcharge) [346.655]	No.	Revocation: 6 - 9 month [343.30(1q)(b)2.] If AC is 0.15 or more: IID or 24/7 sobriety program required for 1 year [343.301(1g), (2m)]	Fine: \$350 - \$1100 [346.65(2)(f)1.] Jail: 5 days to 6 months [346.65(2)(f)1.] Rev./IID Max. Length: 12 - 18 months + confinement length [343.30(1q)(b)4m., 343.30(1r)]	Revocation: 6 months [343.31(2), (3)(b)]	Can apply immediately [343.30(1q)(b)2.] If IID is ordered: 0.02 PAC limit [340.01(46m)(c)]
OWI, Second Offense No prior OWI within 10 years nor Great Bodily Harm or Homicide by Intoxicated Use offenses during offender's life. [346.63(1)] (Per se AC ≥ 0.08) [340.01(46m)(a)]	\$150-300 [346.65(2)(am)1.] (plus \$435 OWI surcharge) [346.655]	No.	Revocation: 6 - 9 month [343.30(1q)(b)2.] IID or 24/7 sobriety program required for 1 year [343.301(1g), (2m)]	Fine: \$350 - \$1100 [346.65(2)(f)1.] Jail: 5 days to 6 months [346.65(2)(f)1.] Rev./IID Max. Length: 12 - 18 months + confinement length [343.30(1q)(b)4m., 343.30(1r)]	Revocation: 6 months [343.31(2), (3)(b)]	Can apply immediately [343.30(1q)(b)2.] Absolute Sobriety Required [343.10(5)(a)2.]
OWI, Second Offense Prior OWI within 10 years or Great Bodily Harm or Homicide by Intoxicated Use offense during offender's life. [346.63(1)] (Per se AC ≥ 0.08) [340.01(46m)(a)]	\$350-1,100 [346.65(2)(am)2.] (plus \$435 OWI surcharge) [346.655]	5 days - 6 months [346.65(2)(am)2.] Safe Streets option: 5 days - 7 days [346.65(2)(bm)]	Revocation: 12 - 18 month + confinement length [343.30(1q)(b)3., 343.30(1r)] IID or 24/7 sobriety program required for 1 year to 18 months + confinement length [343.301(1g), (2m)]	Fine: \$700 - 2,200 [343.30(1q)(b)4m.] Jail: 10 days - 12 months [343.30(1q)(b)4m.] Rev./IID Max. Length: 2 - 3 years + confinement length [346.65(2)(f)2., 343.30(1r)]	Revocation: 1 year [343.31(2), (3)(a)]	Can apply after 45 days [343.30(1q)(b)3.] Absolute Sobriety Required [343.10(5)(a)2.]
OWI, Third Offense [346.63(1)] (Per se AC ≥ 0.08) [340.01(46m)(a)]	\$600-2,000 (Excessive BAC Escalator) [346.65(2)(am)3.] (plus \$435 OWI surcharge) [346.655]	45 days - 1 year [346.65(2)(am)3.] Safe Streets option: 14 days - 1 year [346.65(2)(cm)]	Revocation: 2 - 3 year + confinement length [343.30(1q)(b)4., 343.30(1r)] IID or 24/7 sobriety program required for 1 year to 3 years + confinement length [343.301(1g), (2m)]	Fine: \$1,200 - 4,000 [343.30(1q)(b)4m.] Jail: 90 days - 2 years [343.30(1q)(b)4m.] Rev./IID Max. Length: 4 - 6 years + confinement length [346.65(2)(f)2., 343.30(1r)]	Revocation: 1 year [343.31(2), (3)(a)]	Can apply after 45 days [343.30(1q)(b)3.] Absolute Sobriety Required [343.10(5)(a)2.]
OWI, Fourth Offense [346.63(1)] (Per se AC > 0.02) [340.01(46m)(c)]	\$600-10,000 (Excessive BAC Escalator) [346.65(2)(am)4., 939.50(3)(h)] (plus \$435 OWI surcharge) [346.655]	Class H Felony 60 days - 6 years [346.65(2)(am)4., 939.50 (3)(h)] Safe Streets option: 29 days - 6 years [346.65(2)(dm)]	Revocation: 2 - 3 year + confinement length [343.30(1q)(b)4., 343.30(1r)] IID or 24/7 sobriety program required for 1 year to 3 years + confinement length [343.301(1g), (2m)]	Fine: \$1,200 - 20,000 [343.30(1q)(b)4m.] Jail: 120 days - 12 years [343.30(1q)(b)4m.] Rev./IID Max. Length: 4 - 6 years + confinement length [346.65(2)(f)2., 343.30(1r)]	Revocation: 1 year [343.31(2), (3)(a)]	Can apply after 45 days [343.30(1q)(b)4.] Absolute Sobriety Required [343.10(5)(a)2.]
