

Criminal Sentencing/Administrative Consequences of HB 4247 (Alcohol Convictions)

Effective 09/30/2003, removes references to "intoxicating liquor" and adds new definition for "alcoholic liquor" under 257.1d, adds 257.625(8) to Alcohol Audit. Provides a one-year suspension for a first implied consent refusal, and a two-year suspension for a second or subsequent implied consent refusal within seven years.

	OWI 257.625(1) ≥ .08 Until Oct. 1, 2013 (a) OUIL/OUID (b) UBAC – per se	OWVI 257.625(3)	Operating With Presence of Drugs 333.7212, 7214(a)(iv) (OWPD) 257.625(8)	OWI/OWVI Death/Injury 257.625(4) & (5)	Zero Tolerance 257.625(6) – (.02 < .08) .08 Until Oct. 1, 2013	Child Endangerment 257.625(7) In violation of 625(1), (3), (4), (5) or (6)	.04 - < CDL 257.625m(1) (.04 < .08) .08 Until Oct. 1, 2013
1 st Offense (no prior 625 crime)	Misdemeanor <u>Fine/Jail/Comm Svc:</u> 1 or more of following: Up to 93 days jail; \$100-\$500 fine or; up to 360 hours comm. svc. <u>Licensing:</u> 30/150 susp/rest 6 points Court-ordered ignition interlock permissive 625(24) <u>Plate conf:</u> None <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None	Misdemeanor <u>Fine/Jail/Comm Svc:</u> 1 or more of following: Up to 93 days jail; \$300 fine or; up to 360 hours comm. svc. <u>Licensing:</u> 90-day rest 180-day rest w/ OWID 4 points <u>Plate conf:</u> None <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None	Misdemeanor <u>Fine/Jail/Comm Svc:</u> 1 or more of following: Up to 93 days jail; \$100-\$500 fine or; up to 360 hours comm. svc. <u>Licensing:</u> 30/150 susp/rest 6 points Court-ordered Ignition Interlock permissive 625(24) <u>Plate conf:</u> None <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None	Felony <u>Fine/Jail/Comm Svc:</u> Death-prison up to 15 years OR \$2,500 - \$10,000 fine, or both. Injury-prison up to 5 years OR \$1,000-\$5,000 fine OR both Emer. Responder Death: prison up to 20 years OR \$2,500 to \$10,000 fine, or both. <u>Licensing:</u> Minimum 1 year revocation/denial 6 points <u>Plate conf:</u> Required <u>Immob:</u> Required up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor <u>Fine/Jail/Comm Svc:</u> Up to \$250 fine OR up to 360 hours comm. svc, or both. <u>Licensing:</u> 30 days rest 4 points. <u>Plate conf:</u> None <u>Immob:</u> None <u>Reg Deny:</u> None <u>Forf:</u> None	Misdemeanor <u>Fine/Jail/Comm Svc:</u> \$200-\$1,000 fine AND one or more of the following: 5 days to 1 year jail; 30-90 days comm. svc. <u>Licensing:</u> 90/90 susp/rest 6 points <u>Plate conf:</u> None <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor <u>Fine/Jail/Comm Svc:</u> Up to a \$300 fine OR up to 93 days jail, or both <u>Licensing:</u> CDL-1 yr susp, OPR 90 day rest., HAZ-3 yr susp. 0 points. <u>Plate conf:</u> None <u>Immob:</u> Permissive up to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None
2 nd Offense or any prior 625 crime within 7 years	Misdemeanor <u>Fine/Jail/Comm Svc:</u> \$200-\$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm. svc. <u>Licensing:</u> minimum 1 year revocation/denial <u>Plate conf:</u> Required <u>Immob:</u> Required 90 to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor <u>Fine/Jail/Comm Svc:</u> \$200-\$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm. svc <u>Licensing:</u> minimum 1 year revocation/denial <u>Plate conf:</u> Required <u>Immob:</u> Required 90 to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor <u>Fine/Jail/Comm Svc:</u> \$200-\$1,000 fine AND one or more of the following: 5 days to 1-year jail; 30-90 days comm. svc. <u>Licensing:</u> minimum 1 year revocation/denial <u>Plate conf:</u> Required <u>Immob:</u> Required 90 to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Felony <u>Fine/Jail/Comm