

# OWI Chart – Effective for crimes committed between 07/01/10 and 12/31/2016

(Act 100 effective for crimes committed on or after 07/01/2010)

Number of OWI Convictions <i>346.63(1)</i>	Offense Class	Ignition Interlock Required <i>343.301</i>	Mandatory Minimum Jail or Prison Term	Maximum Jail or Prison Term	Maximum Initial Confinement	Maximum Extended Supervision	Maximum State Probation
<b>OWI 1<sup>st</sup></b> <i>346.65(2)(am)1</i>	Civil	Yes if BAC is .15 or higher	N/A	N/A	N/A	N/A	N/A
<b>OWI 1<sup>st</sup></b> <i>With child under 16 in vehicle</i> <i>346.65(2)(f)1</i>	Unclassified Misd	Yes if BAC is .15 or higher	5 days jail	6 months jail	N/A	N/A	2 years Minimum condition time 5 days *
<b>OWI 1<sup>st</sup></b> <i>Causing Injury</i> <i>346.63(2)(a), 346.65(3m)</i>	Unclassified Misd	Yes if BAC is .15 or higher	30 days jail, or under <i>346.65(3r) 15 days *****</i> <i>346.65(3t) &gt; than 15 days</i> <i>If the court deems appropriate.</i>	1 year jail	N/A	N/A	2 years
<b>OWI 1<sup>st</sup></b> <i>Causing Injury</i> <i>With child under 16 in vehicle</i> <i>346.63(2)(a), 346.65(3m)</i>	U Felony	Yes if BAC is .15 or higher	60 days	2 years Bifurcated Prison Sentence under 973.01	1 year	1 year	3 years
<b>OWI 2<sup>nd</sup> in 10 years</b> <i>346.65(2)(am)2</i>	U Misd	Yes	5 days jail <b>or</b> <i>346.65(2g)(d) <b>community service</b> – 30 days</i>	6 months jail <b>** (7 days)</b>	N/A	N/A	2 years
<b>OWI 2<sup>nd</sup> in 10 years</b> <i>With child under 16 in vehicle</i> <i>346.65(2)(am)2, 346.65(2)(f)2</i>	U Misd	Yes	10 days jail	1 year jail	N/A	N/A	2 years Minimum condition time 10 days *
<b>OWI 2<sup>nd</sup></b> <i>Causing Injury</i> <i>346.63(2)(a), 346.65(3p)</i>	Class H Felony	Yes		6 years Bifurcated Prison Sentence under 973.01	3 years	3 years	3 years
<b>OWI 2<sup>nd</sup></b> <i>Causing Injury</i> <i>With child under 16 in vehicle</i> <i>346.63(2)(a), 346.65(3p)</i>	U Felony	Yes		12 years Bifurcated Prison Sentence under 973.01	6 years	6 years	6 years
<b>OWI 3<sup>rd</sup> in lifetime</b> <i>346.65(2)(am)3</i>	U Misd	Yes	45 days jail <b>*** (14 days)</b>	1 year jail	N/A	N/A	2 years Minimum condition time 45 (14) days *
<b>OWI 3<sup>rd</sup> in lifetime</b> <i>With child under 16 in vehicle</i> <i>346.65(2)(am)3, 346.65(2)(f)2</i>	U Felony	Yes	90 days jail	2 years Bifurcated Prison Sentence under 973.01	1 year	1 year	3 years Minimum condition time 90 days *
<b>OWI 3<sup>rd</sup> in lifetime</b> <i>Causing Injury</i> <i>346.63(2)(a), 346.65(3p)</i>	Class H Felony	Yes		6 years Bifurcated Prison Sentence under 973.01	3 years	3 years	3 years
<b>OWI 3<sup>rd</sup> in lifetime</b> <i>Causing Injury</i> <i>With child under 16 in vehicle</i> <i>346.63(2)(a), 346.65(3p)</i>	U Felony	Yes		12 years Bifurcated Prison Sentence under 973.01	6 years	6 years	6 years
<b>OWI 4<sup>th</sup> in lifetime</b> <i>346.65(2)(am)4</i>	U Misd	Yes	60 days jail <b>**** (29 days)</b>	1 year jail	N/A	N/A	2 years Minimum condition time 60 (29) days *