OWI, Fifth or Sixth Offense [346.63(1)] (Per se AC > .02) [340.01(46m)(c)]	\$600-25,000 (Excessive BAC Escalator) [346.65(2)(am)5., 939.50(3)(g)] (plus \$435 OWI surcharge) [346.655]	Class G Felony Up to 10 years [346.65(2)(am)5., 939.50 (3)(g)]	Revocation: 2 - 3 year + confinement length [343.30(1q)(b)4., 343.30(1r)] IID or 24/7 sobriety program required for 1 year to 3 years + confinement length [343.301(1g), (2m)]	Fine: \$1,200 - 50,000 [343.30(1q)(b)4m.] Jail: 1 year - 20 years [343.30(1q)(b)4m.] Rev./IID Max. Length: 4 - 6 years + confinement length [346.65(2)(f)2., 343.30(1r)]	Revocation: 1 year [343.31(2), (3)(a)]	Can apply after 45 days [343.30(1q)(b)4.] Absolute Sobriety Required [343.10(5)(a)2.]
OWI, Seventh, Eighth, or Ninth Offense [346.63(1)] (Per se AC > .02) [340.01(46m)(c)]	Up to \$25,000 [346.65(2)(am)6., 939.50(3)(f)] (plus \$435 OWI surcharge) [346.655]	Class F Felony 3 - 12.5 years [346.65(2)(am)6., 939.50 (3)(f)]	Revocation: 2 - 3 years + confinement length [343.30(1q)(b)4., 343.30(1r)] IID or 24/7 sobriety program required for 1 year to 3 years + confinement length [343.301(1g), (2m)]	Fine: Up to \$50,000 [343.30(1q)(b)4m.] Jail: 6 - 25 years [343.30(1q)(b)4m.] Rev./IID Max. Length: 4 - 6 years + confinement length [346.65(2)(f)2., 343.30(1r)]	Revocation: 1 year [343.31(2), (3)(a)]	Can apply after 45 days [343.30(1q)(b)4.] Absolute Sobriety Required [343.10(5)(a)2.]
OWI, Tenth or Greater Offense [346.63(1)] (Per se AC > .02) [340.01(46m)(c)]	Up to \$50,000 [346.65(2)(am)7., 939.50(3)(e)] (plus \$435 OWI surcharge) [346.655]	Class E Felony 4 - 15 years [346.65(2)(am)7., 939.50 (3)(e)]	Revocation: 2 - 3 years + confinement length [343.30(1q)(b)4., 343.30(1r)] IID or 24/7 sobriety program required for 1 year to 3 years + confinement length [343.301(1g), (2m)]	Fine: Up to \$100,000 [343.30(1q)(b)4m.] Jail: 8 - 30 years [343.30(1q)(b)4m.] Rev./IID Max. Length: 4 - 6 years + confinement length [346.65(2)(f)2., 343.30(1r)]	Revocation: 1 year [343.31(2), (3)(a)]	Can apply after 45 days [343.30(1q)(b)4.] Absolute Sobriety Required [343.10(5)(a)2.]
Causing Injury While OWI with no prior OWI offense or chemical test refusal [346.63(2)(a)]	\$300-2,000 [346.65(3m)] (plus \$435 OWI surcharge) [346.655]	30 days - 1 year [346.65(3m)] Safe Streets option: 15 days -1 year [346.65(3r)]	Revocation: 1 - 2 years + confinement length [343.31(1)(am), (3)(e), (4)] If AC of 0.15 or higher: IID or 24/7 sobriety program required for 1 year to 2 years + confinement length [343.301(1g), (2m)]	Fine: \$600 - 4,000 [346.65(3m)] Jail: 60 days - 2 years [346.65(3m)] Rev./IID Max. Length: 2 - 4 years + confinement length [343.31(1)(am), (3), (4)]	Revocation: 1 - 2 years [343.31(1)(am), (3)(e)]	Can apply after 60 days [343.31(3m)(b)] If IID is ordered: 0.02 PAC limit [340.01(46m)(c)]
Causing Injury while OWI with prior OWI offense or chemical test refusal [346.63(2)(a)]	\$300-2,000 [346.65(3m)] (plus \$435 OWI surcharge) [346.655]	30 days - 1 year [346.65(3m)] Safe Streets option: 15 days -1 year [346.65(3r)]	Revocation: 1 - 2 years + confinement length [343.31(1)(am), (3)(e), (4)] If AC of 0.15 or higher: IID or 24/7 sobriety program required for 1 year to 2 years + confinement length [343.301(1g), (2m)]	Fine: \$600 - 4,000 [346.65(3m)] Jail: 60 days - 2 years [346.65(3m)] Rev./IID Max. Length: 2 - 4 years + confinement length [343.31(1)(am), (3), (4)]	Revocation: 1 - 2 years [343.31(1)(am), (3)(e)]	Can apply after 60 days [343.31(3m)(b)] If IID is ordered: 0.02 PAC limit [340.01(46m)(c)]s
Causing Great Bodily Harm by OWI [940.25(1)]	Up to \$25,000 [939.50(3)(f)] (plus \$435 OWI surcharge) [346.655]	Class F Felony Up to 12.5 years [939.50(3)(f)]	Revocation: 2 years + confinement length [343.31(1)(a), (3)(f), (4)] If AC is 0.15 or more, or not first offense: IID or 24/7 sobriety program required for 1 year to 2 year + confinement length [343.301(1g), (2m)]	Rev./IID Max. Length: 4 years + confinement length [343.31(1)(a), (3)(f), (4)] *If unborn child is in vehicle: Rev./IID Max. Length: 4 years + confinement length [343.31(1)(a), (3)(f), (4)]	Revocation: 2 years [343.31(1)(a), (3)(f)]	Can apply after 120 days, except if 2 or more offenses within 5 years can apply after 1 year [343.31(3m)(a)] Absolute Sobriety Required [343.10(5)(a)2.]