Svc:</u> Death-prison up to 15 years OR \$2,500 - \$10,000 fine, OR both. Injury-prison up to 5 years OR \$1,000-\$5,000 fine OR both Emer. Responder Death: prison up to 20 years OR \$2,500 to \$10,000 fine, or both. <u>Licensing:</u> Minimum 5 year revocation/denial 6 points <u>Plate conf:</u> Required <u>Immob:</u> Required 90 to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor <u>Fine/Jail/Comm Svc:</u> One or more of the following: up to 60 days comm. svc; up to \$500 fine; up to 93 days jail <u>Licensing:</u> 90 day susp OR if prior 625 then minimum 1 year revocation/denial <u>Plate conf:</u> None <u>Immob:</u> None <u>Reg Deny:</u> None <u>Forf:</u> None	Felony <u>Fine/Jail/Comm Svc:</u> \$500-\$5,000 fine AND either of the following: 1-5 years prison; probation with 30 days to 1-year jail AND 60-180 days comm. svc. <u>Licensing:</u> minimum 1 year revocation/denial <u>Plate conf:</u> Required <u>Immob:</u> Required 90 to 180 days unless forfeited <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Misdemeanor <u>Fine/Jail/Comm Svc:</u> Up to \$1,000 fine OR up to 1-year prison, or both. <u>Licensing:</u> CDL- minimum 10 yr rev, OPR 1 yr rev/denial. <u>Plate conf:</u> Required <u>Immob:</u> Required 90 to 180 days <u>Reg Deny:</u> None <u>Forf:</u> None
3 rd Offense or 2 prior 625 crime within a lifetime	Felony <u>Fine/Jail/Comm Svc:</u> \$500-\$5,000 fine AND either of the following: 1-5 yrs prison; probation with 30 days to 1 yr jail AND 60-180 days comm. svc. <u>Licensing:</u> minimum 1 to 5 year revocation/denial <u>Plate conf:</u> Required <u>Immob:</u> Required 1 to 3years unless forfeited <u>Reg Deny:</u> Required <u>Forf:</u> Permissive	Felony <u>Fine/Jail/Comm Svc:</u> \$500-\$5,000 fine AND either of the following: 1-5 yrs prison; probation with 30 days to 1 yr jail AND 60-180 days comm. svc. <u>Licensing:</u> minimum 1 to 5 year revocation/denial <u>Plate conf:</u> Required <u>Immob:</u> Required 1 to 3years unless forfeited <u>Reg Deny:</u> Required <u>Forf:</u> Permissive	Felony <u>Fine/Jail/Comm Svc:</u> \$500-\$5,000 fine AND either of the following: 1-5 yrs prison; probation with 30 days to 1 yr jail AND 60-180 days comm. svc. <u>Licensing:</u> minimum 1 to 5 year revocation/denial <u>Plate conf:</u> Required <u>Immob:</u> Required 1 to 3years unless forfeited <u>Reg Deny:</u> Required <u>Forf:</u> Permissive	Felony <u>Fine/Jail/Comm Svc:</u> Death-prison up to 15 years OR \$2,500 - \$10,000 fine, OR both. Injury-prison up to 5 years OR \$1,000-\$5,000 fine OR both Emer. Responder Death: prison up to 20 years OR \$2,500 to \$10,000 fine, OR both. <u>Licensing:</u> Minimum 5 year revocation/denial <u>Plate conf:</u> Required <u>Immob:</u> Required 1 to 3 years unless forfeited <u>Reg Deny:</u> Required <u>Forf:</u> Permissive		Endangerment – Zero Tolerance w/occupant < 16 Misdemeanor <u>Fine/Jail/Comm Svc:</u> 1 st – One or more of the following: up to 60 days comm. svc; up to \$500 fine; up to 93 days jail. <u>Licensing:</u> 1 st – 90/90 susp/rest. 2 nd – revoke. <u>Plate conf:</u> See 1 st and 2 nd . <u>Immob:</u> See 1 st and 2 nd . <u>Reg Deny:</u> None <u>Forf:</u> Permissive	Felony <u>Fine/Jail/Comm Svc:</u> \$500-\$5,000 fine and either of the following: prison from 1-5 years; probation with 30 days to 1 year jail AND 60-180 days comm. svc. <u>Licensing:</u> CDL- rev for LIFE – if prior approval, OPR – min. 5 yr rev/denial. <u>Plate conf:</u> Required <u>Immob:</u> Required 1 to 3 yrs <u>Reg Deny:</u> Required <u>Forf:</u> None

“Super Drunk” (High BAC over .17) -

Fine/Jail/Comm. Svc: 180 days and/or \$200-\$700 fine and/or 360 hours comm. svc. Licensing: 45 day suspension / 1 year restricted w/ interlock device and mandatory treatment. 8 months clean to remove device.