Number of OWI Convictions 346.63(1)	Offense Class	Ignition Interlock Required 343.301	Mandatory Minimum Jail or Prison Term	Maximum Jail or Prison Term	Maximum Initial Confinement	Maximum Extended Supervision	Maximum State Probation
<b>OWI 4<sup>th</sup> in lifetime</b> <i>With child under 16 in vehicle</i> 346.65(2)(am)4, 346.65(2)(f)2	U Felony	Yes	120 days jail	2 years Bifurcated Prison Sentence under 973.01	1 year	1 year	3 years Minimum condition time 120 days *
<b>OWI 4<sup>th</sup> in lifetime</b> <i>Causing Injury</i> 346.63(2)(a), 346.65(3p)	Class H Felony	Yes		6 years Bifurcated Prison Sentence under 973.01	3 years	3 years	3 years
<b>OWI 4<sup>th</sup> in lifetime</b> <i>Causing Injury</i> <i>With child under 16 in vehicle</i> 346.63(2)(a), 346.65(3p)	U Felony	Yes		12 years Bifurcated Prison Sentence under 973.01	6 years	6 years	6 years
<b>OWI 4<sup>th</sup> in 5 years</b> 346.65(2)(am)4m	Class H Felony	Yes	6 months	6 years Bifurcated Prison Sentence under 973.01	3 years	3 years	3 years Minimum condition time 6 months *
<b>OWI 4<sup>th</sup> in 5 years</b> <i>With child under 16 in vehicle</i> 346.65(2)(am)4m, 346.65(2)(f)2	U Felony	Yes	1 year	12 years Bifurcated Prison Sentence under 973.01	6 years	6 years	6 years Minimum condition time 1 year *
<b>OWI 5<sup>th</sup> or 6<sup>th</sup> in lifetime</b> 346.65(2)(am)5	Class H Felony	Yes	6 months	6 years Bifurcated Prison Sentence under 973.01	3 years	3 years	3 years Minimum condition time 6 months *
<b>OWI 5<sup>th</sup> or 6<sup>th</sup> in lifetime</b> <i>With child under 16 in vehicle</i> 346.65(2)(am)5, 346.65(2)(f)2	U Felony	Yes	1 year	12 years Bifurcated Prison Sentence under 973.01	6 years	6 years	6 years Minimum condition time 1 year *
<b>OWI 7<sup>th</sup> 8<sup>th</sup> or 9<sup>th</sup> in lifetime</b> 346.65(2)(am)6	Class G Felony	Yes	3 years prison Mandatory Minimum Initial Confinement	10 years Bifurcated Prison Sentence under 973.01	5 years	5 years	N/A
<b>OWI 7<sup>th</sup> 8<sup>th</sup> or 9<sup>th</sup> in lifetime</b> <i>With child under 16 in vehicle</i> 346.65(2)(am)6, 346.65(2)(f)2	U Felony	Yes	6 years prison Mandatory Minimum Initial Confinement	20 years Bifurcated Prison Sentence under 973.01	10 years	10 years	N/A
<b>OWI 10<sup>th</sup> in lifetime</b> 346.65(2)(am)7	Class F Felony	Yes	4 years prison Mandatory Minimum Initial Confinement	12 yrs & 6 mnths Bifurcated Prison Sentence under 973.01	7.5 years	5 years	N/A
<b>OWI 10<sup>th</sup> in lifetime</b> <i>With child under 16 in vehicle</i> 346.65(2)(am)7, 346.65(2)(f)2	U Felony	Yes	8 years prison Mandatory Minimum Initial Confinement	25 years Bifurcated Prison Sentence under 973.01	15 years	10 years	N/A

\* 973.09(1)(d) Eligible to Earn Good Time on Mandatory or Presumptive Minimum

In any county that opts to offer a reduced minimum period of imprisonment for the successful completion of a probation period that includes alcohol and other drug treatment,

346.65(2j)(cr) -- A person may be sentenced under this paragraph or under par. (bm) or (cm) or sub. (2) (bm), (cm), or (dm) or (3r) **once** in his or her lifetime.

\*\* 346.65(2) (bm) 2 convictions in 10 years (**without a child under 16 in the vehicle**) Sentence may be reduced to not less than 5 days nor more than 7 days

\*\*\* 346.65(2) (cm) 3 convictions in a lifetime (**without a child under 16 in the vehicle**) Sentence may be reduced to not less than 14 days

\*\*\*\* 346.65(2) (dm) 4 convictions in a lifetime (**without a child under 16 in the vehicle**) Sentence may be reduced to not less than 29 days

\*\*\*\*\* 346.65(2)(3r) [1<sup>st</sup> Causing Injury (**without a child under 16 in the vehicle**) Sentence may be reduced to 15 Days