Homicide While OWI [940.09(1)]	Up to \$100,000 [939.50(3)(c), (d)] (plus \$435 OWI surcharge) [346.655]	Class D Felony Up to 25 years If driver has prior OWI- related offense: Class C Felony, Up to 40 years [939.50(3)(c), (d), 940.09(1c)]	Revocation: 5 years + confinement length [343.31(1)(a), (3)(c), (4)] If AC is 0.15 or more, or not first offense: IID or 24/7 sobriety program required for 1 year to 5 years + confinement length [343.301(1g), (2m)]	Rev./IID Max. Length: 10 years + confinement length [343.31(1)(a), (3)(c), (4)] *If unborn child is in vehicle: Rev./IID Max. Length: 10 years + confinement length [343.31(1)(a), (3)(c), (4)]	Revocation: 5 years [343.31(1)(a), (3)(c)]	Can apply after 120 days, except if 2 or more offenses within 5 years can apply after 1 year [343.31(3m)(a)] Absolute Sobriety Required [343.10(5)(a)2.]
Chemical Test Refusal (First Offense) [343.305(9)]	None	None	Revocation: 1 year [343.305(10)(b)2.] IID or 24/7 sobriety program required for 1 year [343.301(1g)(a)1., (2m), 343.305(10m)]	Rev./IID Max. Length: 2 years [343.305(10)(b)4m.]	CDL only	Can apply after 30 days [343.305(10)(b)2.] 0.02 PAC limit [340.01(46m)]
Chemical Test Refusal (Second Offense) No prior OWI within 10 years nor Great Bodily Harm or Homicide by Intoxicated Use offenses during offender's life. [343.305(9)]	None	None	Revocation: 1 year [343.305(10)(b)2., (b)3.] IID or 24/7 sobriety program required for 1 year [343.301(1g)(a)1., (2m), 343.305(10m)]	Rev./IID Max. Length: 2 years [343.305(10)(b)4m.]	CDL only	Can apply after 30 days [343.305(10)(b)2.] Absolute Sobriety Required [343.10(5)(a)2.]
Chemical Test Refusal (Second Offense) Prior OWI within 10 years nor Great Bodily Harm or Homicide by Intoxicated Use offenses during offender's life. [343.305(9)]	None	None	Revocation: 2 year [343.305(10)(b)3.] IID or 24/7 sobriety program required for 1 year to 2 years + confinement length [343.301(1g)(a)1., (2m), 343.305(10m)]	Rev./IID Max. Length: 4 years [343.305(10)(b)4m.]	CDL only	Can apply after 90 days, except if 2 or more offenses within 5 years: Can apply after 1 year [343.305(10)(b)3.] Absolute Sobriety Required [343.10(5)(a)2.]
Chemical Test Refusal (Third or Greater Offense) [343.305(9)]	None	None	Revocation: 3 years [343.305(10)(b)4.] IID or 24/7 sobriety program required for 1 year to 3 years + confinement length [343.301(1g)(a)1., (2m), 343.305(10m)]	Rev./IID Max. Length: 6 years [343.305(10)(b)4m.]	CDL only	Can apply after 120 days, except if 2 or more offenses within 5 years: Can apply after 1 year [343.305(10)(b)3.] Absolute Sobriety Required [343.10(5)(a)2.]
Administrative Suspension for Prohibited Alcohol Concentration [343.305(7)]	None	None	6 month suspension [343.305(7)(a)]	N/A	CDL only	Can apply immediately [343.305(8)(d)]
Open Container (Driver or passenger) [346.935(1)] (Commercial Motor Vehicle) [346.63(7)(a)3.]	\$100 [346.95(2m)] If commercial motor vehicle is involved: Add \$10 [346.65(2u)(a)]	None	If commercial motor vehicle is involved: 24-hour disqualification [343.315(2)(g), 346.65(2u)(b)]	N/A	N/A	N/A